State of Iowa

1981

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1981

REGULAR SESSION

SIXTY-NINTH

GENERAL ASSEMBLY

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January 12 - April 30

ROBERT D. RAY, Governor
TERRY E. BRANSTAD, President of the Senate
DELWYN STROMER, Speaker of the House

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STATE OF IOWA
Des Moines

SIXTY-NINTH GENERAL ASSEMBLY

1981 Regular Session

OFFICERS OF THE HOUSE

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LESTER D. MENKE, *Speaker Pro Tempore* ..... Calumet

LAWRENCE POPE, *Majority Floor Leader* ..... Des Moines

WAYNE BENNETT, *Assistant Majority Floor Leader* ..... Galva

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INGWER L. HANSEN, *Assistant Majority Floor Leader* ..... Hartley

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JOHN H. CONNORS, *Assistant Minority Floor Leader* ..... Des Moines

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BRUCE GRAHAM, *Assistant Chief Clerk and Legal Counsel* ..... Indianola

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to Chief Clerk ..... Des Moines

BILLIE J. WALLING, *Finance Clerk* ..... Des Moines

DEBRA K. OLSON, *Assistant Finance Clerk* ..... Ellsworth

ALYCE M. ELMITT, *Recording Clerk* ..... Des Moines

DEBRA WOZNIAK, *Assistant Legal Counsel* ..... Des Moines

M. MAXINE MANN, *Assistant to Assistant Chief Clerk/Legal Counsel* ..... Des Moines

PEG E. KEPHART, *Assistant to Legal Counsel and Engrossing/Enrolling Clerk* ..... Des Moines

COLLEEN DILLON, *Supervisor of Clerks* ..... Des Moines

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LISA WUEST, *Aide to Public Information Office* ..... Des Moines

ANNE BLOMME, *Clerk to Public Information Office* ..... Ankeny

RITA K. COURTNEY, *Administrative Assistant to Speaker* ..... Des Moines

JANET S. CLAYTON, *Executive Secretary to Speaker* ..... Des Moines

SHARON R. PILMER, *Administrative Assistant to Majority Floor Leader* ..... Des Moines

PAULA J. FELTNER, *Majority Caucus Director* ..... Des Moines

MARYJO F. WELCH, *Clerk to Majority Caucus* ..... Des Moines

CATHY AUWAERTER, *Research Analyst* ..... Des Moines

N. JOHN BOEHM, *Research Analyst* ..... Des Moines

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M. L. TRIGGS, *Research Analyst* ..... Des Moines

KEVIN VINCHATTLE, *Research Analyst* ..... Des Moines

BARBARA WINTERS, *Research Analyst* ..... Des Moines

MARK BRANDSGARD, *Administrative Assistant to Minority Floor Leader* ..... Humboldt

JOSEPH J. O'HERN, *Minority Caucus Director* ..... Des Moines

KATHY PETERSON, *Clerk to Minority Caucus* ..... Des Moines

BRADLEY KADING, *Research Analyst* ..... Des Moines

LINDA J. KING, *Research Analyst* ..... Des Moines

MARY O'CONNOR, *Research Analyst* ..... Des Moines

TOM PATTERSON, *Research Analyst* ..... Des Moines

BEVERLY BAKER, *Switchboard Operator* ..... Des Moines

ROSEMARY MASSMAN, *Switchboard Operator* ..... Des Moines

PHYLLIS J. FRAIZER, *Bill Clerk* ..... Des Moines

MADELINE E. JAMES, *Assistant Bill Clerk* ..... Des Moines

MILDRED M. WEBER, *Postmaster* ..... Hartley

DONALD R. EMANUEL, *Sergeant-at-Arms* ..... Des Moines

FRANK L. CHRISTEN, *Assistant Sergeant-at-Arms* ..... Des Moines

GUSTAF W. ADAMSON, *Doorkeeper* ..... Des Moines

LUMAN W. BELL, *Doorkeeper* ..... Des Moines

ARTHUR E. BORWICK, *Doorkeeper* ..... Des Moines

CARMAN BREEDING, *Doorkeeper* ..... Altoona

GEORGE FALK, *Doorkeeper* ..... Des Moines

HAROLD L. MISSMAN, *Doorkeeper* ..... Des Moines

EVELYN SEANEY, *Elevator Operator* ..... Des Moines

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

ROBERT D. RAY, *Governor* ..... Des Moines

TERRY E. BRANSTAD, *Lieutenant Governor* ..... Lake Mills

MARY JANE ODELL, *Secretary of State* ..... Des Moines

RICHARD D. JOHNSON, *State Auditor* ..... Sheldahl

MAURICE E. BARINGER, *Treasurer of State* ..... West Des Moines

ROBERT H. LOUNSBERRY, *Secretary of Agriculture* ..... McCallsburg

THOMAS J. MILLER, *Attorney General* ..... McGregor

JUSTICES OF THE IOWA SUPREME COURT

W. W. REYNOLDSON, *Chief Justice* ..... Osceola

ROBERT G. ALLBEE, *Justice* ..... Des Moines

K. DAVID HARRIS, *Justice* ..... Jefferson

J. L. LARSON, *Justice* ..... Harlan

CLAY LeGRAND, *Justice* ..... LeClaire

MARK McCORMICK, *Justice* ..... Des Moines

ARTHUR A. McGIVERIN, *Justice* ..... Ottumwa

LOUIS SCHULTZ, *Justice* ..... Iowa City

HARVEY UHLENHOPP, *Justice* ..... Hampton

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, *Chief Judge* ..... Des Moines

JAMES H. CARTER, *Judge* ..... Cedar Rapids

ALLEN L. DONIELSON, *Judge* ..... Des Moines

JANET A. JOHNSON, *Judge* ..... Des Moines

BRUCE M. SNELL, JR., *Judge* ..... Ida Grove

MEMBERS OF THE HOUSE – SIXTY-NINTH GENERAL ASSEMBLY
1981 REGULAR SESSION

JAMES O. ANDERSON

Address ..... Brayton
Age 52
Occupation ..... Farmer
Representative District ..... 56 – Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby
Former Legislative Service 68

ROBERT T. ANDERSON

Address ..... Newton
Age 35
Occupation ..... Teacher
Representative District ..... 69 – Jasper, Marion, Polk, Warren
Former Legislative Service 66, 67, 67X, 68

ROBERT C. ARNOULD

Address ..... Davenport
Age 27
Occupation ..... Legislator
Representative District ..... 82 – Scott
Former Legislative Service 67 (2nd), 68

DONALD D. AVENSON

Address ..... Oelwein
Age 36
Occupation ..... Tool and die maker
Representative District ..... 15 – Fayette, Bremer, Chickasaw, Howard, Winneshiek
Former Legislative Service 65, 66, 67, 67X, 68

WAYNE BENNETT

Address ..... Galva
Age 53
Occupation ..... Farmer
Representative District ..... 48 – Ida, Buena Vista, Carroll, Cherokee, Crawford, Sac
Former Legislative Service 65, 66, 67, 67X, 68

DONALD H. BINNEBOESE

Address ..... Hinton
Age 56
Occupation ..... Farmer
Representative District ..... 49 – Plymouth, Cherokee, Woodbury
Former Legislative Service ..... 66 (2nd)*, 67, 67X, 68

DIANE BRANDT

Address ..... Cedar Falls
Age 42
Occupation ..... Legislator
Representative District ..... 35 – Black Hawk
Former Legislative Service 66, 67, 67X, 68

CLIFFORD BRANSTAD

Address ..... Thompson
Age 56
Occupation ..... Farmer
Representative District ..... 8 – Winnebago, Emmet, Hancock, Kossuth
Former Legislative Service 68

*Elected in Special Election February 24, 1976

CHARLES H. BRUNER

Address ..... Ames
Age 32
Occupation ..... Legislator
Representative District ..... 41 – Story
Former Legislative Service 68

RICHARD L. BYERLY

Address ..... Ankeny
Age 42
Occupation ..... Community College Administrator
Representative District ..... 61 – Polk
Former Legislative Service 65, 66, 67, 67X, 68

JANET CARL

Address ..... Grinnell
Age 32
Occupation ..... Educator
Representative District ..... 71 – Poweshiek, Benton, Iowa, Tama
Former Legislative Service ..... None

DOROTHY F. CARPENTER

Address ..... West Des Moines
Age 47
Occupation ..... Homemaker
Representative District ..... 66 – Polk
Former Legislative Service ..... None

NED F. CHIODO

Address ..... Des Moines
Age 38
Occupation ..... Small Businessman
Representative District ..... 67 – Polk
Former Legislative Service 67, 67X, 68

BETTY JEAN CLARK

Address ..... Rockwell
Age 60
Occupation ..... Christian Education Director
Representative District ..... 11 – Cerro Gordo
Former Legislative Service 67, 67X, 68

JOHN H. CLARK

Address ..... Keokuk
Age 34
Occupation ..... Stockbroker
Representative District ..... 86 – Lee, Henry
Former Legislative Service 64, 65, 66, 67, 67X, 68

JAMES B. CLEMENTS

Address ..... Davenport
Age 26
Occupation ..... Carpenter
Representative District ..... 80 – Scott
Former Legislative Service ..... None

DALE M. COCHRAN

Address ..... Eagle Grove
Age 52
Occupation ..... Farmer-Businessman
Representative District ..... 45—Webster, Humboldt
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68

WALTER CONLON

Address ..... Muscatine
Age 33
Occupation ..... Lawyer
Representative District ..... 76—Muscatine, Scott
Former Legislative Service 67, 67X, 68

MICHAEL W. CONNOLLY

Address ..... Dubuque
Age 35
Occupation ..... Teacher
Representative District ..... 20—Dubuque
Former Legislative Service 68

JOHN H. CONNORS

Address ..... Des Moines
Age 58
Occupation ..... Retired Fire Dept. Captain-Insurance Representative-Labor Arbitrator
Representative District ..... 64—Polk
Former Legislative Service 65, 66, 67, 67X, 68

LISLE COOK

Address ..... Hubbard
Age 44
Occupation ..... Farmer
Representative District ..... 40—Hardin, Grundy, Jasper, Marshall, Story
Former Legislative Service ..... None

VIRGIL E. COREY

Address ..... Morning Sun
Age 64
Occupation ..... Farmer
Representative District ..... 83—Louisa, Des Moines, Henry
Former Legislative Service 68

FRANK CRABB

Address ..... Denison
Age 77
Occupation ..... Retired Business Executive
Representative District ..... 53—Crawford, Harrison, Monona
Former Legislative Service 63, 65, 66, 67, 67X, 68

REID W. CRAWFORD

Address ..... Ames
Age 29
Occupation ..... Attorney
Representative District ..... 42—Story, Boone, Polk
Former Legislative Service 65, 66, 67, 67X, 68

GREGORY CUSACK

Address ..... Davenport
Age 37
Occupation ..... Teacher
Representative District ..... 81—Scott
Former Legislative Service 65, 66, 67, 67X, 68

HORACE DAGGETT

Address ..... Lenox
Age 49
Occupation ..... Farmer
Representative District ..... 96—Taylor, Adams, Montgomery, Page, Ringgold
Former Legislative Service 65, 66, 67, 67X, 68

ARLYN E. DANKER

Address ..... Minden
Age 53
Occupation ..... Farmer
Representative District ..... 54—Pottawattamie, Harrison, Shelby
Former Legislative Service 65, 66, 67, 67X, 68

PHILIP A. DAVITT

Address ..... St. Charles
Age 49
Occupation ..... Farmer
Representative District ..... 58—Warren, Adair, Clarke, Dallas, Madison
Former Legislative Service 67, 67X, 68

KENNETH R. DE GROOT

Address ..... Doon
Age 51
Occupation ..... Farmer
Representative District ..... 1—Lyon, Sioux
Former Legislative Service 68

WILLIAM W. (BILL) DIELEMAN

Address ..... Pella
Age 49
Occupation ..... Life Insurance Underwriter
Representative District ..... 70—Marion, Jasper, Mahaska, Poweshiek
Former Legislative Service 66, 67, 67X, 68

MARVIN E. DIEMER

Address ..... Cedar Falls
Age 56
Occupation ..... Public Accountant
Representative District ..... 36—Black Hawk
Former Legislative Service 68

MINNETTE DODERER

Address ..... Iowa City
Age 57
Occupation ..... Self-employed
Representative District ..... 74—Johnson
Former Legislative Service 60X, 61, 62, 63, 64, 65, 66, 67, 67X

SONJA EGENES

Address ..... Story City
Age 50
Occupation ..... Legislator
Representative District ..... 43 – Story, Boone, Hamilton, Webster
Former Legislative Service 64, 65, 66, 67, 67X, 68

DONALD E. GETTINGS

Address ..... Ottumwa
Age 57
Occupation ..... Machine Repairman
Representative District ..... 90 – Wapello, Appanoose, Davis
Former Legislative Service ..... 67 (2nd)*, 68

L. W. (JOE) GROSS

Address ..... Mt. Ayr
Age 55
Occupation ..... Nursing Home Owner – Administrator
Representative District ..... 94 – Ringgold, Clarke, Decatur, Madison, Union, Wayne
Former Legislative Service ..... None

RICHARD GROTH

Address ..... Albert City
Age 34
Occupation ..... Educator
Representative District ..... 6 – Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas
Former Legislative Service 68

HURLEY W. HALL

Address ..... Marion
Age 45
Occupation ..... Telephone Engineer
Representative District ..... 29 – Linn
Former Legislative Service 68

RODNEY HALVORSON

Address ..... Fort Dodge
Age 31
Occupation ..... Realtor
Representative District ..... 46 – Webster
Former Legislative Service 68

ROGER HALVORSON

Address ..... Monona
Age 46
Occupation ..... Insurance-Real Estate Broker
Representative District ..... 17 – Clayton, Allamakee, Winneshiek
Former Legislative Service 66, 67, 67X, 68

INGWER L. HANSEN

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

*Elected in Special Election May 17, 1977

DARRELL R. HANSON

Address ..... Manchester
Age 26
Occupation ..... Legislator
Representative District ..... 18—Delaware, Clayton, Dubuque, Fayette
Former Legislative Service 68

WILLIAM H. HARBOR

Address ..... Henderson
Age 60
Occupation ..... Grain Elevator Owner-Operator
Representative District ..... 97—Mills, Fremont, Montgomery, Page
Former Legislative Service 56, 57, 58, 62, 63, 64, 67, 67X, 68

BETTY A. HOFFMANN

Address ..... Muscatine
Age 59
Occupation ..... Legislator
Representative District ..... 75—Muscatine, Johnson, Louisa
Former Legislative Service 67, 67X, 68

LEANDER (LEE) HOLT

Address ..... Spencer
Age 71
Occupation ..... Automobile Dealer
Representative District ..... 4—Clay, Dickinson, Emmet, Palo Alto
Former Legislative Service 68

WALLY E. HORN

Address ..... Cedar Rapids
Age 47
Occupation ..... Teacher
Representative District ..... 28—Linn
Former Legislative Service 65, 66, 67, 67X, 68

ROLLIN K. HOWELL

Address ..... Marble Rock
Age 51
Occupation ..... Farmer
Representative District ..... 13—Floyd, Cerro Gordo, Mitchell
Former Legislative Service 65*, 66, 67, 67X, 68

KYLE HUMMEL

Address ..... Vinton
Age 45
Occupation ..... Contractor-Realtor
Representative District ..... 31—Benton, Black Hawk, Buchanan, Linn, Tama
Former Legislative Service 68

DANIEL JAY

Address ..... Centerville
Age 26
Occupation ..... Lawyer
Representative District ..... 93—Appanoose, Clarke, Lucas, Monroe, Wayne
Former Legislative Service 68

*Elected in Special Election March 27, 1973

THOMAS J. JOCHUM

Address ..... Dubuque
Age 29
Occupation ..... Production Worker
Representative District ..... 19 — Dubuque
Former Legislative Service 66, 67, 67X, 68

JAMES JOHNSON

Address ..... Elma
Age 41
Occupation ..... Businessman
Representative District ..... 14 — Howard, Chickasaw, Floyd, Mitchell
Former Legislative Service 68

ROBERT M. L. JOHNSON

Address ..... Cedar Rapids
Age 59
Occupation ..... Marketing Manager
Representative District ..... 26 — Linn
Former Legislative Service 68

WARREN JOHNSON

Address ..... Sloan
Age 58
Occupation ..... Farmer
Representative District ..... 52 — Woodbury, Monona
Former Legislative Service 68

LARRY KIRKENSLAGER

Address ..... Burlington
Age 36
Occupation ..... Electrician
Representative District ..... 84 — Des Moines
Former Legislative Service 68

LYLE R. KREWSON

Address ..... Urbandale
Age 37
Occupation ..... Legislator — Self-employed
Representative District ..... 59 — Polk
Former Legislative Service 67, 67X, 68

RAYMOND LAGESCHULTE

Address ..... Waverly
Age 58
Occupation ..... Farmer-Insurance Adjuster
Representative District ..... 37 — Bremer, Black Hawk, Butler, Floyd
Former Legislative Service 66, 67, 67X, 68

THOMAS A. LIND

Address ..... Waterloo
Age 62
Occupation ..... Businessman
Representative District ..... 33 — Black Hawk
Former Legislative Service 67 (2nd), 68

JEAN LLOYD-JONES

Address ..... Iowa City
Age 51
Occupation ..... Homemaker-Legislator
Representative District ..... 73 — Johnson
Former Legislative Service 68

JOYCE LONERGAN

Address ..... Boone
Age 46
Occupation ..... Homemaker
Representative District ..... 44 — Boone, Greene
Former Legislative Service 66, 67, 67X, 68

KAREN MANN

Address ..... Scranton
Age 32
Occupation ..... Legislator-Homemaker
Representative District ..... 55 — Greene, Audubon, Carroll, Crawford, Guthrie
Former Legislative Service ..... None

RUHL MAULSBY

Address ..... Rockwell City
Age 57
Occupation ..... Farmer
Representative District ..... 47 — Calhoun, Carroll, Greene, Pocahontas, Sac
Former Legislative Service 68

ANDREW (ANDY) McKEAN

Address ..... Morley
Age 31
Occupation ..... College Instructor-Lawyer-Square Dance Caller
Representative District ..... 23 — Jones, Cedar, Clinton, Jackson
Former Legislative Service 68

LESTER D. MENKE

Address ..... Calumet
Age 62
Occupation ..... Farmer-Insurance
Representative District ..... 5 — O'Brien, Buena Vista, Cherokee, Clay, Plymouth
Former Legislative Service 65, 66, 67, 67X, 68

KENNETH D. MILLER

Address ..... Independence
Age 55
Occupation ..... Owner, Mobile Home Court
Representative District ..... 32 — Buchanan, Black Hawk
Former Legislative Service 65, 66, 67, 67X, 68

SUE MULLINS

Address ..... Corwith
Age 44
Occupation ..... Farmer
Representative District ..... 7 — Kossuth, Hancock, Humboldt, Palo Alto, Pocahontas
Former Legislative Service 68

LOWELL E. NORLAND

Address ..... Kensett
Age 49
Occupation ..... Farmer
Representative District ..... 12—Worth, Cerro Gordo
Former Legislative Service 65, 66, 67, 67X, 68

JAMES D. O'KANE

Address ..... Sioux City
Age 29
Occupation ..... Legislator
Representative District ..... 50—Woodbury
Former Legislative Service 68

MYRON B. (MIKE) OXLEY

Address ..... Marion
Age 58
Occupation ..... Farmer
Representative District ..... 30—Linn
Former Legislative Service 61, 67, 67X, 68

EMIL S. PAVICH

Address ..... Council Bluffs
Age 49
Occupation ..... Cereal Company Employee
Representative District ..... 99—Pottawattamie
Former Legislative Service 66, 67, 67X, 68

WENDELL C. PELLETT

Address ..... Atlantic
Age 63
Occupation ..... Farmer
Representative District ..... 95—Cass, Adair, Adams, Guthrie, Union
Former Legislative Service 64, 65, 66, 67, 67X, 68

JOHN PELTON

Address ..... Clinton
Age 34
Occupation ..... Attorney
Representative District ..... 77—Clinton
Former Legislative Service 67, 67X, 68

GEORGE PETRICK

Address ..... Mount Vernon
Age 63
Occupation ..... Farmer-Implement Dealer
Representative District ..... 25—Linn, Johnson
Former Legislative Service ..... None

VIRGINIA POFFENBERGER

Address ..... Perry
Age 46
Occupation ..... Lawyer
Representative District ..... 57—Dallas, Adair, Guthrie
Former Legislative Service 68

CHARLES N. PONCY

Address ..... Ottumwa
Age 58
Occupation ..... Maintenance Engineer
Representative District ..... 89 — Wapello, Mahaska, Monroe
Former Legislative Service 62, 63, 65, 66, 67, 67X

LAWRENCE POPE

Address ..... Des Moines
Age 40
Occupation ..... Attorney
Representative District ..... 65 — Polk
Former Legislative Service 68

STEPHEN J. RAPP

Address ..... Waterloo
Age 31
Occupation ..... Attorney
Representative District ..... 34 — Black Hawk
Former Legislative Service 65, 68

DENNIS L. RENAUD

Address ..... Altoona
Age 38
Occupation ..... Des Moines Fire Dept.-Businessman
Representative District ..... 63 — Polk
Former Legislative Service ..... None

ROBERT H. RENKEN

Address ..... Aplington
Age 59
Occupation ..... Farmer
Representative District ..... 38 — Grundy, Black Hawk, Butler, Franklin, Marshall, Tama
Former Legislative Service 68 (2nd)

DOUGLAS RITSEMA

Address ..... Orange City
Age 28
Occupation ..... Lawyer
Representative District ..... 2 — Sioux, Plymouth
Former Legislative Service 68

RICHARD V. RUNNING

Address ..... Cedar Rapids
Age 34
Occupation ..... Quality Assurance Technologist
Representative District ..... 27 — Linn, Benton
Former Legislative Service ..... None

HUGO SCHNEKLOTH

Address ..... Eldridge
Age 57
Occupation ..... Farmer
Representative District ..... 78 — Scott, Clinton
Former Legislative Service 67, 67X, 68

LAVERNE W. SCHROEDER

Address ..... McClelland
Age 47
Occupation ..... Farmer
Representative District ..... 98—Pottawattamie, Mills
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68

NANCY J. SHIMANEK

Address ..... Monticello
Age 33
Occupation ..... Attorney
Representative District ..... 22—Jones, Delaware, Dubuque, Jackson
Former Legislative Service 67, 67X, 68

DOUGLAS SHULL

Address ..... Indianola
Age 37
Occupation ..... Accountant-CPA
Representative District ..... 92—Warren, Lucas, Marion
Former Legislative Service 68

DOUGLAS R. SMALLEY

Address ..... Des Moines
Age 34
Occupation ..... Attorney
Representative District ..... 60—Polk
Former Legislative Service 67, 67X, 68

JOAN (JO) SMITH

Address ..... Davenport
Age 54
Occupation ..... Businesswoman
Representative District ..... 79—Scott
Former Legislative Service ..... None

CLAY SPEAR

Address ..... Burlington
Age 64
Occupation ..... Retired Postal Service
Representative District ..... 85—Des Moines, Lee
Former Legislative Service 66, 67, 67X, 68

DELWYN STROMER

Address ..... Garner
Age 50
Occupation ..... Farmer
Representative District ..... 9—Hancock, Cerro Gordo, Franklin, Wright
Former Legislative Service 62, 63, 64, 65, 66, 67, 67X, 68

VICTOR (VIC) STUELAND

Address ..... Grand Mound
Age 60
Occupation ..... Farmer
Representative District ..... 24—Clinton, Cedar, Johnson, Scott
Former Legislative Service ..... None

ALLAN (AL) STURGEON

Address ..... Sioux City
Age 24
Occupation ..... Laborer
Representative District ..... 51—Woodbury
Former Legislative Service ..... None

WILLIAM R. SULLIVAN

Address ..... Cantril
Age 35
Occupation ..... Heavy Equipment Operator
Representative District ..... 87—Van Buren, Henry, Jefferson, Keokuk, Lee, Wapello, Washington
Former Legislative Service ..... None

THOMAS (TOM) SWARTZ

Address ..... Marshalltown
Age 34
Occupation ..... Realtor
Representative District ..... 39—Marshall
Former Legislative Service ..... None

GEORGE R. SWEARINGEN

Address ..... Sigourney
Age 57
Occupation ..... Self-employed
Representative District ..... 88—Keokuk, Washington
Former Legislative Service 68

SEMOR C. TOFTE

Address ..... Decorah
Age 69
Occupation ..... Legislator
Representative District ..... 16—Winneshiek, Fayette, Howard
Former Legislative Service 65, 66, 67, 67X, 68

JO ANN TRUCANO

Address ..... Des Moines
Age 37
Occupation ..... Homemaker-Legislator
Representative District ..... 62—Polk
Former Legislative Service ..... None

PHILLIP E. TYRRELL

Address ..... North English
Age 48
Occupation ..... Self-employed—Insurance
Representative District ..... 72—Iowa, Benton, Johnson, Keokuk, Poweshiek
Former Legislative Service 68

HAROLD VAN MAANEN

Address ..... Oskaloosa
Age 51
Occupation ..... Farmer
Representative District ..... 91—Mahaska, Keokuk, Lucas, Marion, Monroe, Poweshiek
Former Legislative Service 68

MARCIA K. WALTER

Address	Council Bluffs
Age	30
Occupation	Secretary-Mother
Representative District	100 – Pottawattamie
Former Legislative Service	None

RICHARD W. WELDEN

Address	Iowa Falls
Age	72
Occupation	Retired Contractor
Representative District	10 – Hardin, Franklin, Wright
Former Legislative Service	62, 63, 64, 65, 66, 67, 67X, 68

JOSEPH J. (JOE) WELSH

Address	Dubuque
Age	25
Occupation	Legislator
Representative District	21 – Dubuque, Jackson
Former Legislative Service	68

JACK E. WOODS

Address	Des Moines
Age	44
Occupation	Owner, Music Company
Representative District	68 – Polk, Warren
Former Legislative Service	65, 66, 67, 67X, 68

JOURNAL OF THE HOUSE

First Calendar Day—First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 12, 1981

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Sixty-ninth General Assembly of Iowa, 1981 Regular Session, convened at 10:00 a.m., Monday, January 12, 1981.

The House was called to order by the Honorable Richard Welden of Hardin County.

Prayer was offered by the Reverend Harvey G. Quandt, retired minister of the United Methodist Church, Audubon, Iowa.

FLAG PRESENTATION

The following members of the Des Moines Technical High School Marine Corps Junior ROTC presented our nation's flag: Cadets Jon Fultz, Scott Herman, Cherrill Bowman, Mark Thompson, Jon Arnold, Karen Kessenger, Becky Millard, Steve Berry and Andy Marshall.

The House pledged allegiance to the flag.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stanley Haugland, Des Moines.

TEMPORARY OFFICERS

On motion by Daggett of Taylor, Pat H. Harper of Polk County was elected Acting Chief Clerk. Pat Harper presented herself and took and subscribed to the following oath:

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

Schroeder of Pottawattamie moved that the Honorable Richard Welden of Hardin County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Richard Welden by Acting Chief Clerk Harper.

CREDENTIALS OF MEMBERS

Harbor of Mills moved that a committee of five on credentials be appointed.

The motion prevailed and the following committee was appointed: Harbor of Mills, Schnekloth of Scott, Crawford of Story, Cusack of Scott and Norland of Worth.

The House stood at ease at 10:22 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.m., Temporary Speaker of the House Welden in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Avenson of Fayette; Daggett of Taylor for the remainder of the day on request of Pope of Polk.

The committee retired and, upon returning, presented the following report:

MAJORITY REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Sixty-ninth General Assembly as shown by duplicate copies of the certification of election on file in the office of the Secretary of State:

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, MARY JANE ODELL, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at a General Election held on November 4, 1980, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 1981.

First ..... Kenneth De Groot
Second ..... Douglas Ritsema
Third ..... Ingwer L. Hansen
Fourth ..... Lee Holt
Fifth ..... Lester D. Menke
Sixth ..... Richard Groth
Seventh ..... Sue Mullins
Eighth ..... Clifford O. Branstad
Ninth ..... Delwyn Stromer
Tenth ..... Richard W. Welden
Eleventh ..... Betty Jean Clark
Twelfth ..... Lowell E. Norland
Thirteenth ..... Rollin K. Howell
Fourteenth ..... Jim Johnson (Contested)
Fifteenth ..... Donald D. Avenson
Sixteenth ..... Semor C. Tofte
Seventeenth ..... Roger A. Halvorson
Eighteenth ..... Darrell R. Hanson
Nineteenth ..... Thomas J. Jochum
Twentieth ..... Michael W. Connolly
Twenty-first ..... Joe J. Welsh
Twenty-second ..... Nancy J. Shimanek
Twenty-third ..... Andy McKean
Twenty-fourth ..... Vic Stueland
Twenty-fifth ..... George Petrick
Twenty-sixth ..... Robert M.L. Johnson
Twenty-seventh ..... Richard V. Running
Twenty-eighth ..... Wally E. Horn
Twenty-ninth ..... Hurley W. Hall
Thirtieth ..... Myron B. Oxley
Thirty-first ..... Kyle Hummel
Thirty-second ..... Kenneth D. Miller
Thirty-third ..... Thomas A. Lind
Thirty-fourth ..... Stephen J. Rapp
Thirty-fifth ..... Diane Brandt
Thirty-sixth ..... Marvin E. Diemer
Thirty-seventh ..... Ray Lageschulte
Thirty-eighth ..... Robert H. Renken
Thirty-ninth ..... Tom Swartz
Fortieth ..... Lisle Cook
Forty-first ..... Charles Bruner
Forty-second ..... Reid W. Crawford
Forty-third ..... Sonja Egenes
Forty-fourth ..... Joyce Lonergan
Forty-fifth ..... Dale M. Cochran
Forty-sixth ..... Rod Halvorson
Forty-seventh ..... Ruhl Maulsby
Forty-eighth ..... Wayne Bennett
Forty-ninth ..... Donald H. Binneboese
Fiftieth ..... James D. O'Kane
Fifty-first ..... Al Sturgeon
Fifty-second ..... Warren Johnson

Fifty-third ..... Frank Crabb
Fifty-fourth ..... Arlyn E. Danker
Fifty-fifth ..... Karen Mann
Fifty-sixth ..... James O. Anderson
Fifty-seventh ..... Virginia Poffenberger
Fifty-eighth ..... Philip A. Davitt
Fifty-ninth ..... Lyle R. Krewson
Sixtieth ..... Douglas R. Smalley
Sixty-first ..... Richard L. Byerly
Sixty-second ..... Jo Ann Trucano
Sixty-third ..... Dennis L. Renaud
Sixty-fourth ..... John H. Connors
Sixty-fifth ..... Lawrence Pope
Sixty-sixth ..... Dorothy F. Carpenter
Sixty-seventh ..... Ned F. Chiodo
Sixty-eighth ..... Jack E. Woods
Sixty-ninth ..... Robert T. Anderson
Seventieth ..... Bill Dieleman
Seventy-first ..... Janet Carl
Seventy-second ..... Phillip E. Tyrrell
Seventy-third ..... Jean Lloyd-Jones
Seventy-fourth ..... Minnette Doderer
Seventy-fifth ..... Betty A. Hoffmann
Seventy-sixth ..... Walter Conlon
Seventy-seventh ..... John Pelton
Seventy-eighth ..... Hugo Schnekloth
Seventy-ninth ..... Jo Smith
Eightieth ..... James Bryson Clements
Eighty-first ..... Gregory D. Cusack
Eighty-second ..... Robert C. Arnould
Eighty-third ..... Virgil E. Corey
Eighty-fourth ..... Larry Kirkenslager
Eighty-fifth ..... Clay Spear
Eighty-sixth ..... John H. Clark
Eighty-seventh ..... William R. Sullivan
Eighty-eighth ..... George R. Swearingen
Eighty-ninth ..... Charles N. Poncy
Ninetieth ..... Don Gettings
Ninety-first ..... Harold Van Maanen
Ninety-second ..... Doug Shull
Ninety-third ..... Daniel Jay
Ninety-fourth ..... L. W. Joe Gross
Ninety-fifth ..... Wendell C. Pellett
Ninety-sixth ..... Horace Daggett
Ninety-seventh ..... William H. Harbor
Ninety-eighth ..... Laverne William Schroeder
Ninety-ninth ..... Emil S. Pavich
One hundredth ..... Marcia K. Walter

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the official seal of the Secretary of State at the Capitol, in Des Moines, this 12th day of January, 1981.

MARY JANE ODELL, Secretary of State

WILLIAM H. HARBOR, Chair
HUGO SCHNEKLOTH
REID W. CRAWFORD

MINORITY REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Sixty-ninth General Assembly as shown by duplicate copies of the certification of election on file in the office of the Secretary of State, with the following exception:

DISTRICT

Fourteenth . . . . . None

GREGORY D. CUSACK
LOWELL E. NORLAND

Harbor of Mills moved that the majority report of the committee on credentials be adopted.

Cusack of Scott moved as a substitute motion that the minority report of committee on credentials be adopted.

Roll call was requested by Cusack of Scott and Norland of Worth

Under the provisions of Rule 81, Johnson of Howard refrained from voting.

On the question "Shall the minority report of the committee on credentials be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon

Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stromer	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Mr. Speaker (Welden)

Absent or not voting, 3:

Daggett	Jochum	Johnson, J.

The motion lost.

On the motion to adopt the majority report of the committee on credentials, roll call was requested by Anderson of Jasper and Connors of Polk.

Under the provisions of Rule 81, Johnson of Howard refrained from voting.

On the question "Shall the majority report of the committee on credentials be adopted?"

The ayes were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith

Stromer	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Mr. Speaker (Welden)

The nays were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

Absent or not voting, 3:

Daggett	Jochum	Johnson, J.

The motion prevailed and the report was adopted.

MEMBERS' OATH OF OFFICE

The following members took and subscribed to the following oath:

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

James O. Anderson	Michael W. Connolly
Robert T. Anderson	John H. Connors
Robert C. Arnould	Lisle Cook
Donald D. Avenson	Virgil E. Corey
Wayne Bennett	Frank Crabb
Donald H. Binneboese	Reid W. Crawford
Diane Brandt	Gregory D. Cusack
Clifford O. Branstad	Arlyn E. Danker
Charles H. Bruner	Philip A. Davitt
Richard L. Byerly	Kenneth De Groot
Janet Carl	William W. "Bill" Dieleman
Dorothy F. Carpenter	Marvin E. Diemer
Ned F. Chiodo	Minnette Doderer
Betty Jean Clark	Sonja Egenes
John H. Clark	Don Gettings
James B. Clements	L. W. Joe Gross
Dale M. Cochran	Richard Groth
Walter Conlon	Hurley W. Hall

Rodney N. Halvorson
Roger A. Halvorson
Ingwer L. Hansen
Darrell R. Hanson
William H. Harbor
Betty A. Hoffmann
Leander (Lee) Holt
Wally E. Horn
Rollin K. Howell
Kyle Hummel
Daniel Jay
James Johnson
Robert M.L. Johnson
Warren Johnson
Larry Kirkenslager
Lyle R. Krewson
Raymond Lageschulte
Thomas A. Lind
Jean Lloyd-Jones
Joyce Lonergan
Karen Mann
Ruhl Maulsby
Andrew (Andy) McKean
Lester D. Menke
Kenneth D. Miller
Sue Mullins
Lowell E. Norland
James O'Kane
Myron B. (Mike) Oxley
Emil S. Pavich
Wendell C. Pellett
John Pelton
George Petrick
Virginia Poffenberger
Charles N. Poncy
Lawrence Pope
Stephen J. Rapp
Dennis L. Renaud
Robert H. Renken
Douglas Ritsema
Richard V. Running
Hugo Schnekloth
Laverne W. Schroeder
Nancy J. Shimanek
Doug Shull
Douglas R. Smalley
Jo Smith
Clay Spear
Delwyn Stromer
Vic Stueland
Al Sturgeon
William R. Sullivan
Thomas Swartz
George Swearingen
Semor C. Tofte
Jo Ann Trucano
Phillip E. Tyrrell
Harold Van Maanen
Marcia K. Walter
Richard W. Welden
Joseph Welsh
Jack E. Woods

ELECTION OF SPEAKER

Lind of Black Hawk presented the name of the Honorable Delwyn Stromer as candidate for Speaker of the House of Representatives of the Sixty-ninth General Assembly, preceding such nomination with the following remarks:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

I place in nomination as Speaker of the House for the Sixty-ninth General Assembly the name of the Honorable Delwyn Stromer, State Representative from the 9th District, the gentleman from Hancock.

The gentleman from Hancock has served this chamber for 14 years. He has labored through the responsibilities of representing his friends in the 9th District while also serving as chairman, or ranking member, of the education committee. He has served as a consistent leader for his party in this hall and has conducted the affairs

of this House as Speaker pro tempore. He has represented his constituency efficiently and has been accountable to the whole state of Iowa as well. His work has not been in vain. The 9th District recognizes his work and re-elects him with confidence. Iowans know him and respect him. You and I, his colleagues and friends, honor him and recognize his worth to us all.

We meet here today anticipating the transfer of the gavel from the hands of Speaker William Harbor to Delwyn Stromer. We do so, all the while, expressing our thanks to Speaker Harbor ... asking him to recognize our admiration of him and his term which was managed with fairness ... and so ... we move on ... we move on to the leadership of Del Stromer with the spirit of confidence ... sure that he will lead us well. We do so breathing the air of excitement, exhilarated in the belief that his leadership will guide us through the valley.

We do move on comforted with the dreams of justice ... expecting justice and truth from Del Stromer.

I ask you therefore, Mr. Speaker, and Ladies and Gentlemen of the House, to accept my nomination of the gentleman from Hancock, the Honorable Del Stromer, as Speaker of the House for the Sixty-ninth General Assembly.

Thank you, Mr. Speaker.

Clark of Cerro Gordo seconded the nomination of Delwyn Stromer for Speaker of the House, preceded by the following remarks:

Mr. Speaker, I wish to second the nomination of Delwyn Stromer of Hancock County as Speaker of the House in the manner in which I function best.

Every other year
We meet in session here
  Casting all personal concerns aside.

A Speaker now we must elect
We've made our search who to select
  Now Delwyn Stromer's the one, Tom Lind cried.

So ring out the bell
For our man called Del
  Let no hesitation abide

He's a man of real skill
And indomitable will
  Qualifications he never can hide.

He'll rule on things fairly
Hit all problems squarely
  By decisions he makes we'll abide.

No duty he'll shirk
He's a glutton for work
  His nomination I second with pride.

Avenson of Fayette seconded the nomination of Delwyn Stromer for Speaker of the House, preceded by the following remarks:

It is with honor and respect that I rise to second the nomination of Delwyn Stromer of Hancock County as our new Speaker of the House.

I have had the pleasure of serving in the House of Representatives with Representative Stromer for the past eight years. In that time, we have faced up to many difficult problems and have worked together in the best interest of the state.

But never before have we faced a new General Assembly with the magnitude of immediate problems with which we are confronted today. Since we last met, our Governor has ordered sharp reductions in the state budget which affect all Iowans. While these reductions should have been made selectively in a special legislative session, we now must take our opportunity to adjust and fine-tune these blanket cuts in order to trim what is wasteful and preserve what is essential.

While careful budgeting may be our immediate task, other areas cry for attention and reform. Our utility rate structure must be adjusted, our land must be conserved, our natural resources carefully nurtured, our dependents must be cared for. Our reapportionment plan must be fair and impartial.

I have confidence in Representative Stromer's ability to deal responsibly with these issues. He has earned the deep respect of his colleagues in his fourteen years of service to the state, and his work as education chair and as Speaker pro tempore has proven his leadership ability. I look forward to his tenure as Speaker of the House and the sense of fair play which I trust he will bring to the office.

Therefore, I move that the Chief Clerk be authorized to cast a unanimous ballot for the Honorable Delwyn Stromer as Speaker of the House of Representatives for the Sixty-ninth General Assembly.

The Honorable Delwyn Stromer of Hancock County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Sixty-ninth General Assembly, was declared duly elected to that office.

Branstad of Winnebago moved that a committee of two be appointed to escort Speaker Stromer to the chair.

The motion prevailed and the following committee was named: Branstad of Winnebago and Mullins of Kossuth.

PRESENTATION OF SPEAKER

The Honorable Delwyn Stromer was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary

Speaker Welden of Hardin presented Speaker Stromer with the gavel and congratulated him on his unanimous election.

Speaker Stromer thanked the House for the honor bestowed upon him and offered the following remarks:

Members of the General Assembly and friends:

We have just finished organizing for the sixty-ninth time. It is a very unique process. Each time after the election of Speaker, it has been appropriate for the new Speaker to give remarks that would set the tone for the next two years.

In researching the Journals of previous sessions I marveled at how eloquently each Speaker had accepted the honor and responsibility placed on him by the fellow members of this great body. Each pledged strong but fair leadership to the Majority and Minority party. Usually they acknowledged that the assembly was facing problems greater than any other of their predecessors had ever faced and were always confident that Iowa had elected people equal to the challenge. Beyond a doubt, this statement is true again today.

There is probably nothing new, innovative or clever that I can say today that hasn't been said before by many former leaders of this body. I can, however, reiterate what former Speakers have said — that each of you has been elected to represent a legislative district of about 29,000 people — you have taken the oath of office and pledged to uphold the Constitution of the United States and the State of Iowa to the best of your ability. That is not only a difficult challenge but a tremendous responsibility.

In reflecting the action by the legislature in the fourteen years that I have served, it would be my observation that the nineteen sixties concentrated on equal representation and taxation. In the seventies the General Assembly concentrated on streamlining government by creating or combining agencies such as Area Education Agencies, Department of Transportation and Department of Environmental Quality. The challenge I see for the eighties would include conservation of our natural as well as our fiscal resources.

I would expect and probably even be disappointed if there weren't occasional skirmishes between the minority and majority parties. Without these skirmishes an air of apathy would exist. "Apathy leads to indifference, and indifference leads to chaos — but through controversy comes enlightenment."

By the same token I would ask each of you to use restraints in these occasional skirmishes. The citizens of Iowa rightfully expect that we knuckle down quickly — and concentrate on the job we were elected to do. The achievement of this goal will be one of my highest priorities.

As Speaker I will try to make decisions that would assure the body that I recognize that I am here to serve both the majority and minority members. I would assure you that my doors are open to all legislators, staff, media and citizen representatives for their comments, constructive criticisms and exchange of ideas.

I challenge all of you to bring forth your thoughts and ideas before the Legislature — to see to it that all avenues are explored thoroughly on the issues that will come before us in the next two years. In this way we, together, can make the responsible decisions that must be made in the weeks and months ahead.

In closing I thank each of you for your support in electing me your Speaker. It is an honor I respectfully accept, and pledge to you and the citizens of Iowa my best efforts in serving you well.

PERMANENT CHIEF CLERK

Hoffmann of Muscatine moved that Pat H. Harper be made permanent Chief Clerk of the House.

The motion prevailed and Pat H. Harper was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY THE GOVERNOR

Clark of Lee moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Clark of Lee, Chair; Tyrrell of Iowa and Brandt of Black Hawk.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Danker of Pottawattamie, Chair; Lageschulte of Bremer and Cochran of Webster.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Pope of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 1 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 1
By Pope

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the Sixty-ninth General Assembly be held on January 13, 1981, at 10:00 a.m.; and

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

The motion prevailed and the resolution was adopted.

ELECTION OF SPEAKER PRO TEMPORE

Holt of Clay placed in nomination the Honorable Lester D. Menke as candidate for Speaker pro tempore of the House of Representatives of the Sixty-ninth General Assembly, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

I rise for the purpose of placing in nomination the name of a candidate for the office of Speaker pro tempore of the Sixty-ninth General Assembly. The candidate is Representative Lester D. Menke of the Fifth District. Representative Menke is commencing his fifth consecutive term as a member of this House. During his years of service he has earned the respect of his fellow members as a man who has the courage of his convictions, as a man of integrity who states his position openly and firmly supports legislation that he believes serves the best interests of the people of Iowa. In addition, Representative Menke possesses that rare quality of gracious leadership that enables him to debate an issue vigorously without scarring his opponent with ill feeling. His sense of fairness is such that he gives ample consideration to the viewpoints of each member of the House irrespective of political philosophy.

Representative Menke has not sought a leadership position previously. His time has come.

Ladies and gentlemen of the House, Representative Menke is uniquely and eminently qualified for the office he seeks. May I urge you to support this gracious man of wisdom, integrity and understanding.

Thank you, Mr. Speaker.

Tofte of Winneshiek seconded the nomination of Mr. Menke as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, Members of the House, Ladies and Gentlemen:

The class of 1973 is one of the greatest groups ever to be sworn in as members of the House of Representatives. One of the outstanding members of this great class is Mr. Lester Menke, from Calumet, O'Brien County.

Mr. Speaker, it gives me a great deal of pleasure to second the nomination of Lester Menke of O'Brien County to the office of Speaker pro tempore.

Byerly of Polk seconded the nomination of Mr. Menke as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

I rise to second the nomination of Lester Menke for Speaker pro tempore of the Iowa House.

Mr. Menke has served since 1973 and his legislative service has been exemplary.

Leaders should be respected! Respect does not come from an office—it comes from performance. Les Menke has earned this respect. Friend and foe alike have come to respect this jovial mannered yet tenacious to-task and belief man from Calumet.

With pride, respect and friendship, Mr. Speaker, I move that the Chief Clerk cast a unanimous ballot for the Honorable Lester D. Menke of O'Brien County as Speaker pro tempore of the House of Representatives for the Sixty-ninth General Assembly.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Lester D. Menke as Speaker pro tempore of the House of Representatives of the Sixty-ninth General Assembly. The Honorable Lester D. Menke of O'Brien County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Sixty-ninth General Assembly, was declared duly elected to that office.

De Groot of Lyon moved that a committee of two be appointed to escort Speaker pro tempore Menke to the chair.

The motion prevailed and the following committee was appointed: De Groot of Lyon and Johnson of Woodbury.

Mr. Menke was escorted to the chair and, being duly sworn, offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House:

Thank you for the honor you have bestowed upon me by electing me as your Speaker pro tempore. I accept the position and pledge to you that I will make every endeavor to warrant the confidence you have shown by your vote.

We are all aware of the important issues that will be receiving consideration by this Sixty-ninth General Assembly as we discussed them with our constituents prior to the elections. We have now reached the time for us to work together to resolve these issues for the benefit of all the citizens of the Great State of Iowa. I feel assured that this will be done and pledge to each of you my cooperation. In years past many have promised an open door policy. My promise is a no door policy, as I invite each of you to stop at desk number one any time.

If we are careful not to become too enamored with our own ability but give more consideration to the views of others and ask for much guidance from our God we can feel confident we will have a very successful Sixty-ninth General Assembly.

REPORT OF COMMITTEE TO NOTIFY GOVERNOR

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

The report was accepted and the committee discharged.

ADOPTION OF HOUSE RESOLUTION 1

Crabb of Crawford asked and received unanimous consent for the immediate consideration of House Resolution 1 as follows and moved its adoption:

HOUSE RESOLUTION 1
By Crabb

Be It Resolved by the House of Representatives,
That a committee of one be appointed to arrange with
different ministers of the state for opening the
sessions with prayer.

The motion prevailed and the resolution was adopted.

The Speaker appointed as such committee Crabb of Crawford.

SPECIAL ORDER

Pope of Polk moved that the assignment of seats to the members of the House be made a special order for this afternoon at 2:15 p.m.

The motion prevailed.

ADOPTION OF HOUSE RESOLUTION 2

Tofte of Winneshiek asked and received unanimous consent for the immediate consideration of House Resolution 2 as follows and moved its adoption:

HOUSE RESOLUTION 2
By Tofte of Winneshiek

Be It Resolved by the House of Representatives,
That each member of the House shall be entitled to select and appoint a clerk and such clerk may be called upon to aid in the discharge of the clerical work of the House of Representatives. Only expert typists and stenographers will be considered qualified. The Speaker and Chief Clerk shall appoint their secretaries and pages to serve for the session, and the Chief Clerk is hereby authorized to employ such additional clerical assistance as her duties may require.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Pelton of Clinton moved that a committee of three be appointed to determine the amount of mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Pelton of Clinton, Diemer of Black Hawk and Connors of Polk.

On motion by Pope of Polk, the House was recessed at 12:52 p.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on

January 12, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, providing for a joint convention to be held on Tuesday, January 13, 1981, at 10:00 a.m., and inviting Governor Ray to deliver his condition of the state message.

LINDA HOWARTH MACKAY, Secretary

COMMITTEE FROM THE SENATE

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

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Menke of O'Brien moved that the rules of the House of the Sixty-eighth General Assembly be the temporary rules of the House of the Sixty-ninth General Assembly.

The motion prevailed.

EMPLOYEES OF THE HOUSE

Bennett of Ida moved that the following named persons be elected as employees of the House, which motion prevailed:

Bruce Graham—Assistant Chief Clerk/Legal Counsel
Debra Wozniak—Assistant Legal Counsel
Janet S. Clayton—Executive Secretary to Speaker
Rita Courtney—Leader's Administrative Assistant
Sharon Pilmer—Leader's Administrative Assistant
Mark Brandsgard—Leader's Administrative Assistant
Jean Lodwick—Clerk/Majority Leader
Paula Feltner—Caucus Staff Director
Cathy Auwaerter—Research Analyst
John Boehm—Research Analyst
Ronda Menke—Research Analyst
M. L. Triggs—Research Analyst
Barbara Winters—Research Analyst
Kevin Vinchattle—Research Analyst
Dianne Stephenson-Silva—Clerk/Caucus Staff
Cathy Sears—Clerk/Minority Leader
Joseph J. O'Hern—Caucus Staff Director
Bradley Kading—Research Analyst
Linda J. King—Research Analyst
Mary O'Connor—Research Analyst
Tom Patterson—Research Analyst

N. Kay Markell—Clerk/Caucus Staff
Dorothy Potthoff—Executive Secretary to Chief Clerk
Susan Bruckshaw—Clerk to Chief Clerk
Patricia A. Barry—Public Information Office Director
Suzanne Searles—Assistant to Public Information Office Director
Lisa Wuest—Aide to Public Information Office
Colleen Dillon—Supervisor of Clerks
Elizabeth A. Isaacson—Journal Editor
Vivian Anders—Assistant Journal Editor
Carol S. Edwards—Compositor
C. Elaine Schoonover—Compositor
Billie Jean Walling—Finance Clerk
Debra K. Olson—Assistant Finance Clerk
Alyce M. Elmitt—Recording Clerk
Pauline E. Kephart—Assistant to the Assistant Chief Clerk/Legal Counsel and Engrossing/Enrolling Clerk
M. Maxine Mann—Assistant to the Assistant Chief Clerk/Legal Counsel
Juanita F. Swackhammer—Chief Indexer
Wilma F. Zika—Indexing Assistant
Ann A. McCarty—Supply Clerk
Ivadell Huff—Swing Clerk
Phyllis J. Fraizer—Bill Clerk
Madeline E. James—Assistant Bill Clerk
Beverly Baker—Switchboard Operator
Rosemary Massman—Switchboard Operator
Mildred M. Weber—Postmaster
Donald R. Emanuel—Sergeant-at-Arms
Frank Christen—Assistant Sergeant-at-Arms
Gustaf Adamson—Doorkeeper
Luman Bell—Doorkeeper
Arthur E. Borwick—Doorkeeper
Carman Breeding—Doorkeeper
George Falk—Doorkeeper
Harold Missman—Doorkeeper
Evelyn Seaney—Elevator Operator

GROUP I

Karolyn Price—Speaker's Page
Margene A. Mayer—Chief Clerk's Page
Brian Comfort—Page
Angela Cruse—Page
Douglas Demers—Page
Molly Eness—Page
Amy Engelbert—Page
Michael Frantz—Page
Rebecca Griffin—Page
Charlene King—Page
Edward Mauro—Page
Ruth McCarthy—Page
Tammela Meerdink—Page
Tina Meth—Page
Barbara Miller—Page
Jennifer Mullins—Page
Tari Lynn Peterson—Page
Sara Rickert—Page
Dave Schieffer—Page
Shileen Sween—Page

GROUP II

Clare Althoff—Page
Steven Ballard—Page
Rebecca Barth—Page
Linda Burdt—Page
Kent Candee—Page
Scott Cook—Page
Kathleen Fraise—Page
Dan George—Page
Deann Haden—Page
Marcia Huffman—Page
Peter Jorgensen—Page
Cindy Lemke—Page
Stacene Maroushek—Page
Kim Rinehart—Page
Byron Roggatz—Page
Randall Sheets—Page
Richard Sweeney—Page
Ann Wendlandt—Page

REPORT OF THE COMMITTEE TO NOTIFY SENATE

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

The report was accepted and the committee discharged.

SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Stromer—floor seat.
2. Speaker Pro Tempore Menke
3. Majority Floor Leader Pope
4. Minority Floor Leader Avenson
5. Assistant Floor Leaders—
6. Members with defective sight, hearing and physical disability.
7. Drawing by seniority:
   a. Former Speaker
   b. Returning members, by seniority
   c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.	Name	Seat No.
James O. Anderson	69	Clifford Branstad	27
Robert T. Anderson	87	Charles H. Bruner	11
Robert C. Arnould	80	Richard L. Byerly	62
Donald D. Avenson	99	Janet Carl	36
Wayne Bennett	98	Dorothy F. Carpenter	39
Donald H. Binneboese	78	Ned F. Chiodo	58
Diane Brandt	81	Betty Jean Clark	13

Name	Seat No.
John H. Clark	95
James B. Clements	50
Dale M. Cochran	61
Walter Conlon	24
Michael W. Connolly	74
John H. Connors	84
Lisle Cook	38
Virgil E. Corey	55
Frank Crabb	88
Reid W. Crawford	67
Gregory D. Cusack	68
Horace Daggett	46
Arlyn E. Danker	92
Philip A. Davitt	5
Kenneth De Groot	3
Wm. W. Dieleman	25
Marvin E. Diemer	22
Minnette Doderer	82
Sonja Egenes	97
Donald Gettings	32
L. W. Joe Gross	29
Richard Groth	75
Hurley W. Hall	17
Rod N. Halvorson	73
Roger A. Halvorson	90
Ingwer L. Hansen	83
Darrell R. Hanson	18
William H. Harbor	94
Betty A. Hoffmann	63
Lee Holt	57
Wally E. Horn	64
Rollin K. Howell	43
Kyle Hummel	72
Daniel Jay	71
Thomas Jochum	34
Jim Johnson	10
Robert M. L. Johnson	7
Warren Johnson	21
Larry Kirkenslager	42
Lyle R. Krewson	45
Ray Lageschulte	31
Thomas A. Lind	26
Jean Lloyd-Jones	9
Joyce Lonergan	86
Karen Mann	20
Ruhl Maulsby	2
Andrew McKean	19
Lester D. Menke	1
Kenneth D. Miller	70
Sue Mullins	15
Lowell E. Norland	93
Jim O'Kane	77
Myron B. Oxley	91
Emil S. Pavich	96
Wendell C. Pellett	33
John Pelton	47
George Petrick	89
Virginia Poffenberger	28
Charles N. Poncy	66
Lawrence Pope	100
Stephen J. Rapp	44
Dennis L. Renaud	52
Robert H. Renken	12
Doug Ritsema	51
Richard V. Running	56
Hugo Schnekloth	23
Laverne W. Schroeder	65
Nancy J. Shimanek	49
Doug Shull	6
Douglas R. Smalley	8
Jo Smith	40
Clay Spear	53
Delwyn Stromer	14
Vic Stueland	35
Al Sturgeon	79
William R. Sullivan	37
Thomas Swartz	41
George R. Swearingen	16
Semor C. Tofte	59
Jo Ann Trucano	54
Phillip E. Tyrrell	4
Harold Van Maanen	48
Marcia K. Walter	30
Richard W. Welden	85
Joe Welsh	76
Jack E. Woods	60

Pope of Polk moved that the assignment of seats be accepted as listed.

The motion prevailed.

INTRODUCTION OF BILLS

House Joint Resolution 1, by Crawford and Brandt, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for representation of the District of Columbia in the congress.

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

House Joint Resolution 2, by Pelton, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that a person's right of privacy shall not be denied by the state or any of its political subdivisions.

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

House File 1, by Avenson, a bill for an act to establish an outdoor congress and making an appropriation.

Read first time and referred to committee on **natural resources.**

House File 2, by Avenson, a bill for an act relating to shooting ranges.

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

House File 3, by Corey, a bill for an act relating to membership on the public safety commission of a unified law enforcement district.

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

House File 4, by Spear, a bill for an act prohibiting sexual contact with a child and providing a penalty.

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

House File 5, by Poffenberger, a bill for an act to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties.

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

House File 6, by Poffenberger, a bill for an act to require annual reporting by certain nonprofit organizations and providing penalties.

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

House File 7, by Poffenberger, a bill for an act relating to the payment of taxes imposed under the Social Security Act.

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

House File 8, by Poffenberger, a bill for an act to divide judicial district five into three judicial election districts.

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

House File 9, by Poffenberger, a bill for an act authorizing a taxpayer to income average in determining the taxpayer's individual income tax liability for a tax year.

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

House File 10, by Brandt, a bill for an act to change the basis on which the semiannual tax on mobile homes is computed.

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

House File 11, by Brandt, a bill for an act relating to state and county payments for burial expenses.

Read first time and referred to committee on **human resources.**

House File 12, by Pelton, a bill for an act prohibiting the use, possession and sale of radar detection devices, and providing exceptions and a penalty.

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

House File 13, by Pelton, a bill for an act relating to the destruction of weeds by spraying.

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

House File 14, by Pelton, a bill for an act relating to prohibited acts in state parks and preserves.

Read first time and referred to committee on **natural resources.**

House File 15, by Pelton, a bill for an act relating to a penalty for taking deer in violation of law.

Read first time and referred to committee on **natural resources.**

House File 16, by Pelton, a bill for an act prohibiting the use of salt for snow removal.

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

House File 17, by Pelton, a bill for an act relating to the rights of foster parents concerning a termination of parental rights hearing involving their foster child.

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

House File 18, by Pelton, a bill for an act to exempt certain interest income from the state individual income tax and make the exemption retroactive.

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

House File 19, by Pelton, a bill for an act prohibiting hunting with a rifle during the open deer hunting season.

Read first time and referred to committee on **natural resources.**

House File 20, by Lind, a bill for an act relating to the definition of consumer credit sale.

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

House File 21, by Lind, a bill for an act relating to the enforcement of regulations prohibiting the dispensing of leaded fuel into motor vehicles requiring unleaded fuel.

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

House File 22, by Lind, a bill for an act relating to the requirement for driver education courses.

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

House File 23, by Lind, a bill for an act providing an exemption from property taxation when value is added by improvements made to a homestead and providing a penalty.

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

House File 24, by Lind, a bill for an act requiring motor fuel and special fuel dealers to provide certain motor vehicle maintenance and repair services and equipment at their regular place of business.

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

House File 25, by Lind, a bill for an act providing that law enforcement records and court proceedings concerning children alleged to have committed a delinquent act shall be open to the public.

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

House File 26, by Lind, a bill for an act relating to scheduled traffic violations and information required to appear on uniform citation and complaint forms.

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

House File 27, by Lind, a bill for an act relating to the provision of certain guidance, counseling or informational services to minors by public schools.

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

House File 28, by Bruner, a bill for an act to require the department of job service to make an annual report to the general assembly on the investment portfolio of the Iowa public employees' retirement system fund.

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

House File 29, by Bruner, a bill for an act relating to the qualifications of a certified shorthand reporter.

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

House File 30, by Bruner, a bill for an act to repeal the Iowa personal net income tax deduction for political contributions.

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

House File 31, by Crabb, a bill for an act providing that the name of a juvenile taken into custody and accused of committing a delinquent act is a public record.

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

House File 32, by Crabb, a bill for an act exempting from the real estate transfer tax certain transfers between members of a family and a family partnership.

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

House File 33, by Crabb, a bill for an act to allow certain elective officials to pay taxes to the retirement system established in chapter 97 and receive credit for service under the Iowa public employees' retirement system, and to make an appropriation.

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

House File 34, by Crabb, a bill for an act eliminating change of venue in criminal actions.

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

House File 35, by Crabb, a bill for an act relating to the operation of recreational vehicle parks.

Read first time and referred to committee on **human resources.**

STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

ADMINISTRATION—10 Members

Johnson, J., Chair	Connolly**	Connors	Lloyd-Jones
Carpenter*	Bennett	Daggett	O'Kane
		Hoffmann	Tofte

AGRICULTURE—22 Members

Pellett, Chair	Byerly	Crabb	Mullins
Hummel*	Chiodo	De Groot	Stueland
Davitt**	Cochran	Dieleman	Sullivan
Anderson, J.	Cook	Halvorson, R.N.	Tyrrell
Bennett	Corey	McKean	Van Maanen
		Miller	Welsh

APPROPRIATIONS—15 Members

Welden, Chair	Anderson, R.	Halvorson, R.A.	Miller
Shull*	Byerly	Hansen, I.	Norland
Cusack**	Crawford	Harbor	Pope
	Doderer	Hoffmann	Shimanek

CITIES—21 Members

Clark, J., Chair	Crawford	Johnson, R.	Shull
Clements*	Diemer	Krewson	Smith
O'Kane**	Hall	Poncy	Spear
Connors	Hoffmann	Renaud	Swearingen
Crabb	Horn	Running	Tyrrell
			Walter

COMMERCE—23 Members

Schroeder, Chair	Egenes	Hummel	Smith
Johnson, R.*	Halvorson, R.A.	Jochum	Sturgeon
Chiodo**	Halvorson, R.N.	Rapp	Swartz
Bruner	Hansen, I.	Renken	Swearingen
Conlon	Hoffmann	Schnekloth	Welsh
	Holt	Shull	Woods

COUNTY GOVERNMENT—21 Members

Danker, Chair	Clark, J.	Hanson, D.	Renaud
Renken*	Gettings	Howell	Running

* Vice-Chair
** Ranking Member

Binneboese**	Gross	Johnson, R.	Schroeder
Branstad	Hall	Oxley	Swartz
Clark, B.	Hansen, I.	Pelton	Tofte
			Walter

EDUCATION—23 Members

Daggett, Chair	Carpenter	Johnson, J.	Menke
Johnson, W.*	Clements	Krewson	Norland
Groth**	Connolly	Lind	Poncy
Anderson, R.	Holt	Lonergan	Ritsema
Carl	Horn	Mann	Spear
	Jay	Maulsby	Swearingen

ENERGY—22 Members

Pelton, Chair	Bruner	Danker	O'Kane
Poffenberger*	Carl	Davitt	Petrick
Howell**	Clark, J.	De Groot	Ritsema
Bennett	Cook	Johnson, W.	Running
Binneboese	Cusack	Lind	Sullivan
		Mullins	Van Maanen

HUMAN RESOURCES—22 Members

Clark, B., Chair	Clements	Gross	Miller
Mullins*	Connors	Kirkenslager	Poffenberger
Lonergan**	Cusack	Krewson	Spear
Arnould	Daggett	Maulsby	Sturgeon
Carl	De Groot	McKean	Trucano
		Menke	Walter

JUDICIARY AND LAW ENFORCEMENT—22 Members

Shimanek, Chair	Clark, B.	Halvorson, R.A.	Poffenberger
Conlon*	Corey	Jay	Ritsema
Rapp**	Doderer	Jochum	Smalley
Arnould	Egenes	Johnson, J.	Swartz
Brandt	Gross	Lonergan	Trucano
		Pelton	Welsh

LABOR AND INDUSTRIAL RELATIONS—22 Members

Egenes, Chair	Crabb	Jochum	Renaud
Corey*	Diemer	Johnson, R.	Running
Gettings**	Halvorson, R.A.	Kirkenslager	Smalley
Conlon	Horn	Mann	Stueland
Connors	Hummel	Pavich	Sturgeon
		Poncy	Welden

* Vice-Chair
** Ranking Member

NATURAL RESOURCES – 21 Members

Smalley, Chair	Cochran	Hall	Petrick
Diemer*	Connolly	Hanson, D.	Stueland
Jay**	Cook	Lloyd-Jones	Sullivan
Anderson, J.	Dieleman	Norland	Tofte
Bennett	Groth	Pellett	Tyrrell
			Van Maanen

RULES – 16 Members

Menke, Chair	Byerly	Crawford	Johnson, J.
Smith*	Conlon	Harbor	Lonergan
Halvorson, R.N.**	Corey	Holt	Pope
Avenson	Crabb	Jochum	Renaud

STATE GOVERNMENT – 22 Members

Crawford, Chair	Arnould	Doderer	Lloyd-Jones
Swearingen*	Carpenter	Halvorson, R.N.	Shimanek
Brandt**	Chiodo	Hanson, D.	Smith
Anderson, J.	Clark, B.	Harbor	Tofte
Anderson, R.	Dieleman	Hoffmann	Trucano
		Lageschulte	Woods

TRANSPORTATION – 22 Members

Harbor, Chair	Branstad	Holt	Oxley
Kirkenslager*	Bruner	Johnson, W.	Pavich
Lloyd-Jones**	Danker	Lageschulte	Pellett
Anderson, R.	Gettings	Lind	Schnekloth
Binneboese	Groth	Mann	Schroeder
		Menke	Woods

WAYS AND MEANS – 33 Members

Schnekloth, Chair	Clark, J.	Hall	Miller
Ritsema*	Cochran	Hanson, D.	O'Kane
Norland**	Conlon	Howell	Oxley
Bennett	Connolly	Hummel	Pavich
Brandt	Daggett	Krewson	Petrick
Branstad	Davitt	Lageschulte	Poffenberger
Carpenter	Dieleman	Maulsby	Rapp
Chiodo	Diemer	McKean	Renken
			Shull

* Vice-Chair
** Ranking Member

HOUSE APPROPRIATIONS SUBCOMMITTEES

CLAIMS—4 Members

Stueland, Chair	Horn	Miller	Schroeder

CORRECTIONS/MENTAL HEALTH—12 Members

Krewson, Chair	Cusack	Hummel	Rapp
McKean*	Daggett	Lloyd-Jones	Running
Bruner**	Halvorson, R.A.	Poffenberger	Shimanek

EDUCATION—12 Members

Lind, Chair	Cochran	Johnson, W.	Poncy
Tyrrell*	Connolly	Menke	Ritsema
Horn**	Doderer	Pelton	Swearingen

HUMAN RESOURCES—12 Members

De Groot, Chair	Bennett	Lonergan	Norland
Gross*	Carpenter	Maulsby	Stueland
Spear**	Egenes	Miller	Sturgeon

NATURAL RESOURCES—12 Members

Tofte, Chair	Diemer	Howell	Smalley
Hanson, D.*	Groth	Kirkenslager	Sullivan
Hall**	Hoffmann	Pellett	Woods

REGULATORY AND FINANCE—11 Members

Anderson, J., Chair	Jay**	Conlon	Gettings
Cook*	Byerly	Connors	Renken
	Chiodo	Corey	Smith

SOCIAL SERVICES—12 Members

Van Maanen, Chair	Jochum**	Carl	Crawford
Trucano*	Arnould	Clark, B.	Davitt
	Brandt	Clements	Hansen, I.
			Mann

STATE DEPARTMENTS—12 Members

Lageschulte, Chair	Welsh**	Johnson, J.	Schnekloth
Petrick*	Crabb	Mullins	Shull
	Dieleman	Renaud	Swartz
			Walter

* Vice-Chair
** Ranking Member

TRANSPORTATION – 12 Members

Holt, Chair	Binneboese	Halvorson, R.N.	O'Kane
Branstad*	Clark, J.	Harbor	Oxley
Pavich**	Danker	Johnson, R.	Schroeder

HOUSE COMMITTEE ASSIGNMENTS

Anderson, James	Agriculture Natural Resources State Government Regulatory and Finance Appropriations Subcommittee, Chair
Anderson, Robert	Appropriations Education State Government Transportation
Arnould, Robert	Ethics Human Resources Judiciary and Law Enforcement State Government Social Services Appropriations Subcommittee
Avenson, Donald	Rules
Bennett, Wayne	Agriculture Energy Natural Resources Ways and Means Human Resources Appropriations Subcommittee
Binneboese, Donald	County Government, Ranking Member Energy Transportation Transportation Appropriations Subcommittee
Brandt, Diane	Judiciary and Law Enforcement State Government, Ranking Member Ways and Means Social Services Appropriations Subcommittee, Ranking Member
Branstad, Clifford	County Government Transportation

* Vice-Chair
** Ranking Member

	Ways and Means Transportation Appropriations Subcommittee, Vice-Chair
Bruner, Charles	Commerce Energy Transportation Corrections/Mental Health Appropriations Subcommittee, Ranking Member
Byerly, Richard	Agriculture Appropriations Regulatory and Finance Appropriations Subcommittee Rules
Carl, Janet	Education Energy Human Resources Social Services Appropriations Subcommittee
Carpenter, Dorothy	Education State Government Ways and Means Human Resources Appropriations Subcommittee House Administration, Vice-Chair
Chiodo, Ned	Agriculture Commerce, Ranking Member State Government Ways and Means Regulatory and Finance Appropriations Subcommittee
Clark, Betty Jean	County Government Human Resources, Chair Judiciary and Law Enforcement State Government Social Services Appropriations Subcommittee
Clark, John	Cities, Chair County Government Energy Ways and Means Transportation Appropriations Subcommittee
Clements, James	Cities, Vice-Chair Education Human Resources Social Services Appropriations Subcommittee

Cochran, Dale M.	Agriculture Natural Resources Ways and Means Education Appropriations Subcommittee
Conlon, Walter	Commerce Judiciary and Law Enforcement, Vice-Chair Labor and Industrial Relations Ways and Means Regulatory and Finance Appropriations Subcommittee Rules
Connolly, Michael	Education Natural Resources Ways and Means Education Appropriations Subcommittee House Administration, Ranking Member
Connors, John	Cities House Administration Human Resources Labor and Industrial Relations Regulatory and Finance Appropriations Subcommittee
Cook, Lisle	Agriculture Energy Natural Resources Regulatory and Finance Appropriations Subcommittee, Vice-Chair
Corey, Virgil	Agriculture Judiciary and Law Enforcement Labor and Industrial Relations, Vice-Chair Regulatory and Finance Appropriations Subcommittee
Crabb, Frank	Agriculture Cities Labor and Industrial Relations State Departments Appropriations Subcommittee Rules
Crawford, Reid	Appropriations Cities State Government, Chair Social Services Appropriations Subcommittee Rules

Cusack, Gregory	Appropriations, Ranking Member Energy Human Resources Corrections/Mental Health Appropriations Subcommittee
Daggett, Horace	Education, Chair Human Resources Ways and Means Corrections/Mental Health Appropriations Subcommittee House Administration
Danker, Arlyn	County Government, Chair Energy Transportation Transportation Appropriations Subcommittee
Davitt, Philip	Agriculture, Ranking Member Energy Ways and Means Social Services Appropriations Subcommittee
De Groot, Kenneth	Agriculture Energy Human Resources Human Resources Appropriations Subcommittee, Chair
Dieleman, William	Agriculture Natural Resources State Government Ways and Means State Departments Appropriations Subcommittee Ethics, Ranking Member
Diemer, Marvin	Cities Labor and Industrial Relations Natural Resources, Vice-Chair Natural Resources Appropriations Subcommittee
Doderer, Minnette	Appropriations Judiciary and Law Enforcement State Government Education Appropriations Subcommittee
Egenes, Sonja	Commerce Judiciary and Law Enforcement Labor and Industrial Relations, Chair Human Resources Appropriations Subcommittee

Gettings, Don	County Government Labor and Industrial Relations, Ranking Member Transportation Regulatory and Finance Appropriations Subcommittee
Gross, Joe	County Government Human Resources Judiciary and Law Enforcement Human Resources Appropriations Subcommittee, Vice-Chair
Groth, Richard	Education, Ranking Member Natural Resources Transportation Natural Resources Appropriations Subcommittee
Hall, Hurley	Cities County Government Natural Resources Ways and Means Natural Resources Appropriations Subcommittee, Ranking Member
Halvorson, Rod	Agriculture Commerce State Government Transportation Appropriations Subcommittee Rules, Ranking Member
Halvorson, Roger	Appropriations Commerce Judiciary and Law Enforcement Labor and Industrial Relations Corrections/Mental Health Appropriations Subcommittee
Hansen, Ingwer	Appropriations Commerce County Government Social Services Appropriations Subcommittee
Hanson, Darrell	County Government Natural Resources State Government Ways and Means Natural Resources Appropriations Subcommittee, Vice-Chair

Harbor, William	Appropriations State Government Transportation, Chair Transportation Appropriations Subcommittee Rules
Hoffmann, Betty	Appropriations Cities Commerce State Government Natural Resources Appropriations Subcommittee House Administration
Holt, Lee	Commerce Education Rules Transportation Transportation Appropriations Subcommittee, Chair
Horn, Wally	Cities Claims Education Labor and Industrial Relations Education Appropriations Subcommittee, Ranking Member
Howell, Rollin	County Government Energy, Ranking Member Ways and Means Natural Resources Appropriations Subcommittee
Hummel, Kyle	Agriculture, Vice-Chair Commerce Labor and Industrial Relations Ways and Means Corrections/Mental Health Appropriations Subcommittee
Jay, Daniel	Education Judiciary and Law Enforcement Natural Resources, Ranking Member Regulatory and Finance Appropriations Subcommittee, Ranking Member

Jochum, Thomas	Commerce Judiciary and Law Enforcement Labor and Industrial Relations Social Services Appropriations Subcommittee, Ranking Member Rules
Johnson, James	Education Judiciary and Law Enforcement State Departments Appropriations Subcommittee House Administration, Chair Rules
Johnson, Robert	Cities Commerce, Vice-Chair County Government Labor and Industrial Relations Transportation Appropriations Subcommittee
Johnson, Warren	Education, Vice-Chair Energy Transportation Education Appropriations Subcommittee
Kirkenslager, Larry	Human Resources Labor and Industrial Relations Transportation, Vice-Chair Natural Resources Appropriations Subcommittee
Krewson, Lyle	Cities Education Human Resources Ways and Means Corrections/Mental Health Appropriations Subcommittee, Chair
Lageschulte, Ray	State Government Transportation Ways and Means State Departments Appropriations Subcommittee, Chair
Lind, Thomas	Education Energy Transportation Education Appropriations Subcommittee, Chair

Lloyd-Jones, Jean	Natural Resources State Government Transportation, Ranking Member Corrections/Mental Health Appropriations Subcommittee House Administration
Lonergan, Joyce	Education Human Resources, Ranking Member Judiciary and Law Enforcement Human Resources Appropriations Subcommittee Rules
Mann, Karen	Education Labor and Industrial Relations Transportation Social Services Appropriations Subcommittee Ethics, Vice-Chair
Maulsby, Ruhl	Education Human Resources Ways and Means Human Resources Appropriations Subcommittee Ethics, Chair
McKean, Andrew	Agriculture Human Resources Ways and Means Corrections/Mental Health Appropriations Subcommittee, Vice-Chair
Menke, Lester	Education Human Resources Transportation Education Appropriations Subcommittee Rules, Chair
Miller, Kenneth	Agriculture Appropriations Claims Human Resources Ways and Means Human Resources Appropriations Subcommittee
Mullins, Sue	Agriculture Energy Human Resources, Vice-Chair State Departments Appropriations Subcommittee

Norland, Lowell	Appropriations Education Natural Resources Ways and Means, Ranking Member Human Resources Appropriations Subcommittee
O'Kane, James	Cities, Ranking Member Energy House Administration Ways and Means Transportation Appropriations Subcommittee
Oxley, Myron	County Government Transportation Ways and Means Transportation Appropriations Subcommittee
Pavich, Emil	Labor and Industrial Relations Transportation Ways and Means Transportation Appropriations Subcommittee, Ranking Member
Pellett, Wendell	Agriculture, Chair Natural Resources Transportation Natural Resources Appropriations Subcommittee
Pelton, John	County Government Energy, Chair Judiciary and Law Enforcement Education Appropriations Subcommittee
Petrick, George	Energy Natural Resources Ways and Means State Departments Appropriations Subcommittee, Vice-Chair
Poffenberger, Virginia	Energy, Vice-Chair Human Resources Judiciary and Law Enforcement Ways and Means Corrections/Mental Health Appropriations Subcommittee
Poncy, Charles	Cities Education Labor and Industrial Relations Education Appropriations Subcommittee

Pope, Lawrence	Appropriations Rules
Rapp, Stephen	Commerce Judiciary and Law Enforcement, Ranking Member Ways and Means Corrections/Mental Health Appropriations Subcommittee
Renaud, Dennis	Cities County Government Labor and Industrial Relations State Departments Appropriations Subcommittee Rules
Renken, Robert	Commerce County Government, Vice-Chair Ways and Means Regulatory and Finance Appropriations Subcommittee
Ritsema, Doug	Education Energy Judiciary and Law Enforcement Ways and Means, Vice-Chair Education Appropriations Subcommittee
Running, Richard	Cities County Government Energy Labor and Industrial Relations Corrections/Mental Health Appropriations Subcommittee
Schnekloth, Hugo	Commerce Transportation Ways and Means, Chair State Departments Appropriations Subcommittee
Schroeder, Laverne	Claims Commerce, Chair County Government Transportation Transportation Appropriations Subcommittee
Shimanek, Nancy	Appropriations Judiciary and Law Enforcement, Chair State Government Corrections/Mental Health Appropriations Subcommittee

Shull, Doug	Appropriations, Vice-Chair Cities Commerce Ways and Means State Departments Appropriations Subcommittee
Smalley, Douglas	Judiciary and Law Enforcement Labor and Industrial Relations Natural Resources, Chair Natural Resources Appropriations Subcommittee Ethics
Smith, Jo	Cities Commerce State Government Regulatory and Finance Appropriations Subcommittee Rules, Vice-Chair
Spear, Clay	Cities Education Human Resources Human Resources Appropriations Subcommittee, Ranking Member
Stueland, Vic	Agriculture Claims, Chair Labor and Industrial Relations Natural Resources Human Resources Appropriations Subcommittee
Sturgeon, Al	Commerce Human Resources Labor and Industrial Relations Human Resources Appropriations Subcommittee
Sullivan, William	Agriculture Energy Natural Resources Natural Resources Appropriations Subcommittee
Swartz, Thomas	Commerce County Government Judiciary and Law Enforcement State Departments Appropriations Subcommittee

Swearingen, George	Cities Commerce Education State Government, Vice-Chair Education Appropriations Subcommittee
Tofte, Semor	County Government Natural Resources State Government Natural Resources Appropriations Subcommittee, Chair House Administration
Trucano, Jo Ann	Human Resources Judiciary and Law Enforcement State Government Social Services Appropriations Subcommittee, Vice-Chair
Tyrrell, Phillip	Agriculture Cities Natural Resources Education Appropriations Subcommittee, Vice-Chair
Van Maanen, Harold	Agriculture Energy Natural Resources Social Services Appropriations Subcommittee, Chair
Walter, Marcia	Cities County Government Human Resources State Departments Appropriations Subcommittee
Welden, Richard	Appropriations, Chair Labor and Industrial Relations
Welsh, Joseph	Agriculture Commerce Judiciary and Law Enforcement State Departments Appropriations Subcommittee, Ranking Member
Woods, Jack	Commerce State Government Transportation Natural Resources Appropriations Subcommittee

IN THE SUPREME COURT OF IOWA

APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE HOUSE OF REPRESENTATIVES OF THE IOWA GENERAL ASSEMBLY BY THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA

TO THE HOUSE OF REPRESENTATIVES OF THE IOWA GENERAL ASSEMBLY:

Pursuant to the provisions of section 68B.10, The Code, the undersigned, Chief Justice of the Supreme Court of Iowa, hereby reappoints Claire F. Carlson of Fort Dodge, and Robert E. Conley, of Des Moines, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the House of Representatives.

Done this 8th day of January, 1981.

THE SUPREME COURT OF IOWA

W. W. Reynoldson, Chief Justice

The original and a true copy of this Order have been filed with the Chief Clerk of the House of Representatives of the Iowa General Assembly on this 8th day of January, 1981.

PAT H. HARPER, Chief Clerk

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Sixty-ninth General Assembly: Representative Ruhl Maulsby of Calhoun County, Chair; Representative Karen Mann of Greene County; and Representative Douglas Smalley of Polk County.

LAWRENCE POPE
House Majority Leader

APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Sixty-ninth General Assembly: Representative William Dieleman of Marion County and Representative Robert Arnould of Scott County.

DONALD D. AVENSON
House Minority Leader

REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following report:

Name	Round Trip Miles
James O. Anderson	160
Robert T. Anderson	70
Robert C. Arnould	350
Donald D. Avenson	320
Wayne Bennett	300
Donald H. Binneboese	460
Diane Brandt	222
Clifford Branstad	260
Charles H. Bruner	70
Richard L. Byerly	25
Janet Carl	114
Dorothy F. Carpenter	None
Ned F. Chiodo	None
Betty Jean Clark	228
John H. Clark	370
James B. Clements	370
Dale M. Cochran	200
Walter Conlon	300
Michael W. Connolly	410
John H. Connors	None
Lisle Cook	136
Virgil E. Corey	302
Frank Crabb	250
Reid W. Crawford	77
Gregory D. Cusack	360
Horace Daggett	206
Arlyn E. Danker	240
Philip A. Davitt	52
Kenneth De Groot	508
Wm. W. Dieleman	92
Marvin E. Diemer	220
Minnette Doderer	240
Sonja Egenes	192
Donald Gettings	190
L. W. Joe Gross	208
Richard Groth	300
Hurley W. Hall	272
Rod N. Halvorson	188
Roger A. Halvorson	440
Ingwer L. Hansen	420
Darrell R. Hanson	364
William H. Harbor	258
Betty A. Hoffmann	306

Leander Holt 380
Wally E. Horn 250
Rollin K. Howell 258
Kyle Hummel 250
Daniel Jay 190
Thomas J. Jochum 410
James E. Johnson 320
Robert M. L. Johnson 274
Warren Johnson 360
Larry Kirkenslager 328
Lyle R. Krewson ..... None
Ray Lageschulte 294
Thomas A. Lind 250
Jean Lloyd-Jones 220
Joyce Lonergan 100
Karen Mann 156
Ruhl Maulsby 230
Andrew McKean 320
Lester D. Menke 392
Kenneth D. Miller 288
Sue Mullins 240
Lowell E. Norland 274
Jim O'Kane 422
Myron B. Oxley 280
Emil S. Pavich 280
Wendell C. Pellett 166
John Pelton 416
George Petrick 284
Virginia Poffenberger 80
Charles N. Poncy 180
Lawrence Pope ..... None
Stephen J. Rapp 224
Dennis L. Renaud ..... None
Robert H. Renken 204
Doug Ritsema 440
Richard V. Running 250
Hugo Schnekloth 360
Laverne W. Schroeder 268
Nancy J. Shimanek 340
Douglas K. Shull 34
Douglas R. Smalley ..... None
Joan H. Smith 328
Clay Spear 330
Delwyn Stromer 226
Victor G. Stueland 360
Harold A. Sturgeon 420
William R. Sullivan 250
Thomas Swartz 100
George R. Swearingen 172
Semor C. Tofte 420
Jo Ann Trucano ..... None
Phillip E. Tyrrell 200

Harold Van Maanen 116
Marcia K. Walter 280
Richard W. Welden 144
Joseph J. Welsh 400
Jack E. Woods ..... None

Respectfully submitted,

JOHN PELTON
MARVIN E. DIEMER
JOHN H. CONNORS

On motion by Pope of Polk, the House adjourned at 3:20 p.m., until 9:00 a.m., Tuesday, January 13, 1981.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 13, 1981

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

Prayer was offered by the Reverend Andrew J. Rosulek, pastor of the Minden United Church of Christ, Minden.

The Journal of Monday, January 12, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. A. J. R. Stueland, Mason City.

PETITION FILED

The following petition was received and placed on file:

By Schnekloth of Scott, from one hundred seventy constituents favoring an increase in state transit assistance funding, so that an adequate level of public transit service may be maintained in the city of Clinton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Avenson of Fayette; Johnson of Linn on request of Petrick of Linn; Daggett of Taylor on request of Pope of Polk.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 9:30 a.m., Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Hummel of Benton, Chair; Clements of Scott and Welsh of Dubuque.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Hummel of Benton, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty. The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order, President Branstad presiding.

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

The motion prevailed.

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

Senator Tieden of Clayton moved that a committee of six, consisting of three members from the Senate and three members from

the House of Representatives, be appointed to notify Governor Robert D. Ray that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Tieden of Clayton, Miller of Cerro Gordo, and Vande Hoef of Osceola, on the part of the Senate, and Representatives Crabb of Crawford, Carpenter of Polk, and Woods of Polk, on the part of the House.

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

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

President Branstad then presented Governor Robert D. Ray who delivered the following address:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Guests, and Friends:

Today marks the second day of the 69th Iowa General Assembly on this, the 13th day of the New Year.

There is yet another number affixed to today. This is day number 437 for the American hostages in Iran.

At this moment, it is seven o'clock in the evening in Tehran. It is dark there. Hopefully, the hostages have had a decent dinner and will soon be preparing to go to sleep — to awaken on day number 438. We would like to think it will be their last day in captivity.

Iran is nine hours ahead of Iowa on the clock. It is 7,000 miles away from us on the globe. And the tragic events which have unfolded there reveal that Iran is light years removed from life and living as we know it here in Iowa.

You can be sure that our own Kathryn Koob is mindful of the stark differences between Iran and Iowa. Just as it is night there and day here, there are other, clear distinctions. Think about it with me:

In Iran, people live under tyranny. In Iowa, we have tolerance.

In Iran, people live in fear. In Iowa, we have hope.

In Iran, people live with hate. In Iowa, we have love.

If you viewed the satellite pictures from Iran during the Christmas weekend, and if you watched Kathryn Koob gently asking her nieces and nephews to sing the second

verse of "Away in a Manger" with her, you had to have a tear in your eye and maybe a fuller, deeper, and stronger appreciation for Kathryn's home, our home — this State of Iowa in this free land, America.

While we pray for the quick and safe release of Kathryn Koob and the other 51 hostages, we should also acknowledge how fortunate we are to live here.

Indeed, it is our special privilege to be Iowans.

To you who are legislators, and to you in the executive and judicial branches of government, I say it is our very special privilege to serve Iowans.

The past year's stewardship of this state has not been easy. In fact, it has been extraordinarily difficult.

Like other Americans, we have, in effect, been held hostage by OPEC and by a mismanaged national economy. The economy has impacted all of us. And to a great extent, it can truly be said that national economic forces have set the current Condition of our State.

Iowans had a hard round of economic news in 1980. We sustained blow after blow after blow. Iowans who earned more income saw their increases wiped out by hyperinflation. Some didn't even have an income. They were caught by the recession — losing their jobs and their paychecks.

Iowans were also hamstrung by high interest rates, and they abandoned plans to buy homes and cars. As a result, construction plummeted, 62 Iowa auto dealers quit selling new cars, and many just locked the doors. Our farmers were victims of the cost-price squeeze, and they endured the embargo on grain sales.

No matter where you looked — Main Street shops, corporate boardrooms, shopping malls, and union halls — there were signs of the economic slowdown.

Iowans had trouble making ends meet in 1980, and so did state government. When our revenues dropped off the cliff, it was up to us to respond. We did respond — not with an untimely tax increase, but with a hiring freeze and real cuts in state spending.

There was some consolation though — the knowledge that we were not alone. Other states were also ravaged by the economy, and their budgets were also cut — 5 percent in South Dakota, 8.3 percent in Minnesota, 4.4 percent in Wisconsin, and by nearly $1 billion in Michigan. Pennsylvania chopped $100 million from its highway program. Ohio laid off 2,000 state workers and is seeking higher taxes. The list goes on and on.

Obviously, 1980 was a long year in many respects. Yet this morning, I can report there were several bright spots here in Iowa.

Once again our state was first in corn production, and we became number one in soybeans. We remained America's leader in pork production, and we ranked fourth in cattle feeding.

A record export total of over $5 billion placed Iowa tenth among the states, sup-

porting thousands of jobs and generating millions of dollars for Iowa's people.

Those exports were vital for yet another reason. They compensated for the $3.5 billion bill we Iowans paid for energy imports in 1980. It took over 60 percent of Iowa's total corn revenue just to pay for the petroleum we used last year.

Energy will be extremely costly in the '80s. That explains why energy conservation continues to be a top priority in this administration. Because of energy conservation, Iowa consumers have avoided an additional $700 million in costs for oil, electricity, and natural gas in 1980. The Energy Policy Council reports that the typical Iowa family has saved $285 because of conservation.

We have good reason to be proud of what Iowans have done to save precious energy. Common Cause reports this state has one of the three best records of energy conservation in the nation. Part of that success story was an impressive 12 percent drop in gasoline consumption — tops in the country.

There are other excellent examples of Iowa's energy achievements.

We continued as America's leader in gasohol sales. And, despite the U. S. Department of Energy's questionable political games with federal loans, the future is promising for Iowa's booming alcohol fuels industry, with 15 alcohol plants on the drawing boards.

Iowa's coal industry also appears to be rebounding from a 60-year decline. Last fall I visited one of the two new coal washing plants in southern Iowa, and thanks to our experimental Coal Research Project, those ventures show Iowa coal mining is on the threshold of viability.

Consider also these other energy highlights from 1980:

* Residential natural gas usage declined, and the increased demand for electricity was only a fraction of the historic pattern.

* The unique utility peak-shaving plan pioneered in Osage with state help will surely save money for local consumers, and is a model which may be used by other communities.

* The Iowa National Guard received first place honors from the Pentagon for energy conservation.

Energy was just one element in Iowa's 1980 progress. There were many more accomplishments:

— Women continued to gain recognition in public service, and I warmly welcome Mary Jane Odell to her position as Secretary of State, and I also welcome the seven women newly elected as members of this General Assembly.

— We created a novel Railroad Finance Authority. And Iowa's innovative branchline program has now upgraded 877 miles of track, still more than all the other states combined.

— Iowa's Social Services Department was cited by Washington for "superior performance" in the recovery of child support monies. Commissioner Mike Reagen and his agency also chalked up the lowest error rate ever in ADC payments, only 1.6 percent.

— Iowa farmers will soon receive special loan assistance from the Family Farm Development Authority, a priority from 1980 which you wisely adopted.

— Thousands of Iowans from all 99 counties volunteered for our tree-planting campaign called the "Plant Iowa Program." Indeed, people in Pottawattamie County were so enthusiastic they formed two county committees!

— The state's Conservation Commission acquired "The Mines of Spain," a treasured area of wooded land near Dubuque. And our thanks go to the new Iowa Natural Heritage Foundation, which has inspired so many Iowans to renew their interest in our natural resources.

— Plans were put in motion for this year's observance of the International Year of Disabled Persons and for a Blue-Ribbon Task Force review of health care costs.

All of this progress happened in 1980. All of it was positive. All of it helped sustain us through the year.

Our aim today is to build upon what we have already accomplished. But this is not the year to serve up new programs. We cannot afford the price tag.

This is a year to test our creativity, ingenuity, and resourcefulness. This is a time to do more with what we have.

Two weeks from Thursday I will present the Governor's Budget for 1982 and 1983. Like most family budgets, our budget will be stretched tight. It is essential you realize just how tight it is — and that an austere approach can be the only approach to budgeting this year.

In that speech, I will outline a set of specific appropriation requests to support, as best we can, some long-standing basic priorities of my administration — meeting human needs, offering quality education for young Iowans, funding roads, and preserving our soil and natural resources. In addition, I will submit a strategy for improving Iowa's correctional system.

All of these will be front-burner issues for your work this year, along with salaries for state employees. You will also have the relevant recommendations I forward to you today.

FIRST: ECONOMY IN GOVERNMENT

One year ago we received a series of money-saving suggestions from the Governor's Economy Committee '79. Little did we realize how important those ideas would

be once our revenues started to drop.

Last year's legislature approved some key recommendations, such as consolidation of our Environmental Quality Commissions. And, I was pleased that you began to consider other proposals from Iowa's management experts.

I can also report there is cost-cutting momentum going for us in the executive branch. We have implemented 92 Economy Committee recommendations totaling $10 million. We announced the "Valuable Ideas for Productivity" plan last week. And, I have directed state agencies to pursue additional money-saving ideas in 1981.

You, too, can do your part to help us make government even leaner and more efficient while still serving the people we represent.

I urge you to establish a State Department of Personnel, to combine occupational licensing boards, and to reorganize Iowa's mental health programs. Many other Economy Committee recommendations also merit your "yes" vote.

Iowa taxpayers will appreciate anything and everything we do to make government more cost-effective. Iowans want value from government. And they are looking to us for performance in 1981.

SECOND: ENERGY CONSERVATION AND UTILITY REFORM

Iowans have disciplined their demands for more and more energy. Many are truly interested in conserving, knowing there is a finite limit to most kinds of energy. All of us are interested in holding down energy expenses, knowing there is also a limit to how much we can pay. Certainly, we in state government understand that, which is why I established by Executive Order a Life Cycle Purchasing Committee. It's energy-saving report will benefit state and local officials — and the taxpayers — in the years ahead.

Iowa has been on the cutting edge of many energy issues. Dr. Ed Stanek and the Iowa Energy Policy Council have done some enterprising work with solar energy. We can easily anticipate greater use of solar energy and, indeed, we encourage it. The same sun that helps grow Iowa crops every summer can help heat Iowa homes every winter.

Today, I again offer two proposals to further boost solar energy in Iowa. I advocate legislation to affirm legal access to the sun, and I call for a property tax exemption for passive solar improvements.

To further conserve energy, I ask you to extend the protection of thermal and lighting efficiency standards for all new buildings which are heated or cooled.

As we start this new year, Iowans, especially elderly Iowans and those on fixed incomes, are conscious of and concerned about the costs of energy. So is the Iowa Commerce Commission. Last year, the Commerce Commission ordered $12 million in utility rate refunds and increased the interest rate paid on refunds to consumers.

Nevertheless, this year we are prepared to do more to help our Iowans.

Escalating costs dictate speedier resolution of utility cases to avoid unnecessary "pancaking" of increased rate requests. Most of this backlog is already being handled by the Commerce Commission, under the able direction of your former colleague, Chairman Andy Varley. We should further allow only an historical rate of return to be collected under bond, and expand the opportunity for refunds of excess profits. I am anxious to pursue these consumer-minded ideas.

Iowans from all walks of life would like to see us conserve and produce more energy inside our state borders. Iowans would also appreciate our help in holding down their monthly utility bills. They are looking to us for performance in 1981.

THIRD: CRIMINAL JUSTICE AND SAFETY

Our state has one of the lowest rates of violent crime — 45th out of the 50 states.

Nevertheless, like authorities elsewhere, we have to cope with crime. Criminal behavior is a part of society we cannot wish away, much as we might want to.

In the past few weeks, we have read and heard about tragic deaths in our state. We know that hard drug use is still with us and that people are more prone to commit crimes when the economy is slumping.

We have made strides in recent years with our modern Crime Lab and Law Enforcement Academy. Yet, we need to do more. We need to enlist Iowans in the "war on crime." I intend to call a special Crime Prevention Conference later this year to bring together Iowans intent upon thwarting criminal activity.

Today, I propose a Criminal Justice Improvement Fund to buttress state dollars for law enforcement and prosecution. Why not assess a small, additional fee on the fines of all persons convicted of criminal violations to start the Criminal Justice Improvement Fund? The philosophy is simple. The State spends a good deal of money to handle lawbreakers. So it makes sense that lawbreakers, not law-abiding taxpayers, offset more of the costs of law enforcement.

Today, I also submit changes in Iowa's drunk driving laws along with an equitable approach to deferred sentencing.

Further, I am sending you revisions in Iowa's Fire Safety Laws that warrant your attention. One is a priority from last year which was not approved — legislation mandating smoke detectors in apartments, rooming houses, hotels, and motels.

Iowans realize we cannot completely curtail crime nor can we guarantee their constant safety. Iowans will cooperate as we struggle to stop violence, arson, and other kinds of crime. And, again, they are looking to us for performance in 1981.

* * *

This year the legislative agenda also includes reapportionment. Drawing up new districts for yourselves and for Iowa's Congressmen is not an easy assignment, but it is absolutely essential. If you do your duty fairly and follow the principles in last year's

bill, you will not forfeit reapportionment to the courts as happened ten years ago.

Your legislative action is also needed to provide leadership on other important items, and you will find additional information in the written addendum to this speech, outlining some of my ideas.

My program includes hazardous waste siting and disposal and support for land use policy.

I further urge you to toughen grain elevator inspection and to provide civil penalties for violations of campaign finance laws.

I also propose a revision in charity gambling laws and regulatory reforms.

Iowa's cities, counties, and school districts are hard pressed, and in the spirit of "home rule," you can enact local option for communities where residents endorse a tax to meet a local need.

You will have your hands full this session dealing first with the current year budget, and then with my biennial budget. Clearly, your emphasis will be on allocating scarce state dollars. That is why my program today is abbreviated. I wanted to put together a succinct list of legislative objectives, and I have. To put it bluntly, 1981 is not the year for lengthy scorecards to track dozens and dozens of bills.

The goals I am presenting this month are important, not just for me, but for three million Iowans. I ask you to make them your goals, and to act on them. You can do so this year. I can and I will work with you. Together, we can make Iowa an even better state with an even better government.

* * *

In the weeks and months ahead, those of us in the State Capitol will pay close attention to the news from our Nation's Capital.

One week from today, Ronald Reagan will be sworn in as the 40th President of the United States. The long Presidential selection process which started with Iowa's caucuses one year ago will culminate with the Inauguration on Capitol Hill.

We congratulate President-Elect Reagan and we wish him well. We know that when the final proud notes of "Hail to the Chief" fade into the wind, President Reagan will have an awesome agenda awaiting him on the desk in the Oval Office.

That agenda consists of carefully monitoring a dozen global hotspots and rebuilding America's defenses. It especially consists of reigniting a stalled national economy and checking federal encroachment into the lives of people.

Most Americans believe the federal government has grown too big and has reached too far into our daily existence. So do the nation's 50 governors. We are on record requesting that the new President reestablish the concept of Federalism — that equation, that balance between the sovereign states and the national government. We trust the Reagan Administration will restore the system envisioned by our Founding Fathers.

No one can predict with total accuracy what will be forthcoming from the President and the Congress. No one knows whether or not federal programs will be returned to the states, and if so, which ones, what the cost might be, and how they would be financed. Certainly, no one can pinpoint what will happen to interest rates and with the economy.

Wholesale changes in direction from Washington could dictate new priorities in Des Moines before the end of this session. Thus we must be open-minded and flexible. These are unusual times, and we live day by day, looking for the economy to improve. But, we will make the hard decisions as they come, and we will keep a firm grip on this state's destiny.

The astronomer, Dr. Carl Sagan, creator of the television series "Cosmos," tells us, "We are at a crossroads in human history. Never before has there been a moment so simultaneously perilous and promising."

This is January, 1981. We are less than two decades away from the 21st century.

What is the real message of Dr. Sagan's observation? Isn't he saying that what you do here is more important than when you adjourn? Isn't he saying that the nature of the laws you pass and I sign this year is more important than the number of laws we act upon? Isn't he saying that we ought to look out beyond this session, beyond this fiscal year, and beyond the next biennium? I think he is saying all of that.

He is saying that, while we must make day-to-day decisions now, we must also look ahead in time to future generations of Iowans. At the same time we must look out beyond the Mississippi and the Missouri, and far past our state borders to the north and south — to our North American neighbors and even farther.

We must think about our world, about other people in this world, and about our special niche, our special role in the world.

Set politics and priorities aside for a moment and listen to what I have to say.

In the small country of Sierra Leone, one of three children dies before the age of five. In Liberia, some children are not even given a first name until after their first birthday because so many die before that day. They die because they do not have enough to eat.

Why do I tell you this? You may ask why am I discussing the condition of the Third World in my Condition of the State Message? It is because the Condition of the State, this state, our state, affects and will continue to affect the condition of the Third World, of people everywhere around the world.

As we race toward the end of this century, Iowa must preserve its land, its economy, and its very fabric — not just for our good, but for the good of people everywhere who need our food.

This is our challenge. This is our obligation as God's children. We must continue to contribute — to feed people, to keep families together, to save life itself.

It was Socrates who said, "No man can be a statesman until he knows the problems of wheat."

We can be statesmen — and stateswomen — because we respect our Iowa land. We can also be statesmen and stateswomen because we are Iowans.

We can be strong because our strength comes from the people of Iowa.

We can have courage and character because that courage and character come from the people of Iowa.

We can be resilient and determined because those traits, too, come from the people of Iowa.

We have all of this. And, we have the tolerance and hope and love I mentioned when I began my remarks.

This is our condition. It is a condition that is lasting despite temporary setbacks. It is a condition that can and will become even greater if this legislature leaves a legacy of profound and notable results. I am confident you will.

Thank you very much.

GOVERNOR'S RECOMMENDATIONS

The following are recommendations submitted to the 69th General Assembly, First Session, in accordance with Article IV, Section 12, of the Constitution of the State of Iowa. They are not in any particular order of priority. This list does not, nor could it be expected to, include all matters that might be deemed of importance during this legislative session. It does reflect specific suggested matters for consideration by this General Assembly.

Personnel Department

Government is, by its nature of delivering services to the public, a labor-intensive operation. As a result, we need effective personnel policies and practices. By merging the Merit Commission and related activities into a new Personnel Department, we can provide a more cost-effective personnel management system. The Personnel Department, as recommended by the Governor's Economy Committee, will provide important continuity and general oversight to personnel policy implementation in addition to providing technical support services to all state agencies.

Professional Licensing Department

Currently we have many separate licensing boards for professional occupations which the Governor's Economy Committee recommended should be consolidated. After careful review of the proposal, many of our licensing boards now appreciate the prospects the recommendation offers them for greater efficiencies in their operations.

We can phase in a Professional Licensing Department to centralize administrative support and streamline operations while maintaining the independence of the several licensing boards.

Mental Health Reorganization

A Division of Mental Health, Mental Retardation and Developmental Disabilities should be created within the Department of Social Services. The Division would be responsible for planning, funding, setting standards and evaluation. As part of this reorganization, a new funding mechanism will be created to provide state funds, when available, to counties to aid them in providing mental health and mental retardation services. Reorganization will reduce the fragmentation of the present system and assure an increased role in decision making for county authorities.

Life Cycle Purchasing for Energy Efficiency

The committee I appointed to study greater energy and financial savings in purchasing by state government has just reported a full range of recommendations. Some can be implemented through administrative order, but others need your careful analysis and deserve adoption. We can take advantage of this additional energy conservation program which local governments can also use.

Solar Access

Sun rights legislation continues to be a high priority of the Iowa Energy Policy Council. We should take their advice to insure that solar energy investments are protected from encroachment while recognizing the legitimate interests of adjoining private and public property owners. Solution to this potential problem is overdue.

Solar Property Tax Exemption

The progress of the Iowa Solar Office and the growing commercial acceptance of passive solar techniques should be encouraged by including passive solar energy systems in the current property tax exemption for active solar energy systems.

Thermal and Lighting Efficiency Standards

Since energy conservation is important, we should extend coverage of our thermal and lighting efficiency standards to all new building construction in Iowa. The current requirements apply only to construction in localities which have a building code and to construction of buildings elsewhere that exceed 100,000 cubic feet. Comprehensive coverage of thermal and lighting efficiency standards is estimated to hold the potential for $1 million annually in energy savings for homeowners alone.

Utility Rate Regulation

The burden of increased utility costs requires us to examine the current regulatory process. As part of that effort, the Commerce Commission has announced the formation of a citizen's council on utility regulation. The following specific actions should be taken to help consumers in these difficult times:

- to provide adequate staffing to the Commerce Commission to reduce the time needed to make decisions and encourage "fast tracking" of certain rate cases.

- to grant the Commerce Commission the authority to limit increases in rates collected under bond to historic policies and rates of return.

- to insist that utilities submit comprehensive information on rate hike requests at the time of filing.

- to permit the Commerce Commission to order refunds with interest on excess profits from the date of initiating proceedings rather than only from the time of final decision.

- to develop an arbitration mechanism to quickly resolve pipeline rights-of-way damage claims.

Criminal Justice Improvement Fund

We can assist our law enforcement and criminal justice agencies in their efforts to protect society by creating a Criminal Justice Improvement Fund. The fund, to be financed through an assessment on persons convicted of criminal violations, will provide supplemental funds to important law enforcement programs. Those who force us to invest efforts and tax dollars to protect society should bear some additional financial responsibility for their actions.

Drunk Driving

Drunk drivers continue to pose a serious threat to the lives and well being of persons using our highways. Over the past five years, more than 1,000 individuals have been killed in alcohol-related accidents, and there have been almost 50,000 OMVUI arrests. To crack down further on this problem, we need to:

- adopt a law which establishes that a person with a set level of blood-alcohol concentration while driving is presumed to be guilty of OMVUI.

- remove the use of deferred sentencing in OMVUI convictions.

Fire Safety

The Iowa Fire Laws Review Committee has completed its study and made recommendations for improvements in our fire safety laws. While some of the changes they have suggested may be prohibitively expensive if they were applied retroactively, we should seek reasonable improvements designed to protect human life. Specifically, we can:

- require the mandatory installation of smoke detectors in all new construction of multiple-unit apartment buildings, hotels, motels and rooming houses; and phase them into already existing facilities over a period of several years.

- review and update our current law regulating fire escapes. Of particular importance is the need to shorten the period in which violators have to comply and make certain changes.

- increase the penalties for violations of fire safety laws. There is a belief that presently the penalties are too low leaving some to feel they can be ignored.

- create a special fire inspection warrant which would be issued by district courts and used by fire marshals and arson investigators to inspect property destroyed by fire or to inspect buildings for fire hazards.

Charity Gambling

To keep the original legislative intent and eliminate abuse, revisions are necessary in our state charitable gambling laws for bingo and other games. Along with closer regulatory scrutiny from the Department of Revenue, our statutes should be strengthened to require that a proportion of gross receipts be in fact donated to a qualifying charity and to authorize the Revenue Department to grant or deny bingo licenses to qualified organizations.

Campaign Disclosure Penalties

Violations of our campaign finance disclosure laws, such as habitual late filing, are difficult to remedy because today only tough criminal penalties can be applied. By making the candidate responsible for the proper and timely filing of disclosure reports and providing for civil penalties, we can encourage compliance with the law.

Department of Substance Abuse

Unless action is taken this year, the Iowa Department of Substance Abuse will expire next fiscal year. While some might argue that it would be beneficial to place the Department of Substance Abuse within a reorganized mental health operation, it would not now be timely to disturb this well-functioning system. We favor the continuation of the Iowa Department of Substance Abuse.

Grain Elevator Inspections

The growing complexity of grain marketing and the economic distress of Stockport have highlighted the importance of strengthened grain warehousing supervision. By conducting annual inspections and requiring certified accountant audits of the books, we can provide greater financial security to farmers and the others who depend upon the fiscal soundness of this industry.

Hazardous Waste

The disposal of hazardous wastes is essential to the economic well-being of Iowa's industry. To be able to meet this need, Iowa should develop an effective procedure to approve disposal sites. Sufficient state safeguards to regulate the private operations of hazardous waste disposal sites can protect the environment while meeting the legitimate needs of business and society. Furthermore, existing state law on hazardous waste regulation needs to be updated to reflect the most recent changes in federal law.

Land Use

I have previously expressed my concerns to you about the problems of land preservation, land misuse and damage to our land resource. Appropriate actions preserving our agricultural lands, forests and wetlands need to be taken. We can and should address comprehensive land use legislation.

Local Option Taxes

Cities, counties and schools face difficult financial prospects as do we in state government. With strict limits on the growth in property valuations, many local governments are at or close to their tax levy limits. Despite limits in income, city councils, boards of supervisors and school boards continue to be asked to meet increased or new responsibilities.

The state can help by adhering to the fair play principle and not imposing new mandates on local governments. In addition, we should expand the use of local option taxes. The hotel/motel local option tax has given some much needed flexibility to local governments. That experience gives us reason to authorize additional local option taxing authority.

As recommended by the Property Tax Study Committee, cities, counties, and school districts should be authorized to impose local option taxes, provided such taxes are approved in a referendum of the residents involved. Today 26 states permit local option sales taxes and 11 states permit local option income taxes. This would allow citizens on the local level to determine if they wish to raise additional revenue.

Mechanics Liens

Previously the legislature has considered revising the mechanics lien law to better protect consumers. Some property owners who misunderstand the current law have become unwittingly liable through a mechanics lien for improvements to their property despite the fact that they had already paid for these. By providing more complete notice to property owners, those misunderstandings can be in great part avoided. Hopefully the legislature will take action on a bill similar to the one that passed the House last year.

Reapportionment

With legislation in place outlining the procedures to be used for redistricting and spelling out the criteria to meet a court test, reapportionment ought to be successfully passed in 1981. While the assistance of the Legislative Service Bureau will prove to be valuable, the main responsibility rests with the Iowa General Assembly for equitable redistricting.

Regulatory Reform and Administrative Rules

Some private sector activities are over regulated by government. With the federal government finally committed to revising and lifting some if its stifling regulations, we may now have the flexibility through executive and legislative action to reduce our own existing rules.

By executive action we will initiate an intensive review of continued state participation in some federally funded programs including monitoring closely federal rules and funding changes. Furthermore, I intend to appoint a council of chief state regulatory department heads. They will develop uniform procedural rules and criteria for determining the costs of legislatively proposed or mandated rule making.

The legislative and executive branches should share in expanding the content and availability of the Iowa Administrative Bulletin to provide the public with more advanced notice of anticipated agency rule making. In addition, we should devise uniform language for delegating rule making authority to agencies including encouraging innovative, less coercive, regulatory techniques. The Administrative Procedures Act should be amended to extend the time allowed for gubernatorial recission of rules.

Stepchild Assistance

Federal Guidelines several years ago forced Iowa to abandon a well-accepted system for providing income assistance to needy families with stepchildren. We were required by HEW either to provide assistance to all families who applied regardless of the income of the stepparent or to no families at all. The State opted to provide assistance. We cannot afford to continue to do so, and with the change in attitude in Washington, we now recommend a return to a sliding-scale system which will still help those families in need and help us out of financial difficulties.

Trespass

With the exception of the small percentage of state-owned land in Iowa, most opportunities for hunting, fishing, snowmobiling and other outdoor activities are on privately owned land. To encourage land owners to make their property available to others and in the interest of better land owner and sportsmen relationships, it is necessary to redefine our trespass law. A person should not be allowed to hunt, fish, or trap without first receiving permission from the land owner.

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

Pope of Polk moved that the joint convention be now dissolved, which motion prevailed.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 36, by Crabb, a bill for an act making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

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

House File 37, by Crabb, a bill for an act relating to the repeal of the hotel and motel tax.

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

House File 38, by Crabb, a bill for an act relating to the maximum liability allowed by the Iowa Tort Claims Act and the chapter providing for tort liability of governmental subdivisions.

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

House File 39, by Crabb, a bill for an act relating to the governmental-tort immunity of state and local governmental units.

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

House File 40, by Crabb, a bill for an act to require that polling places for certain elections be closed at seven o'clock p.m.

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

House File 41, by Crabb, a bill for an act to transfer the authority to conduct performance audits and performance evaluations to the auditor of state.

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

House File 42, by Crabb, a bill for an act relating to the protection of senior citizens and other tenants in the conversion of residential real estate from rental status to cooperative or condominium ownership.

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

House File 43, by Lind, a bill for an act relating to juvenile justice by providing for the adjudication of a truant as a child in need of assistance and by providing that law enforcement records concerning serious offenses shall be open to public inspection and disclosure.

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

House File 44, by Bruner, a bill for an act relating to the date migrant labor camp permits expire.

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

House File 45, by Johnson of Linn, a bill for an act to provide for an intrasession adjournment of the general assembly and its reconvening for the consideration of bills and items vetoed by the governor.

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

House File 46, by Poffenberger, a bill for an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels, and providing a penalty.

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

House File 47, by Poffenberger, a bill for an act relating to the contents of a permit or license application.

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

House File 48, by Spear, a bill for an act relating to the election of drainage and levee district trustees.

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

House File 49, by Johnson of Linn, a bill for an act providing for cities and counties to impose a local sales, services and use tax, a vehicle tax, an income tax and an earnings tax, and incorporating penalties.

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

House File 50, by Lind, a bill for an act relating to the annual registration fee for motor vehicles, taking effect the registration year following its enactment.

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

House File 51, by Lind, a bill for an act allowing two or more motor vehicle dealers to jointly sponsor displays, offers for sale, and negotiation of sales of either or both new and used motor vehicles.

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

House File 52, by Lind, a bill for an act relating to the enforcement of contracts between unmarried persons living together.

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

House File 53, by Bennett, a bill for an act providing an exemption from annual licensing and inspection for individuals making less than two thousand dollars per year from baked goods and confectionary items.

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

House File 54, by Brandt, a bill for an act relating to sex discrimination in retirement programs.

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

House File 55, by Welden, a bill for an act relating to the duties and privileges of emergency volunteers and making penalties applicable.

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

House File 56, by Johnson of Woodbury, a bill for an act establishing a commission on adoption and authorizing the commission to provide access on behalf of adult adoptees to certain adoption records.

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

House File 57, by Spear, a bill for an act relating to the penalty for a criminal assault.

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

House File 58, by Diemer, Johnson of Howard and Shull, a bill for an act relating to the closing day for elector registration.

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

House File 59, by Diemer, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

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

House File 60, by Diemer, a bill for an act to increase the amount of expenditure for a county conservation project which is subject to the requirements of chapter 23.

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

House File 61, by Diemer, a bill for an act eliminating the bond required of notaries public.

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

House File 62, by Diemer, a bill for an act relating to the bonding of liquor control licensees and beer permittees.

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

House File 63, by Diemer, a bill for an act relating to the payment of health and accident premiums of permanent, full-time state employees who have become fully disabled.

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

House File 64, by Johnson of Howard and Danker, a bill for an act relieving reimbursable employers of charges paid to part-time employees who have been receiving partial benefits due to separation from their regular full-time employment.

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

House File 65, by Lind, a bill for an act relating to the retail sale of motor fuel by persons who refine and distribute or distribute motor fuel and providing a penalty.

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

House File 66, by Lind, a bill for an act to prohibit certain actions against pharmacists who dispense prescription drugs in containers which are not child-resistant at the customer's request.

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

House File 67, by Lind, a bill for an act relating to requirements for the teaching of students who are non-English-speaking.

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

House File 68, by Clark of Cerro Gordo, a bill for an act to allow the governor to accept offers made by the United States to retrocede property to the state.

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

House File 69, by Daggett, a bill for an act to increase the jurisdiction of small claims courts.

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

House File 70, by Daggett, a bill for an act increasing the individual exemptions allowed for a surviving spouse, son, daughter, father, mother and other lineal descendant in computing the state inheritance tax and providing a January 1 effective date.

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

House File 71, by Lind, a bill for an act relating to the selling and purchasing of items by state agencies through competitive bidding procedures.

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

House File 72, by Anderson of Jasper, a bill for an act relating to the preparation of proposed budgets by state departments.

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

House File 73, by Hummel, a bill for an act relating to repairs and improvements in drainage and levee districts.

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

House File 74, by Avenson, a bill for an act relating to an income tax refund checkoff for the state fish and game protection fund.

Read first time and referred to committee on **natural resources.**

House File 75, by Shimanek, a bill for an act relating to the modification of a marriage dissolution decree.

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

House File 76, by Mullins, a bill for an act authorizing volunteer members of a paid or volunteer ambulance or rescue service agency to use blue flashing lights on their privately-owned motor vehicles.

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

House File 77, by Shimanek, a bill for an act providing for the payment of per diem and expenses for members of state and district judicial nominating commissions.

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

House File 78, by Norland, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks and open prairies and increasing the assessed value of fruit-tree and forest reservations.

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

House File 79, by Daggett, a bill for an act relating to intestate shares when a decedent leaves a surviving spouse and issue.

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

HOUSE CONCURRENT RESOLUTION 2

By Harbor, Danker, Connors, Chiodo, Crabb, Renken, Lonergan, Tyrrell, Schroeder, Cochran, Hansen of O'Brien and Johnson of Linn

Whereas, the outcome of the recent election for President and Vice President of the United States was predicted early in the evening of November 4, 1980, by the national broadcast media, before the polls closed in Iowa and other more western states; and

Whereas, the broadcast media based their predictions on election returns released by election officials of eastern and some midwestern states after the polls closed in those states; and

Whereas, there is strong evidence that the predictions discouraged many citizens in the midwest and western states from voting and thus affected the outcome of many important and close state and local issues and contests; and

Whereas, there is a need for national legislation that will lessen the impact of election returns from earlier voting states on voters in the later voting states and that will recognize and respect the constitutional rights of the media to report the news; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa General Assembly urges the Congress of the United States to study and consider seriously the effect that the release of election returns from earlier voting states has on voting in the later voting states and further urges the Congress of the United States to enact legislation that will minimize the impact of election returns from the earlier voting states but will not discourage any citizen from exercising the precious right of an American to vote; and

Be It Further Resolved, That the Chief Clerk of the House transmit copies of this resolution to the members of the Iowa

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congressional delegation and to the presiding officers of the House of Representatives and Senate of the United States.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 3
By Kirkenslager

Whereas, the state of Iowa has not designated a state fish; and

Whereas, there is a fish that is abundant in Iowa, inhabiting the border rivers and interior waters of this state; and

Whereas, this fish is an excellent game fish, fighting stubbornly and providing great recreation and sport for Iowa anglers; and

Whereas, this fish is also distinguished as a fine eating fish, a delicacy, known for its delicious and light taste; and

Whereas, this fish, appropriately as a native Iowa fish, can be corn-fed for commercial production; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the channel catfish (Ictalurus punctatus) is designated as the official state fish of Iowa.

Laid over under Rule 30.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following changes in appointments to the standing committees of the House:

Lonergan of Boone from the committee on judiciary and law enforcement to the committee on energy.

Running of Linn from the committee on energy to the committee on human resources.

Sturgeon of Woodbury from the committee on human resources to the committee on judiciary and law enforcement.

COMMUNICATIONS RECEIVED

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

CIVIL RIGHTS COMMISSION

The annual report of the Iowa Civil Rights Commission, July 1, 1978 through June 30, 1979 has been filed pursuant to Chapter 601A.4(17), Code of Iowa.

COMMISSION ON COMPENSATION, EXPENSES, AND SALARIES FOR ELECTED STATE OFFICIALS

The Report of the Commission on Compensation, Expenses, and Salaries for Elected State Officials was submitted to the General Assembly, January, 1981, pursuant to Section 2A.4, Code of Iowa.

DEPARTMENT OF PUBLIC INSTRUCTION

Pursuant to Chapter 281.9(6), Code of Iowa the following final reports of the special education evaluations have been filed by the Department of Public Instruction: Area Education Agency 4, Area Education Agency 6, Heartland Area Education Agency 11, Grant Wood Area Education Agency 10, Lakeland Area Education Agency 3, Mississippi Bend Area Education Agency 9, and Northern Trails Area Education Agency 2.

DEPARTMENT OF PUBLIC SAFETY

Pursuant to Chapter 692.15, Code of Iowa, the following reports have been filed by the Department of Public Safety: The fourth annual Uniform Crime Report, Uniform Crime Report Comparison-second quarter (1980), Uniform Crime Report-third quarter (1980).

DEPARTMENT OF REVENUE

The Iowa Department of Revenue's Annual Report has been filed pursuant to Chapter 421.1(5), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The Iowa Transportation Improvement Program 1981 through 1986 Report from the Department of Transportation has been filed, pursuant to Chapter 307A.2(12), Code of Iowa.

IOWA RAILWAY FINANCE AUTHORITY

The 1980 annual report of the Iowa Railway Finance Authority has been filed pursuant to Chapter 1095, Section 8, Code of Iowa.

OFFICE FOR PLANNING AND PROGRAMMING

The annual State Manpower Report (an overview of the CETA program) has been received pursuant to Section 107 of Public Law 92-203.

SUPREME COURT OF IOWA

A report to the Supreme Court of Iowa filed by the Court Administrator of the Judicial Department pursuant to Chapter 685.8, Code of Iowa.

TREASURER OF STATE

The Report of the Treasurer of State to the Governor for the fiscal year July 1, 1978 through June 30, 1979 has been filed pursuant to Chapter 12.17, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 1 Human Resources

Relating to the interrelationship of certain code provisions concerning child foster care licensing and child day care registration.

On motion by Pope of Polk, the House adjourned at 11:15 a.m., until 9:00 a.m., Wednesday, January 14, 1981.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 14, 1981

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

Prayer was offered by the Reverend Victor Englemann, pastor of the United Congregational Church, Sloan.

The Journal of Tuesday, January 13, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Dolan, West Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque, for the remainder of the week, on request of Avenson of Fayette; Daggett of Taylor on request of Pope of Polk.

INTRODUCTION OF BILLS

House Joint Resolution 3, by Johnson of Linn, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the pocket veto by requiring the reconvening of the general assembly for the reconsideration by the general assembly of the bills and items of appropriation bills disapproved of by the governor.

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

House File 80, by Crabb, a bill for an act to remove the mandatory deposit on beverage containers containing alcoholic liquor and repeal an annual appropriation, effective upon publication.

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

House File 81, by Crabb, a bill for an act relating to the elimination of the effect of the temporary delay in the phase out of the personal property tax.

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

House File 82, by Poffenberger and Bruner, a bill for an act relating to the access to and use of solar energy.

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

House File 83, by Johnson of Linn, a bill for an act relating to the elimination of state-owned liquor stores and sales by providing for the wholesale and retail sale of liquor by private licensees, the taxes thereon, the sale and distribution of excise tax stamps by the department of revenue, penalties for violations of liquor and beer laws, and administrative procedures, with a delayed effective date.

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

House File 84, by Johnson of Linn, a bill for an act relating to the definition of surviving spouse for the firemen's and policemen's pensions funds.

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

House File 85, by Lind, a bill for an act allowing the elderly to pay their property taxes by working for the local jurisdiction.

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

House File 86, by Bennett, a bill for an act to establish the standard of negligence for failure to install reflective devices on the sides of railroad cars.

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

House File 87, by Hoffmann, a bill for an act relating to the inclusion of Reye's Syndrome as a reportable disease within the rules adopted by the state department of health.

Read first time and referred to committee on **human resources.**

House File 88, by Pellett, a bill for an act relating to the availability of lists of names of persons age sixty-five and older.

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

House File 89, by Schroeder, a bill for an act to provide additional benefits under the Iowa public employees' retirement system for certain motor vehicle enforcement officers and to make an appropriation.

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

House File 90, by Lind, a bill for an act relating to standards for admission to laboratory schools under the control of the state board of regents.

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

House File 91, by Clark of Cerro Gordo, a bill for an act to permit an adult to direct the withholding of life-sustaining procedures during a terminal condition and providing a penalty.

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

House File 92, by Harbor, a bill for an act relating to the pricing of food offered for sale to consumers and providing a penalty.

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

House File 93, by Bruner, a bill for an act relating to the requirement to pass on pharmacy savings of generically equivalent drug substitutes to patients.

Read first time and referred to committee on **human resources.**

House File 94, by Kirkenslager, a bill for an act relating to the reciprocity of states and the eligibility of residents of those states to purchase non-resident licenses for the taking of fish, mussels, game, or fur-bearing animals.

Read first time and referred to committee on **natural resources.**

House File 95, by Lageschulte, a bill for an act to prohibit the use of deferred judgments or sentences for the offense of operating a motor vehicle while under the influence.

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

House File 96, by Lageschulte, a bill for an act to prohibit operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties.

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

House File 97, by Schroeder, a bill for an act establishing a formula to limit the amount of rate increase a public utility may place into effect under bond.

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

House File 98, by Kirkenslager, a bill for an act relating to the contributions of members and employers for the Iowa public employees' retirement system.

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

House File .99, by Kirkenslager, a bill for an act allowing members of the United States armed forces on active duty and those honorably discharged who served between the Korean and Vietnam Conflicts to receive the state military service property tax exemption, and providing a January 1 effective date.

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

House File 100, by Kirkenslager, a bill for an act to permit handicapped persons, paraplegic persons, and persons sixty-five years of age or older to use studded pneumatic tires from October 15 of each year to April 15 of the following year.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 12, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 1, providing for the superintendent of printing to mail to auditors and congressional delegation daily copies of legislative materials specifically requested by the offices.

LINDA HOWARTH MACKAY, Secretary

SENATE CONCURRENT RESOLUTION 1
By Committee on Rules and Administration

Be It Resolved by the Senate, the House Concurring, That the superintendent of printing be instructed to mail to each county auditor in the state of Iowa who has not waived the right of receipt, one copy of the daily proof senate and house journals, one copy of each senate and house bill, one copy of each senate and house reprinted bill, one copy of each senate and house enrolled bill, and one copy of each senate and house clip sheet, for the duration of the sixty-ninth general assembly, and that the same be furnished to such officers free of charge, to be paid for out of the general fund from funds not otherwise appropriated.

Be It Further Resolved, That the superintendent of printing be instructed to mail to each member of Iowa's congressional delegation who has not waived the right of receipt, one copy of the daily proof senate and house journals, one copy of each senate and house bill, one copy of each senate and house reprinted bill, one copy of each senate and house enrolled bill, and one copy of each senate and house clip sheet, for the duration of the sixty-ninth general assembly, and that the same be furnished to such officers free of charge, to be paid for out of the general fund from funds not otherwise appropriated.

Be It Further Resolved, That the superintendent of printing make such mailings at least once weekly.

Laid over under Rule 30.

COMMUNICATION FROM OFFICE OF STATE COMPTROLLER

The following communication was received from the State Comptroller on December 22, 1980 and is on file in the office of the Chief Clerk.

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

In accordance with Section 25A.12, Code of Iowa 1979, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1980 by the State Appeal Board under Chapter 25A.

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

Very truly yours,

RONALD F. MOSHER
State Comptroller

Receipt of the above is hereby acknowledged.

PAT HARPER, Chief Clerk

CHAPTER 25A GENERAL TORT CLAIMS APPROVED BY STATE APPEAL BOARD, 1980

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-3956-67	Mildred & Keith Phillips Injury received in fall from unguarded ramp at Lake Rathbun	$ 50,000.00	$ 12,000.00
T-4491-68	Robert Emmanuel Jewell Loss of personal property at Men's Reformatory	36.50	36.50
T-5163-68	Estate of Laverne Bell Carruthers Death due to a faulty respirator at the University Hospitals	2,000,000.00	5,000.00
T-5241-68	Sheryl Boates Claimant developed a severe infection resulting from alleged negligence of an employee of the University of Iowa Hospital	17,500.00	
TE-5242-68	Sheryl Boates (See T-5241-68)	17,500.00	500.00
T-5243-68	Dwight Boates (See T-5241-68)	2,500.00	
TE-5244-68	Dwight Boates (See T-5241-68)	2,500.00	

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5257-68	Bobbie J. Beeler Alleged negligence by a doctor at the University Hospitals & Clinics	300,000.00	20,000.00
T-5258-68	Millard A. Beeler (See T-5257-68)	50,000.00	
T-5427-68	Karin L. Carruthers Settled with T-5163-68	1,000,000.00	
T-5428-68	Kathy A. Carruthers Settled with T-5163-68	1,000,000.00	
T-5429-68	Laverne Marie Bell Estate Settled with T-5163-68	3,000,000.00	
T-5479-68	Alice Mallory Injuries received when struck by auto driven by committed patient of the Cherokee Mental Health Institute	95,000.00	90,000.00
T-5725-68	Keith Roy Breese Damage to auto when struck by gate at University of Iowa parking ramp	166.29	166.29
T-5742-68	Richard Allen McPherson Damage to auto at the University of Iowa parking ramp	111.86	111.86
T-5773-68	Margaret M. Klocker Medical costs associated with a fall at University of Iowa	274.00	274.00
T-5791-68	Kenneth Fabian Hospital emergency room charge for accident at a state park	26.94	26.94
T-5794-68	Janice L. Daly For clothing damaged at the Iowa State Fair (wet paint)	157.00	157.00
T-5800-68	Melodee J. White Injuries received from fall on an icy parking lot	15,000.00	5,000.00
T-5810-68	Cecile M. Hare Damage to auto paint from soot deposits from the U.N.I. power plant	231.75	231.75
T-5821-68	Grinnell Mutual Reinsurance Co. Damages to insured's auto in a collision with a motorized food cart at Iowa Juvenile Home	318.53	318.53
T-5827-68	Kenneth Timothy McGuire Auto paint damage from soot from U.N.I. power plant	350.00	300.00
T-5838-68	Harold Raymond Wilson For personal items lost at Medium Security Unit at Mt. Pleasant	50.00	50.00

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5841-68	Doyle Churchill Damage to pickup by escapees from Riverview Release Center	75.53	75.53
T-5846-68	Lillian Jensen Auto paint damage from soot from U.N.I. power plant	210.12	210.12
T-5851-68	Margaret A. Brennan Auto paint damage from soot from U.N.I. power plant	311.06	300.00
T-5855-68	Allen Lee Keller Auto paint damage from soot from U.N.I. power plant	426.42	300.00
T-5856-68	Berwyn Barrett Johnson Auto paint damage from soot from U.N.I. power plant	267.80	267.80
T-5862-68	Dorothy Hess Auto paint damage from soot from U.N.I. power plant	529.42	300.00
T-5872-68	Lorraine Crotty Auto paint damage from soot from U.N.I. power plant	519.12	300.00
T-5878-68	Joel F. Pattee Damages to vehicle in collision with a Guard vehicle	357.04	357.04
T-5881-68	Reginald B. Koop Auto paint damage from soot from U.N.I. power plant	412.00	300.00
T-5885-68	Big Bear Turf Equipment Co. Damages to pickup truck in an accident with a Conservation Commission truck	524.58	262.29
T-5888-68	Joel Otto Livens Auto paint damage from soot from U.N.I. power plant	530.45	300.00
T-5892-68	Randall Simon Hanson Auto paint damage from soot from U.N.I. power plant	434.66	300.00
T-5896-68	Arlene Ellis Auto paint damage from soot from U.N.I. power plant	438.25	300.00
T-5898-68	Gary Wayne Werle Auto paint damage from soot from U.N.I. power plant	569.59	300.00
T-5900-68	Charlotte Anne Rittgers Auto paint damage from soot from U.N.I. power plant	473.80	300.00

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5910-68	Harriet V. Schatzberg Auto paint damage from soot from U.N.I. power plant	219.39	219.39
T-5915-68	Brent Richmond Auto paint damage from soot from U.N.I. power plant	695.25	118.45
T-5918-68	Larry Gene Brewster Property lost while in the possession of the State Penitentiary	157.73	157.73
T-5919-68	June C. Wagoner Auto paint damage from soot deposits from U.N.I. power plant	193.67	193.67
T-5925-68	John Duane Stalberger Auto paint damage from soot deposits from U.N.I. power plant	199.82	199.82
T-5929-68	Allan William Mohling Auto paint damage from soot deposits from U.N.I. power plant	274.67	274.67
T-5936-68	John F. Donnelly Hospital and doctor bill for costs resulting from an injury sustained at a State Park	48.10	48.10
T-5946-68	Elizabeth Allene Rittgers Auto paint damage from soot deposits from U.N.I. power plant	473.80	300.00
T-5947-68	Teri Scott Formanek Auto paint damage from soot deposits from U.N.I. power plant	412.00	300.00
T-5957-68	Frances A. Wahl Seeks payment for property allegedly lost at Iowa Veterans Home	302.00	150.00
T-5969-68	Gary Lee Davis Seeks payment for property lost while transferring among several state penal institutions	295.00	115.50
T-5972-68	Gary Gene Carroll Auto paint damage from soot deposits from U.N.I. power plant	528.09	300.00
T-5973-68	James Orval Downing Damage to pickup rear window by rock thrown from mower	75.00	75.00
T-5974-68	Paul James Frazier, Jr. Personal property lost at the State Penitentiary	104.36	104.36
T-5976-68	Darrell Lee Hoxworth Seeks $13.44 for phone calls and $100.00 in lost wages	113.44	13.44

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-5983-68	Christopher Ferguson Seeks reimbursement for jacket lost by staff at Mental Health Institute at Clarinda	30.00	30.00
T-6003-68	Arthur Stewart Cott Belongings destroyed when his cell was fire bombed at the State Penitentiary	548.43	332.21
T-6005-68	Robert J. Murphy, Jr. Auto paint damage from soot from U.N.I. power plant	504.55	300.00
T-6008-68	Dr. Virginia Hash Auto paint damage from soot from U.N.I. power plant	458.35	300.00
T-6009-68	Marlene Elizabeth Johnson Auto paint damage from soot from U.N.I. power plant	406.85	300.00
T-6019-68	Kathryn Jean Klaassen Property lost at Woodward State Hospital-School	153.46	153.46
T-6020-68	Ronald DeWayne Stevenson Property lost when he was transferred from Fort Madison to the prison at Stillwater	170.00	52.75
T-6022-69	Rama A. Kuhleman Injured when she fell in a hole at a State Park	Undetermined	2,250.00
T-6038-69	James L. Braxmeier Damage to auto paint from soot deposits from U.N.I. power plant	384.19	300.00
T-6039-69	John P. Veit Damages to auto when hit by a food cart at the State Juvenile Home	1,305.25	529.55
T-6042-69	Dvorsky Hereford Farms Loss of a steer when his cattle were stampeded by a National Guard Helicopter	700.00	700.00
T-6043-69	James E. Davis For shoes lost at the Riverview Release Center	39.00	39.00
T-6062-69	Sandra Jean Vehling Auto paint damage from soot from U.N.I. power plant	772.50	300.00
T-6072-69	Kellie Cunningham Auto damaged by cart at a State liquor store	61.80	61.80

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-6073-69	Richard James Hookway Seeks reimbursement for coat and gloves lost at the University Hospitals	50.00	50.00
T-6115-69	Rodger Quick For a radio lost by prison staff at Newton Work Release Center	20.00	20.00
T-6118-69	Steven Dahiel Sager For a robe lost at the Riverview Release Center	40.00	40.00
T-6122-69	David E. Angelow Auto paint damage from soot from U.N.I. power plant	355.35	300.00
T-6132-69	John Boyd Briggs For a pair of shoes lost at the Mental Health Institute at Mt. Pleasant	48.00	48.00
T-6170-69	Janice Anita Makemson Auto paint damaged by soot at University of Northern Iowa	532.51	532.51
T-6183-69	Vicki L. Gransow Auto damaged at the Mental Health Institute at Cherokee	104.34	104.34
T-6201-69	James R. Orcutt Auto paint damage from soot from U.N.I. power plant	626.24	300.00
T-6207-69	Colleen L. Silver Coat was damaged beyond repair during remodeling at the Grimes Building	95.15	119.95
T-6208-69	Pamela J. Collier Coat was damaged beyond repair during remodeling at the Grimes Building	204.69	133.90
T-6209-69	LaVonne H. Linn Coat was damaged beyond repair during remodeling at the Grimes Building	104.64	110.00
T-6224-69	David John Simmons Eight-track tapes sent to him at the Penitentiary at Fort Madison which he never received	60.00	60.00
T-6279-69	Regina A. Thompson Damage to auto from gate at a parking ramp at the University of Iowa	52.96	52.96
T-6330-69	Michael Sterling Pingel Auto paint damage from soot from U.N.I. power plant	550.02	300.00

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T-6347-69	Joseph L. Woods Tape recorder lost by staff at the Iowa State Penitentiary	150.00	67.24
T-6434-69	Roderick D. Powers Damage to auto from gate at a parking ramp at I.S.U.	64.89	64.89
T-6446-69	Calvin Andrew Eley Missing property at Iowa State Penitentiary at Fort Madison	159.00	159.00
T-6448-69	William Harrison Stephen Television set broken during a shakedown for drugs at the State Penitentiary	107.00	107.00
T-6455-69	Marion Wilson Contents of freezer spoiled when a Homecare worker from D.S.S. forgot to plug in freezer after defrosting	137.65	137.65
T-6459-69	David A. Fincham Damage to auto by a parking gate malfunctioning at the University of Iowa	53.56	53.56
T-6460-69	Carol A. Gruber Auto paint damage from soot from U.N.I. power plant	358.44	300.00
T-6469-69	Ethelyn Marjorie Snyder Auto paint damage from soot from U.N.I. power plant	463.50	300.00
T-6490-69	Lola Alexander Expense incurred as a result of a fall while boarding a UNICUE van (Payment as amended)	39.00	49.00
T-6496-69	Kenneth E. Score Auto paint damage from soot deposits from U.N.I. power plant	380.00	300.00
T-6499-69	Donald C. Springer Damage to Winnebago Motor Home by tractor mower at a State Park	615.94	615.94
T-6500-69	Thomas W. Clary Damages to auto resulting from a rock thrown by a lawn mower at a State Park	44.29	44.29
T-6511-69	John W. Murphy Claimant was injured when a Security Guard ran over his foot at the State Fair Grounds	127.80	127.80

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
TE-6522-69	George Junior Nowlin For a miniature grandfather clock which was missent to another inmate's parents by the mail room at the State Penitentiary	153.01	153.01
T-6523-69	John M. Vetter Auto was damaged by a tractor driven by an employee at the State Forest Nursery in Ames	189.62	189.62
T-6576-69	Randy D. Kolbe Damage to auto paint from soot emissions from the U.N.I. power plant	360.50	300.00
TE-6583-69	Gahring Construction Incorporated Damage to vehicle parked at a construction site and hit by an endloader driven by an employee of the Conservation Commission	340.57	340.57
T-6607-69	Richard Donald Cota Damages to camper as a result of a tractor mower mishap at the Yellow River State Forest	61.80	61.80
TE-6610-69	Vella M. Adkisson Window accidently broken by a social worker	21.82	21.82
T-6638-69	Sister Mary Claver Ryan Auto paint damaged by a dog at the Womens Reformatory at Rockwell City	72.62	72.62
T-6642-69	Michael Knezovich Cost to remove tar from auto (This was a D.O.T. Tort claim that was misfiled. Paid from Road Use Fund.)	55.00	55.00
T-6700-69	Kenneth Phillips Auto damage from hitting a hole in an area of road construction (This was a D.O.T. Tort claim that was misfiled. Paid from Road Use Fund.)	396.73	396.73
T-6734-69	Harvey Uhlenhopp Damages to auto that was parked in its proper place by the State Capitol Building	364.98	364.98
T-6760-69	Jon David Bickford Injuries received in a diving accident at Lake Wapello	152.39	152.39
T-6795-69	First Northwestern Trust Co. of North Dakota Cost of an Indemnity Bond	1,799.84	1,799.84

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED BY STATE APPEAL BOARD, 1980

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-235-67-T	Wayne Plagge Crop damage resulting from a drainage problem created by construction of I-35	$613.60	$613.60
H-705-68-T	Sandra S. Duwa Personal injury resulting from an accident due to icy highway conditions	36,700.00	5,000.00
H-713-68-T	Robert Wiezorek & Esther Gienap Damage to soybeans as a result of flooding	2,784.88	1,800.10
H-736-68-T	Elizabeth Leona Daniel Rock was thrown from a mower through her window. (Should have been filed as a General Tort. Payment made from General Fund.)	39.66	39.66
H-763-68-T	Max Nye Wind carried paint spray onto his auto parked in a designated parking area	148.32	148.32
H-765-68-T	Cynthia Ingraham Auto became covered with oil	41.20	41.20
H-767-68-T	Donald R. Wendling Reimbursement for crop loss due to blocked natural drainage allegedly caused by construction	350.00	350.00
H-772-68-T	William J. Burns Reimbursement for cost to remove a mixture of linseed oil which drifted onto his car when parked under a ramp to U.S. 34	75.00	75.00
H-774-68-T	Glenbrooke Homes Auto was hit by a farm vehicle entering the highway from an I.S.U. experimental farm. (Should have been filed as a General Tort. Payment made from the General Fund.)	549.43	549.43
H-775-68-T	James Lee Stevens Costs to remove oil from auto	213.58	53.70
H-783-68-T	Joan Beddow Claimant alleges that a large cable fell and swung into her auto damaging the front and left fender	958.30	113.30
H-784-68-T	William J. Calhoun Sign fell from light post and damaged the right front fender of his auto	118.45	118.45
H-786-68-T	Maxine J. Hohl Claimant alleges her auto was sprayed with linseed oil by a D.O.T. employee	130.18	130.18
H-790-68-T	Roumas E. Westerbeck & Union Insurance Group Car owned by Westerbeck was allegedly sprayed with linseed oil	56.55	56.55

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-810-68-T	Ivan C. Borcherding For costs incurred in the repair of his basement drainage tile as a result of road construction	140.00	140.00
H-812-69-T	Bernita Coonrod Reimbursement for a walnut tree cut down by a Department of Transportation road crew	1,000.00	750.00
H-813-69-T	Midwest Mutual Insurance Co. Damages to insured's motorcycle caused by hitting a deep rut at the edge of the pavement	563.71	563.71
H-817-69-T	Martin A. Kuker Seeks reimbursement for damages to a building formerly rented to Beer and Liquor Control. (Should have been a General Tort claim. Payment was made from the General Fund.)	400.00	400.00
H-819-69-T	International Harvester Co. Highway sign on the interstate was blown down by high winds and a piece of the sign struck their vehicle	329.93	329.93
H-820-69-T	Sanford & Barbara Bliesner Spraying of linseed oil by D.O.T. maintenance crew landed on their automobile	65.00	65.00
H-823-69-T	Donald Richard Printy Newly painted house had to be repainted because of road construction	744.73	744.73
H-831-69-T	Erich Paul Dolter Motorcycle damage, medical bills, and damaged clothing incurred from accident due to deep rut at edge of pavement at road construction site	1,167.16	917.16
H-843-69-T	City of Cresco While moving a city owned pickup a D.O.T. employee caught the left door on a cement post	195.00	195.00
H-850-69-T	Pat Van Wyk Reimbursement for the cost of removing tar from her auto	166.35	166.35
H-852-69-T	Louise E. Enovoldsen Injuries she received when she fell on ice outside the door of the DOT Office of Operating Authority Building	207.00	207.00
H-855-69-T	Cliff L. Makohoniuk Tire and rim ruined when he hit a pot hole on the highway	80.47	80.47
H-856-69-T	Gerald D. Bice Pickup truck damaged when he ran over a surveying instrument on a tripod left on the highway. (This should have been a General Tort since the blame was placed on an Iowa State University engineering student. Payment was made from the General Fund.)	250.08	250.08

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H-859-69-T	Larry Harold Krueger Reimbursement for costs to his motorcycle which was damaged when he hit a hole in the pavement. (This should have been a General Tort as the road was maintained by the D.S.S. Payment was made from the General Fund.)	253.15	253.15
H-865-69-T	David Rogozzi Seeks reimbursement for the cost of removing oil from his auto	80.00	80.00
H-869-69-T	Joseph L. Green Cost to remove white traffic paint from the bottom of his auto	87.55	87.55
H-875-69-T	Don L. Abington, III Cost for hammering out rims that were dented when he hit a large hole on I-80	15.45	15.45
H-878-69-T	Richard T. Muller Damage to motorcycle when he hit a pile of glass beads on the highway causing him to lose control	210.08	210.08
H-880-69-T	Otto H. Montagne Damage to auto as a result of a D.O.T. lawn mower tossing a rock through the window	151.50	151.50
H-883-69-T	James H. Tuttle Crop loss on three acres and future loss of land use caused by siltation from newly constructed ditches and slopes on Iowa 330	975.00	975.00
H-884-69-T	Lois Bishop Hit chuck hole on interstate damaging 2 wheel rims and causing flat tire	78.75	78.75
H-892-69-T	Randall P. Pryor Claimant cut his finger quite severely on the broken glass in the scale house door	Undetermined	32.65
H-893-69-T	Paul J. Pietsch, Jr. Damage to tire when he struck a chuck hole on the interstate	5.60	5.60
H-901-69-T	Albert J. Griebe When passing a D.O.T. maintenance crew, a rock or chunk of cement flew into the windshield breaking it	225.57	225.57

CHAPTER 25A — TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1980

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
H-103-66-T	Wayne W. Johnson Personal Injury (Judgment)	$ 2,000,000.00	$ 466,000.00 + Int.

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
H-168-66-T	Wesley W. Plath Property Damages (Settlement)	77,800.00	17,500.00
H-338-67-T	Norman Eugene Kuhlman Personal Injury & Property Damages (Settlement)	259,500.00	4,500.00
H-408-67-T	Estate of Judy Rae Hennessey, Goldie Knapp, Executor Personal Injury (Settlement)	700,000.00	5,000.00
H-446-67-T	Caseys General Store Property Damages (Settlement)	20,908.00	500.00
H-450-67-T	Cecil Stockburger Personal Injury	50,000.00	
&	(Settlement)		3,625.00
H-451-67-T	Ethel Stockburger	200,000.00	
H-462-67-T	Kenneth Schmidt Personal Injury	45,000.00	
&	(Settlement)		10,000.00
H-463-67-T	Bonnie Trowbridge	33,483.53	
H-507-68-T	Charles E. Everson Personal Injury	2,900,000.00	
&	(Settlement)		
H-508-68-T	Ideal Truck Lines	2,900,000.00	
&			200,000.00
H-525-68-T	Charles E. Everson	250,000.00	
&			
H-526-68-T	Ideal Truck Lines	250,000.00	
H-568-68-T	L. Eugene Riley Property Damages (Settlement)	20,000.00	20,000.00
H-600-68-T	Stanley Moser Property Damages,	3,600.00	
&	(Judgment)		152.50 + Int.
H-601-68-T	Stanley Moser	2,700.00	
H-605-68-T	James F. Prince Personal Injury	20,377.00	
&	(Settlement)		950.00
H-606-68-T	Thelma J. Prince		
H-617-68-T	Delmont Charles Webster Personal Injury (Settlement)	30,000.00	500.00
H-628-68-T	Ben & Dorothy Bugg Property Damages (Settlement)	2,800.00	300.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
H-663-68-T	Patrick J. Perry Admn. of the Estate of Steven S. Perry, Deceased Personal Injury (Settlement)	125,000.00	17,500.00
H-678-68-T	Eldon Hunt Personal Injury (Settlement)	Undetermined	41,396.05
H-683-68-T	Edith R. Kelly, Admn. of the Estate of Roger A. Kelly, Deceased Wrongful Death (Settlement)	750,000.00	7,500.00
H-697-68-T	JoAnn E. Bisignano Property Damages (Judgment)	$ 268.99	$ 268.99 + Int.
T-262-66	Harold Berg Wrongful Death (Settlement)	175,000.00	2,750.00
T-2669-67	Elizabeth Dorsey Personal Injury (Judgment)	Undetermined	144,500.00 + Int.
T-3058-67	Charles E. Kivett Admn. of Estate of Luis A. Trujillo Wrongful Death (Settlement)	200,000.00	7,500.00
T-3904-67 & T-3261-67	Helen & Edward Ryan Personal Injury (Settlement) Iowa High School Athletic Assn.	46,000.00 Undetermined	2,000.00
T-3267-67 & T-3268-67	Harvey Wilson Wrongful Death (Settlement) Edwin Wilson Admn. of the Estate of Nicole Wilson, Deceased	125,000.00 325,000.00	36,000.00
T-3449-67 & T-4547-68	William J. Wood Property Loss (Settlement) William James Wood	60.00 116.00	126.43
T-4122-67	Gregory DeWight Schuette Personal Injury (Judgment)	250,000.00	20,000.00
TE-4659-68 & T-4660-68 & TE-4661-68 & T-4662-68	Ruth Lenora Olson Personal Injury (Settlement) Ruth Lenora Olson Harry LaVern Olson Harry LaVern Olson	125,000.00 125,000.00 25,000.00 25,000.00	12,500.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
T-4915-68	Reba J. Klenke Personal Injury (Settlement)	696.75	500.00
T-4926-68	Tom Sorenson Personal Injury (Settlement)	40,000.00	7,000.00
T-4930-68	Dale L. Geise Property Damages (Judgment)	716.50	785.45
T-5121-68	Estate of Ronnie Ray Buban Personal Injury (Settlement)	175,000.00	22,500.00
T-5208-68	Leonard O. Goff Personal Injury (Settlement)	215,323.00	15,000.00
T-5621-68	June L. Ruby Personal Injury (Settlement)	Undetermined	80,075.00
T-5717-68	Vance C. Lipovac Property Damages (Settlement)	31,873.08	1,500.00
T-5790-68	John B. Frick Property Damages (Settlement)	1,712.38	1,712.38
TE-5970-68	Lyle Frederic Mickelson Personal Injury (Settlement)	4,500.00	1,500.00
T-6203-69	Mary Kathryn Terrell Personal Injury (Settlement)	250,000.00	12,500.00
H-401-67-T (A) &	Harlan F. Heidelbauer Personal Injury (Settlement)	125,000.00	
H-401-67-T (B) &	Todd Heidelbauer	50,000.00	
H-401-67-T (C) &	Lauri Heidelbauer	62,500.00	20,000.00
H-401-67-T (D) &	Traci Heidelbauer	75,000.00	
H-401-67-T (E)	Linda Heidelbauer	50,000.00	

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on December 22, 1980 and is on file in the office of the Chief Clerk.

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

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

These include 63 claims of a general nature that have been denied by the State Appeal Board during the year 1980.

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

Very truly yours,

MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

PAT HARPER
Chief Clerk

OFFICE STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
5381-68-25	Calvin Eugene Perry Anamosa, Iowa Damages due to mail being opened at Men's Reformatory	$ 150,000.00	Disapproved
5380-68-25	ADASI Des Moines, Iowa Outdated State billings	1,207.68	Disapproved
5502-68-25	James Earl Byers Mount Pleasant, Iowa Loss of a can of "tip cleaner"	1.10	Disapproved
5634-68-25	Neuro-Associates, P.C. Des Moines, Iowa $770.00 has been paid but $100.00 is a non-reimbursable expense	870.00	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
5697-68-25	Dr. V. R. Heimann Sioux City, Iowa ENT examination given a Title XIX patient	15.00	Disapproved
5703-68-25	Gaylord Dean Liening Glenwood, Iowa Request for refund of license fees	10.00	Disapproved
5713-68-25	Planned Parenthood of Southeast Iowa Mount Pleasant, Iowa Services provided to be reimbursed through Title XX	1,464.00	Disapproved
5735-68-25	Glenn Kimball Mason City, Iowa Services provided a D.S.S. client	49.50	Disapproved
5795-68-25	Mary Anne Carlson Middletown, Iowa Request for back pay	395.10	Disapproved
5843-68-25	Dushan Orlich Des Moines, Iowa Reimbursement for unused sick leave	2,000.00	Disapproved
5890-68-25	Iowa Lutheran Hospital Des Moines, Iowa Treatment for involuntary commitment for substance abuse	3,349.18	Disapproved
5907-68-25	Lavonia Boutchee Fort Dodge, Iowa Outdated claim	259.97	Disapproved
5944-68-25	Shean Sherzan Altoona, Iowa Outdated travel expenses	28.16	Disapproved
5977-68-25	Harold Dickey Transport, Inc. Packwood, Iowa Request for Use Tax refund	17,176.97	Disapproved
5979-68-25	Kenneth D. Stark Mason City, Iowa Request for back pay	135.00	Disapproved
5991-68-25	Western Wholesalers Spencer, Iowa Request for license refund	254.37	Disapproved
5995-68-25	T. Scott Bannister Des Moines, Iowa Request for back pay	400.00	Disapproved
5998-68-25	Guy Leith Cambridge, Iowa Furniture storage fees	256.50	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
6060-69-25	D. L. Turner Trucking Inc. Elliott, Iowa Request for license fee refund	329.70	Disapproved
6071-69-25	Douglas L. Grage Davenport, Iowa Refund for "overcharges" on license fees	84.00	Disapproved
6078-69-25	William Dehlinger Phoenix, Arizona Request for license refund	30.00	Disapproved
6106-69-25	Dr. Robert C. Larimer Sioux City, Iowa Services provided a Title XIX patient	271.00	Disapproved
6125-69-25	Norman Eastvold Spring Valley, Minnesota Prorate refund	279.48	Disapproved
6128-69-25	Louis Martin Des Moines, Iowa Difference between first and coach class airline tickets	30.00	Disapproved
6135-69-25	William R. Masterson Council Bluffs, Iowa Cost to replace eye glasses	102.00	Disapproved
6158-69-25	Internal Revenue Services Des Moines, Iowa Outdated billing	429.20	Disapproved
6166-69-25	Lakes Area Home Care Service Emmetsburg, Iowa Outdated invoice	80.52	Disapproved
6179-69-25	Polk County Department of Social Services Des Moines, Iowa Reimbursement for salaries of county employees working on Federal programs	494,581.97	Disapproved
6187-69-25	William Jackson Arlington Heights, Illinois Reimbursement for parking expenses	237.15	Disapproved
6188-69-25	Yellow Freight System, Inc. Overland Park, Kansas Prorate refund on vehicles that were set aside	2,352.98	Disapproved
6211-69-25	Spirit Lake Ready Mix Inc. Spirit Lake, Iowa Refund of fees paid on a truck that was destroyed	178.75	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
6232-69-25	Des Moines Metro Area Solid Waste Agency Des Moines, Iowa Outdated invoice	172.72	Disapproved
6233-69-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated claim for Title XIX funds that exceeds the 365 day limitation	1,222.00	Disapproved
6234-69-25	Hehr International Inc. Newton, Kansas Refund of license fees	35.40	Disapproved
6301-69-25	Raymond A. Turner Forest City, Iowa Reimbursement for sick leave	4,400.00	Disapproved
6313-69-25	LeAnn Kay Bice Woodward, Iowa Replacement of a contact lens	62.00	Disapproved
6332-69-25	C. H. Isbill, D.D.S. Wapello, Iowa Seeks reimbursement under Title XIX	285.00	Disapproved
6333-69-25	Marc Roberg Afton, Iowa Reimbursement for expenses for storing his household goods	376.60	Disapproved
6443-69-25	Gary L. Barton Red Oak, Iowa Seeks prorate refund	645.00	Disapproved
6467-69-25	Muscatine General Hospital Muscatine, Iowa Seeks reimbursement under Title XIX	178.50	Disapproved
6493-69-25	Mt. Sterling Grain Co., Ltd. Pulaski, Iowa Seeks prorate refund	176.86	Disapproved
6501-69-25	Montgomery County Memorial Hospital Red Oak, Iowa Outdated invoice for a patient under Title XIX	1,508.50	Disapproved
6528-69-25	Robert Charles Aldrich Des Moines, Iowa Reimbursement for expenses	125.00	Disapproved
6532-69-25	Merrill Jones Fontanelle, Iowa Seeks reimbursement under Title XIX	126.00	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
6582-69-25	Muscatine General Hospital Muscatine, Iowa Reimbursement request for services provided a patient under Title XIX	1,025.00	Disapproved
6588-69-25	Joseph B. Baker, D.O., F.A.C.G.P. Greenfield, Iowa Reimbursement request for services provided a patient under Title XIX	15.00	Disapproved
6593-69-25	Medi Mart Medical Supply Co. Minneapolis, Minnesota Reimbursement request from Title XIX funds	2,198.00	Disapproved
6630-69-25	Haupert Livestock Company, Inc. Fairfield, Iowa Seeks Prorate refund on a truck destroyed in a fire	Undetermined	Disapproved
6673-69-25	Iowa Methodist Medical Center Des Moines, Iowa Reimbursement request for a patient under Title XIX	1,277.29	Disapproved
6720-69-25	Schoitz Memorial Hospital Waterloo, Iowa For services provided a Title XIX patient	2,645.89	Disapproved
6721-69-25	Grinnell General Hospital Grinnell, Iowa For services rendered a Title XIX patient	57.56	Disapproved
6722-69-25	R. Bruce Bedell, M.D. Sioux City, Iowa For services rendered a Title XIX patient	101.00	Disapproved
6724-69-25	Donald C. Honkomp Estate Sheldon, Iowa Seeks reimbursement for unused sick leave	2,000.00	Disapproved
6728-69-25	Allen Memorial Hospital Waterloo, Iowa For services rendered a recipient of Title XIX	480.26	Disapproved
6744-69-25	Chris S. Brown, DO Des Moines, Iowa For services rendered a Title XIX recipient	693.00	Disapproved
6745-69-25	Mickle Pharmacy, PC Shenandoah, Iowa Seeks reimbursement for patient under Title XIX	28.90	Disapproved
6751-69-25	Chris S. Brown, DO Des Moines, Iowa For services rendered a Title XIX recipient	211.00	Disapproved

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
6758-69-25	Grinnell General Hospital Grinnell, Iowa Seeks reimbursement for patient under Title XIX	144.00	Disapproved
6759-69-25	John R. Davids Buffalo Center, Iowa Prorate refund of fees paid twice on same unit	530.88	Disapproved
6762-69-25	Wiest Truckline, Inc. Jamestown, North Dakota Request for refund of prorate fees	41.40	Disapproved
6784-69-25	Chris S. Brown, DO Des Moines, Iowa Request for reimbursement of services rendered a Title XIX recipient	420.00	Disapproved
6799-69-25	The Gilfillan Clinic, PC Bloomfield, Iowa Request of payment for services rendered a Title XIX recipient	1,724.50	Disapproved
6828-69-25	Richard G. Kirsch, M.D. Cedar Rapids, Iowa Request of payment for services rendered a Title XIX recipient	355.00	Disapproved

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 14 Ways and Means

Providing for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the Act retroactive to January 1, 1981.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

An annual review and update of the Iowa Transportation Policy has been received, pursuant to Chapter 307.10(1), Code of Iowa.

On motion by Pope of Polk, the House adjourned at 9:22 a.m., until 9:00 a.m., Thursday, January 15, 1981.

JOURNAL OF THE HOUSE

Fourth Calendar Day—Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 15, 1981

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

Prayer was offered by the Reverend Keith Ellis, pastor of the Pleasant Ridge Community Church, Glidden.

The Journal of Wednesday, January 14, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor on request of Pope of Polk.

ADOPTION OF THE REPORT OF THE COMMITTEE ON MILEAGE

Pelton of Clinton called up for consideration the Report of the Committee on Mileage, filed on January 12, 1981 and found on pages 43 and 44 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

INTRODUCTION OF BILLS

House Joint Resolution 4, by Anderson of Jasper, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to propose and enact or reject statutes.

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

House File 101, by Mullins, a bill for an act relating to the use of polygraph examinations as a condition of employment and providing a penalty.

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

House File 102, by Tyrrell, a bill for an act to amend the civil rights law by allowing the governor to remove the director of the civil rights commission for cause, requiring the complainant to post bond, and repealing a rule of construction.

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

House File 103, by Kirkenslager, Hanson of Delaware and Lageschulte, a bill for an act relating to the deduction of pension and retirement payments from unemployment compensation benefits.

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

House File 104, by Bruner, a bill for an act relating to the investment of funds in the Iowa public employees' retirement system fund.

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

House File 105, by Tyrrell, Johnson of Howard, Halvorson of Clayton and Egenes, a bill for an act repealing a provision of the Iowa consumer credit code which requires loan repayments to be made in substantially equal installments at equal periodic intervals.

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

House File 106, by Shimanek and Harbor, a bill for an act relating to motor vehicle admission fees for state lands under the jurisdiction of the conservation commission and providing for a penalty.

Read first time and referred to committee on **natural resources.**

House File 107, by Hummel, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the

county board of supervisors in any county where one or more districts are under the management and control of that board, and to authorize a one-time assessment on land in the districts for the purpose of establishing the fund.

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

House File 108, by Spear, a bill for an act relating to the requirements for a minimum program in art and music in grades nine through twelve.

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

House File 109, by Swartz, a bill for an act providing for the exemption from the state sales, service, and use tax of industrial machinery and providing a July 1, 1982 effective date.

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

House File 110, by Spear and Conlon, a bill for an act providing that law enforcement records concerning children sixteen years of age or older alleged to have committed a delinquent act shall be open to the public.

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

House File 111, by Maulsby, a bill for an act to authorize the temporary consolidation of certain permanent precincts for purposes of the state primary and general elections.

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

House File 112, by Avenson, a bill for an act relating to the rate of unemployment compensation contributions for employers free from chargeable benefit payments for twenty calendar quarters.

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

House File 113, by Avenson, a bill for an act relating to the construction of pipelines.

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

House File 114, by Avenson, a bill for an act requiring the state conservation commission to establish a rule to allow a handicapped individual to use a crossbow.

Read first time and referred to committee on **natural resources.**

House File 115, by Avenson, a bill for an act providing for the exemption of forest reservations and wetlands from real property taxes, granting a credit for forest reservations and wetlands to be applied to other real property which is taxed, adopting penalties, and making a standing appropriation, with a January 1 effective date.

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

House File 116, by Spear, a bill for an act to prescribe a minimum number of units of credit to be offered by approved high schools.

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

House File 117, by Pellett, a bill for an act relating to the gathering of members of a governmental body under the open meetings law.

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

House File 118, by Corey and Miller, a bill for an act to revise the open meetings law.

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

House File 119, by Swearingen, a bill for an act relating to the state inheritance tax by increasing the size of estate for which no tax is owed, and increasing the exemptions for a surviving spouse, son, daughter, father, mother, and other lineal descendants, and providing a January 1 effective date.

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

House File 120, by Kirkenslager, a bill for an act doubling the penalties for certain public offenses committed against a person sixty-five years of age or older, with a January 1 effective date.

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

House File 121, by Schroeder, a bill for an act revising the time allowed the governor to rescind an administrative rule.

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

House File 122, by Mullins, a bill for an act relating to the registration of family day care home providers who care for school-age children during the school year.

Read first time and referred to committee on **human resources.**

HOUSE CONCURRENT RESOLUTION 4
By Hansen of O'Brien, Johnson of Linn, Swearingen, Branstad, Maulsby, De Groot, Lind, Harbor, Corey, Johnson of Howard, Diemer, Shull, Crabb, Mann, Tyrrell and Smalley

Whereas, the Soviet Union has exploited United States peace initiatives to build up its strategic and conventional warfare capabilities; and

Whereas, there is basis for concern that the Soviets may next use these forces in Pakistan, Iran, and Poland; and

Whereas, the Soviet Union has demonstrated an unwillingness to live by international law; and

Whereas, the United States is the one world power that can stop Soviet expansionism; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the United States adopt a national strategy of peace through strength, the general principles of which would be:

1. To inspire and focus the national will and determination to achieve the goals of peace and freedom.

2. To achieve overall military and technological superiority over the Soviet Union.

3. To create a strategic defense and a civil defense which would adequately protect United States' citizens from nuclear war.

4. To accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the United States into a position of military inferiority.

5. To reestablish effective security and intelligence capabilities.

6. To pursue positive nonmilitary means to roll back the growth of communism.

7. To help our allies and other non-communist countries defend themselves against communist aggressions.

Page 2

8. To maintain a strong economy and protect our overseas sources of energy and other vital raw materials; and

Be It Further Resolved, That the General Assembly acknowledges that it will take the combined efforts of hundreds of organizations to achieve the adoption of a national strategy of peace through strength; and

Be It Further Resolved, That the General Assembly joins the Coalition for Peace Through Strength to work with other organizations and entities for the adoption of a national strategy of peace through strength, but the General Assembly reserves to itself the right to make its own decisions as to how the principles shall be applied on individual issues; and

Be It Further Resolved, That the Chief Clerk of the House of Representatives transmit a copy of this resolution to each member of the Iowa Congressional Delegation.

Laid over under Rule 30.

ASSIGNMENT OF SEATS IN PRESS GALLERY

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

WEST PRESS GALLERY

The Cedar Rapids Gazette	John McCarroll, Ken Sullivan
Quad City Times	Michael C. Owen
Iowa Daily Press Association	Harrison Weber, Julie Herman
United Press International	Mark E. Noblin, Tamara Cooke, Charles Abbot, Andrew A. Yemma, Thomas C. Peterson, Marc Welton
Des Moines Register	Diane Graham, Charles Bullard, David Yepsen, James Flansburg
Des Moines Tribune	Evan Roth, Thomas Witosky, David C. Elbert, Frank Santiago, Steven Walters
The Associated Press	Judy Daubenmier, Roger Munns, Don Beman, Mike Glover
Iowa Press Association	Bill Monroe, Don Reid
Iowa Legislative News Service	Jo VonStein
Waterloo Courier	Bob Case, Jim Wigdahl
Dubuque Telegraph Herald	Roxie Hammill
AFSCME Public Employee News	Larry Scarpino, Tom Kramer, Roger Frazer, Ray Conley

Iowa AFL—CIO News ..... Mark Belkin
Iowa Inquiry
Cable America Productions/Heritage Cable ... Beverly Davis

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

EAST PRESS GALLERY

KCCI—TV ..... Brooks Humphreys, Mark Swanson, Michele Burgad, Dave Warner, Craig Parsons, Dave Busiek
KRNT—KRNQ Radio ..... Gary Barrett, Julie Rutz, Dale Woolers, Barbara Lindstrom, Jackie Clark, Linda Knowles
WHO News Radio ..... Jack Kuenzie
WHO—TV ..... George Mills, Barry Zoeller, Jerry Jay Hymen, Bill Moller, Bob Singer
Iowa Radio Network ..... Robb Dillard, Kevin Klimowski
KWWL—TV ..... Larry Mundt
WOI—TV ..... Chris Abel, Rob Downey, Mark Braun, Greg O'Malia, Chris Hanson, Wayne Davis, Don Campbell, Tom Schrad
Iowa Public Broadcasting Network ..... Daniel Miller, Sara Frasher, David Woodward, Carl Zahari, Rene Durazzo, Linda Wright, Nancy Crowfoot, Tom Rowat, Clay Smith, Mark Foust, Jeff Gibson, Renato Payton
Iowa Public Radio ..... Sharon Robinson, Frank Stasio, Jr., Kevin Boyle, Maryann Spellman, Becky Mitchell
Bureau of National Affairs, KBCK ..... Donald Silcott

APPOINTMENT OF COMMITTEE ON WAYS AND MEANS STANDING SUBCOMMITTEES

Schnekloth of Scott, chair of the committee on ways and means, announced the appointment of the following standing subcommittees of the committee on ways and means:

PROPERTY TAX

Schnekloth, Chair
Brandt
Branstad
Cochran
Daggett
Diemer
Maulsby
Norland
Oxley

RENTERS CREDIT

Lageschulte, Chair	Dieleman
Carpenter	Miller
Chiodo	Petrick
	Shull

USE TAX EXEMPTIONS

Clark of Lee, Chair	Howell
Bennett	Hummel
Hall	Krewson
	Pavich

COUNTY AND COUNTY REVITALIZATION

Renken, Chair	Hanson of Delaware
Cochran	O'Kane
Davitt	Petrick
	Poffenberger

REVENUE RULES

Ritsema, Chair	Hall
Bennett	Hanson of Delaware
Conlon	McKean
Connolly	Miller
	Rapp

INCOME TAX

Conlon, Chair	Diemer
Chiodo	Rapp
Connolly	Ritsema
	Shull

PUBLICATIONS

Diemer, Chair

PRESENTATION OF VISITORS

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

Five high school students from West High School, Davenport, accompanied by Marsha Molis. By Smith of Scott.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1981-1 John Wall

PAT H. HARPER
Chief Clerk of the House

COMMUNICATION RECEIVED

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

COMMISSION ON THE AGING

A report to the General Assembly regarding recommendations for the continuation of the Elderly Care appropriation, pursuant to Chapter 16.7, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House File 1

Natural Resources: Pellett, Chair; Petrick and Lloyd-Jones.

House File 3

State Government: Hoffmann, Chair; Carpenter and Chiodo.

House File 7

State Government: Clark of Cerro Gordo, Chair; Harbor and Woods.

House File 12

Transportation: Holt, Chair; Lageschulte and Pavich.

House File 14

Natural Resources: Tyrrell, Chair; Stueland and Hall.

House File 15

Natural Resources: Tofte, Chair; Van Maanen and Sullivan.

House File 16

Transportation: Schroeder, Chair; Mann and Gettings.

House File 19

Natural Resources: Hanson of Delaware, Chair; Groth and Bennett.

House File 20

Commerce: Johnson of Linn, Chair; Swearingen and Chiodo.

House File 21

Transportation: Lind, Chair; Branstad and Woods.

House File 24

Commerce: Renken, Chair; Hoffmann and Rapp.

House File 26

Transportation: Danker, Chair; Johnson of Woodbury and Groth.

House File 28

State Government: Crawford, Chair; Brandt, Carpenter, Chiodo and Swearingen.

House File 29

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann, Lloyd-Jones and Tofte.

House File 33

State Government: Crawford, Chair; Brandt, Carpenter, Chiodo and Swearingen.

House File 37

Cities: Krewson, Chair; Johnson of Linn and Hall.

House File 40

State Government: Crawford, Chair; Anderson of Jasper, Halvorson of Webster, Hanson of Delaware and Swearingen.

House File 41

State Government: Hanson of Delaware, Chair; Carpenter and Lloyd-Jones.

House File 44

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann, Lloyd-Jones and Tofte.

House File 46

Commerce: Hansen of O'Brien, Chair; Conlon and Woods.

House File 47

Transportation: Schnekloth, Chair; Branstad and Binneboese.

House File 50

Transportation: Kirkenslager, Chair; Menke and Anderson of Jasper.

House File 51

Commerce: Holt, Chair; Hummel and Jochum.

House File 53

Agriculture: Cook, Chair; Corey and Dieleman.

House File 54

Commerce: Shull, Chair; Smith and Sturgeon.

House File 55

Transportation: Pellett, Chair; Harbor and Oxley.

House File 58

State Government: Crawford, Chair; Anderson of Jasper, Halvorson of Webster, Hanson of Delaware and Swearingen.

House File 61

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann, Lloyd-Jones and Tofte.

House File 62

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 65

Commerce: Egenes, Chair; Halvorson of Clayton and Halvorson of Webster.

House File 66

State Government: Shimanek, Chair; Carpenter and Arnould.

House File 68

State Government: Swearingen, Chair; Smith and Anderson of Jasper.

House File 71

State Government: Anderson of Audubon, Chair; Smith and Halvorson of Webster.

House File 72

State Government: Hanson of Delaware, Chair; Carpenter and Lloyd-Jones.

House File 73

Agriculture: Hummel, Chair; Miller and Stueland.

House File 74

Natural Resources: Diemer, Chair; Tofte and Dieleman.

House File 76

Transportation: Lageschulte, Chair; Pellett and Lloyd-Jones.

House File 77

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 86

Transportation: Kirkenslager, Chair; Lind and Bruner.

House File 88

State Government: Tofte, Chair; Clark of Cerro Gordo and Doderer.

House File 89

State Government: Crawford, Chair; Brandt, Carpenter, Chiodo and Swearingen.

House File 92

Commerce: Hoffmann, Chair; Smith and Woods.

House File 94

Natural Resources: Hanson of Delaware, Chair; Cook and Jay.

House File 97

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 98

State Government: Crawford, Chair; Brandt, Carpenter, Chiodo and Swearingen.

House File 100

Transportation: Branstad, Chair; Johnson of Woodbury and Pavich.

STUDY BILL SUBCOMMITTEE ASSIGNMENT

Study Bill 14

Ways and Means: Schnekloth, Chair; Branstad and Norland.

On motion by Pope of Polk, the House adjourned at 9:23 a.m., until 10:00 a.m., Monday, January 19, 1981.

JOURNAL OF THE HOUSE

Eighth Calendar Day—Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 19, 1981

The House met pursuant to adjournment, Speaker pro tempore Menke of O'Brien in the chair.

Prayer was offered by Father Gerald Ryan, pastor of St. Anthony's Church, Des Moines.

The Journal of Thursday, January 15, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Axel T. Lund, Marshalltown.

PETITION FILED

The following petition was received and placed on file:

By Gettings of Wapello, from two hundred seventy-seven constituents of the ninetieth district opposing the Iowa Conservation Commission in their plan to raise hunting and fishing license fees.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kirkenslager of Des Moines on request of Smith of Scott; Holt of Clay, for January 19, 20 and 21, on request of Tofte of Winneshiek; Daggett of Taylor and Trucano of Polk, for January 19, 20 and 21, on request of Van Maanen of Mahaska; Stromer of Hancock on request of Pope of Polk; Pellett of Cass on request of Stueland of Clinton.

INTRODUCTION OF BILLS

House Joint Resolution 5, by Danker and Crabb, a joint resolution proposing a constitutional amendment to the Constitution of the State of Iowa to limit state and local expenditures and to provide certain exemptions.

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

House Joint Resolution 6, by Johnson of Linn, a joint resolution proposing amendments to the Constitution of the State of Iowa regarding the maximum numbers of consecutive terms a person may be elected to the offices of governor, lieutenant governor, senator and representative.

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

House File 123, by Halvorson of Clayton, a bill for an act relating to the Iowa income tax on individuals by providing that interest earned on deposits by individuals at financial institutions is excluded from gross income and providing an income tax credit equal to a proportion of the individual taxpayer's eligible savings and investments.

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

House File 124, by Dieleman, a bill for an act limiting licenses to conduct bingo and related games to nonprofit organizations and requiring at least seventy-five percent of gross receipts to be distributed to charity.

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

House File 125, by De Groot, Van Maanen and Cochran, a bill for an act relating to the appeal to the Iowa beer and liquor control department by liquor control license or beer permit applicants, licensees, and permittees.

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

House File 126, by Schnekloth, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Read first time and referred to committee on **human resources.**

House File 127, by Spear, a bill for an act relating to court interpreters for Spanish-speaking persons.

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

House File 128, by Poffenberger, a bill for an act relating to the manner by which a public utility may implement suspended rates, charges, schedules, or regulations pending a commission decision on the filing.

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

House File 129, by Johnson of Howard, a bill for an act establishing the penalties of death or life imprisonment for certain offenses and prescribing procedures.

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

House File 130, by Welden, a bill for an act establishing deadlines for certain legislative actions during the regular sessions of the general assembly.

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

House File 131, by Mullins, a bill for an act to modify the wage guidelines under the unemployed parents' portion of Iowa's aid to dependent children law and to update the law concerning residency and unemployed mothers.

Read first time and referred to committee on **human resources.**

REREFERRED TO COMMITTEE ON STATE GOVERNMENT
(House File 59)

The Speaker announced that House File 59, previously referred to the committee on **labor and industrial relations,** was rereferred to the committee on **state government.**

COMMUNICATION RECEIVED

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

STATE BOARD OF REGENTS

A report of the State Board of Regents Ten-Year Building Program, 1981-1991 has been filed, pursuant to Chapter 262A.3, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 2 State Government

To direct the department of general services to study the rental of property by the state government outside of the seat of government.

S.B. 3 State Government

Transferring the governor's highway safety program to the state department of public safety.

S.B. 4 State Government

Relating to the fees of certain licenses and permits issued by the department of agriculture.

S.B. 5 State Government

To eliminate the real estate apprentice salesperson's license.

S.B. 6 State Government

To replace the salaries of the members of the Iowa beer and liquor control council with a per diem compensation.

S.B. 7 State Government

Providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

S.B. 8 State Government

To establish short term liquor licenses and beer permits.

S.B. 9 State Government

Limiting the percent of the contract price of a public improvement which may be retained by a public corporation to pay claims for materials furnished and labor performed on public improvements.

S.B. 10 State Government

Relating to the fee collected for services performed, and certificates and copies of records issued within the department of health.

S.B. 11 State Government

Relating to procedures for construction, repair and improvement of public buildings.

S.B. 12 State Government

Establishing the rate of interest payable on delinquent taxes owed to the state.

S.B. 13 State Government

To eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

S.B. 14 Ways and Means

To provide for the filing of applications to claim the personal property tax credit.

S.B. 15 State Government

Relating to licensure of speech pathologists and audiologists.

S.B. 16 Judiciary and Law Enforcement

To provide that the rights arising in a mortgagor as a result of enforcement of a due-on-sale clause inure to the benefit of a purchaser on the mortgagor's interests in the real property.

S.B. 17 Judiciary and Law Enforcement

Relating to the penalty for an attempt to commit murder.

S.B. 18 Judiciary and Law Enforcement

Relating to the notice given before commencing an action for forcible entry or detention of real property.

S.B. 19 Ethics

To exclude the receipt of gifts by spouses and unemancipated minor children of a member of the general assembly from the reporting and gift limitation requirements of chapter 68B.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 19, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 93, a bill for an act relating to the definition of the Higher Education Act of 1965 and providing that the Act will take effect upon its publication.

LINDA HOWARTH MACKAY, Secretary

On motion by Pope of Polk, the House adjourned at 10:20 a.m., until 9:00 a.m., Tuesday, January 20, 1981.

JOURNAL OF THE HOUSE

Ninth Calendar Day—Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 20, 1981

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

Prayer was offered by the Reverend J. Wallace Gaines, pastor of the Antioch Baptist Church, Waterloo.

The Journal of Monday, January 19, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Pelton of Clinton, from twenty-eight constituents favoring House File 16, an act to prohibit salt or other corrosive substance for snow removal.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass on request of Stueland of Clinton; Kirkenslager of Des Moines on request of Smith of Scott; Connors of Polk on request of Avenson of Fayette.

SENATE MESSAGE CONSIDERED

Senate File 93, by committee on education, a bill for an act relating to the definition of the Higher Education Act of 1965 and providing that the Act will take effect upon its publication.

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

SPONSOR ADDED
(House Files 28 and 101)

Brandt of Black Hawk requested to be added as a sponsor of House Files 28 and 101.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON RULES

House Resolution 3, providing for the permanent rules of the House for the Sixty-ninth General Assembly.

Recommended **Do Pass.**

HOUSE RESOLUTION 3
By Committee on Rules

Be It Resolved by the House of Representatives, That the permanent rules of the house for the sixty-ninth general assembly be as follows:

DIVISION I—GENERAL RULES

Rule 1

Call to Order

The speaker shall take the chair at the hour to which the house shall have adjourned, and shall immediately call the members to order.

Rule 2

Quorum Call and Time of Convening

The presiding officer may call for roll to be taken to determine those present and absent.

The house shall convene each Monday at 10:00 a.m. and at 9:00 a.m. on all other legislative days, unless otherwise ordered, and adjourn no later than 6:00 p.m. without the consent of a constitutional majority of the house.

Rule 3

Absences and Excuses

No member shall be absent from the service of the house without leave unless that person be sick or unable to attend.

Rule 4

Preservation of Order

The speaker shall preserve order and decorum, and speak to points of order in preference to other members. The speaker shall decide questions of order subject to an appeal to the house by any two members.

Only past legislators, state officials, persons whose presence is deemed by the speaker to be of special significance to the house, and school classes accompanied by teachers seated in the galleries shall be introduced in the house.

Rule 5

Clearing of the Chamber

In case of any disturbance or disorderly conduct in the chamber of the house or any of its committee rooms, the speaker

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or chairperson of the committee meeting shall have the power to have it cleared.

Rule 6

Order of Business

The following order of business shall govern:

1. Correction of the journal.
2. Bills to be introduced.
3. Business pending at last previous adjournment.
4. Reports in possession of the house.
5. Bills on their passage.
6. Resolutions.
7. Messages and communications on the Speaker's table.

Rule 7

Rules of Parliamentary Practice

The rules of parliamentary practice in Robert's Revised Rules of Order and Mason's Manual of Legislative Procedure shall govern the house in all cases where they are not inconsistent with the standing rules of this house or the joint rules of the senate and house.

Rule 8

The Speaker Pro Tempore

The house shall, at its pleasure, elect a speaker pro tempore. When the speaker shall for any cause be absent, the speaker pro tempore shall preside, except when the chair is filled by appointment by either the speaker or the speaker pro tempore. The speaker or the speaker pro tempore shall have the right to name any member to perform the duties of speaker, but such substitution shall not extend beyond the adjournment. The acts of the speaker pro tempore shall have the same validity as those of the speaker. In the absence of both the speaker and the speaker pro tempore, the house shall name a speaker who shall preside over it and perform all the duties of the speaker with the exception of signing bills, until such time as the speaker or speaker pro tempore shall be present, and the person's acts shall have the same force and validity as those of the regularly elected

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speaker.

Rule 9

Amendment and Suspension of Rules

A motion to change or rescind a standing rule or order of the house requires one day's notice. A motion to suspend a rule, to table or take from the table, a matter requires an affirmative

vote of at least a constitutional majority. Postponing or changing the order of business requires an affirmative vote of at least a constitutional majority except for the control granted to the steering committee following its appointment.

Rule 10

Appointment of Steering Committee

The steering committee may be appointed by the speaker of the house on or after the Friday of the thirteenth week of the first session and on or after the Friday of the eleventh week of the second session. The steering committee shall have charge of all bills except appropriations bills and ways and means bills and bills that have passed the house and senate in different forms.

The steering committee shall place regular calendar bills on a steering calendar and steering non-controversial calendar. When the steering committee is appointed, the weekly and daily debate calendars shall consist of bills on the steering calendar, steering non-controversial calendar, appropriations and ways and means calendars, and all bills having passed the house and senate in different forms.

Rule 11

Calling to Order and Appeals From the Chair

When any member in speaking, or otherwise, transgresses the rules of the house, the speaker shall, or any member may, call that person to order; in which case the member so called to order shall immediately sit down, but may be permitted with leave of the house to explain; and the house shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member so called to order, that person is at liberty to proceed. If

the case requires it, that person shall be liable to the censure of the house.

Rule 12

Recognition and Decorum in Debate

When any member is about to speak in debate, or deliver any matter to the house, that person shall rise from that person's seat and respectfully address the presiding officer by that person's title, saying, "Mr. or Madam Speaker," and shall not proceed until recognized by the chair, and shall confine himself or herself to the question under debate and shall avoid personalities.

Rule 13

Limit on Debate

No member shall speak more than once on the same question, without leave of the speaker, nor more than twice until every member choosing to speak shall have spoken, except as provided in Rule 87; provided further, when bills are being considered prior to their last reading debate thereon shall be limited to ten minutes to each member desiring to speak thereon, which may be

extended by consent of the house.

Rule 14

Decorum During Debate

While the speaker is putting a question or addressing the house, no one shall walk out of or across the house; and when a member is speaking, no one shall pass between that person and the speaker.

Rule 15

Food Prohibited

All food is prohibited from the house chamber while the house is in session.

Rule 16

Representatives Chairs Restricted

No person other than a representative shall sit in a chair assigned to a member of the house of representatives during the time the house is in session.

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Rule 17

Stating the Question

When a motion is made, it shall be stated by the speaker; or, being in writing, it shall be passed to the desk and read aloud before debated.

Rule 18

Putting the Question

Questions shall be distinctly put in this form, to wit: "As many as are of the opinion that (as the question may be) say 'aye'; " and after the affirmative voice is expressed, "As many as are of a contrary opinion say 'no'. " If the speaker doubts or a member of the house requests, a nonrecord roll call vote may be taken.

Rule 19

Referral of Rule Violations

The speaker shall, upon complaint of a member, or upon the speaker's own motion, refer any alleged violation of house or joint rules by house members, employees or staff to the house ethics committee upon an initial finding that an investigation is warranted.

The ethics committee shall investigate such allegations and report them back to the house with a recommendation.

DIVISION II—EMPLOYEES OF THE HOUSE

Rule 20

Chief Clerk of the House

The chief clerk of the house shall serve as parliamentarian and chief administrative officer of the house under the direction of the speaker of the house. The chief clerk shall have charge of the chief clerk's desk; be responsible for the custody and safekeeping of all bills, resolutions, and amendments filed, except when they are in the custody of a committee; have charge of the daily journal; have control of all rooms assigned for the use of the house; check all bills as to proper form prior to introduction; keep a

detailed record of house action thereon; process the handling of amendments when filed and during the floor consideration of bills; insert adopted amendments into bills before transmitted to

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the senate and prior to final enrollment; supervise legislation printing and the distribution of printed material; and perform all other duties pertaining to the office of chief clerk.

Rule 21

Legal Counsel

The legal counsel shall be a house employee under the direction of the speaker of the house. The legal counsel shall serve as chief legal officer of the house; supervise the legal counsel's office; clear all bills, resolutions, and amendments as to proper form prior to introduction; and provide assistance to house committees.

Rule 22

Sergeant-At-Arms

It shall be the duty of the sergeant-at-arms to execute all orders of the house or of its presiding officer; to perform all duties that may, from time to time, be assigned to that person connected with the policing and good order of the house; to exercise supervision over the ingress and egress of all persons to and from the chamber; to see that all messages, etc., are promptly executed; and that the hall is properly ventilated and open for the use of the members; and to perform all other services pertaining to the office of sergeant-at-arms.

Rule 23

Secretaries

All secretaries of the house shall be under the general direction of the speaker and the chief clerk. Secretaries shall be on duty at the house from 8:30 a.m. to 4:30 p.m. except when excused by the member to whom the secretary is assigned. Secretaries shall perform such additional duties as may be assigned to them by the chief clerk.

Rule 24

Extra Compensation of Employees

No employee shall receive any extra compensation, except as provided by the house, or tips for services performed while on duty. Any violation of this rule shall be grounds for removal.

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DIVISION III—VISITORS AND LOBBYISTS

Rule 25

Admission to the House; Lobbying

The chamber of the house shall include the vestibule, restrooms, cloak room, lounge, visitors' galleries, and floor of the house.

The floor of the house shall consist of that area between the

press box, speaker's station, and the south wall behind the last row of desks occupied by representatives, excluding, however, the visitors' galleries.

Except as otherwise provided in this rule for registered lobbyists, during a legislative day while the house is in session, and one-half hour before the house convenes and one-half hour after the house recesses or adjourns, no person shall be admitted to the floor of the house except:

1. Members of the general assembly and authorized house employees in the performance of their duties.

2. Former members of the general assembly who are not registered lobbyists.

3. A general assembly member's family who shall be restricted to the perimeter seating area only while the house is in session.

4. Representatives of the press, radio, and television who shall go directly to and from the press box.

5. Legislative interns assigned by the joint legislative intern committee or approved by the chief clerk who shall go directly to and from the seat of their assigned representative or be seated in the perimeter seating area.

6. Chairperson, co-chairperson, and the executive secretary of a political party having members serving in the general assembly.

7. Personnel of the code editor's office, legislative service bureau, fiscal director's office, and administrative rules review committee staff.

8. The governor's executive assistants and administrative

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assistants, members of the state executive council, the attorney general, the citizen's aide/ombudsman, and the administrative rules coordinator, all of whom shall be confined to the perimeter area.

No other persons shall be allowed on the house floor without permission of the presiding officer of the house.

No person admitted to the floor of the house, except members of the general assembly, shall, while the house is in session, lobby or attempt to exercise any influence with any member for or against any matter then pending or that may thereafter be considered by the house.

Notwithstanding the provisions of this rule regarding admission to the floor of the house, a registered lobbyist shall not be admitted to the floor of the house on any day when the house is in session or committees are scheduled to meet from one-half hour before the house convenes or 9:00 a.m., whichever is earlier, until one-half hour after the house adjourns or until 4:30 p.m., whichever is later, except to gain access to a committee room, or when the house is not in session upon the invitation of a member or members of the house for the purpose of visiting only with

that member or members of the house.

Each lobbyist shall be given a copy of this rule when the lobbyist registers.

It shall be the duty of each member and employee of the house, or registered lobbyist who believes that this rule is being violated, to report such violation immediately to the sergeant-at-arms.

Any person for cause may be summarily dismissed from the chamber of the house, by action of the house, and shall forfeit that person's right to admission thereafter.

Rule 26

Distribution of Literature

No person not a member of the house of representatives shall distribute or cause to be distributed any pamphlets, material, or other printed literature in the house without the express

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permission of the chief clerk. Each piece of literature shall bear its source of distribution.

All pamphlets, material, or printed literature distributed by a member of the general assembly shall bear the name of the member.

Rule 27

Distribution of Materials Printed by the State

A member of the house shall not distribute maps, books, and pamphlets such as, but not limited to Golden Dome, How a Bill Becomes Law, etc., which have been printed by the state of Iowa and upon which the name of the member of the house has been affixed unless the member has purchased the materials or unless the member has affixed the words "Paid for by the citizens of Iowa and distributed by representative (member's name)."

DIVISION IV – FORMS AND PROCEDURES FOR BILLS AND OTHER DOCUMENTS

Rule 28

Documents Signed by the Speaker

All acts, addresses and joint resolutions shall be signed by the speaker, and all writs, warrants, subpoenas, issued by order of the house, shall be under his or her hand and attested by the chief clerk.

Rule 29

Presentation of Petitions

All petitions, memorials and other papers addressed to the house shall be filed by the member with the chief clerk or the chief clerk's assistant prior to the convening of the house. Each member upon filing any such petition, memorial or other paper shall endorse thereon that person's name and a failure to do so will cause the same to be ignored.

Rule 30

Consideration of Resolutions

Action on each resolution, except a memorial resolution, and

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proposition requesting information from a state official may not be taken until one day after the resolution or proposition has been printed in the journal and placed on the members' desks. After the resolution is adopted, the chief clerk shall transmit certified copies.

Rule 31

Unanimous Consent Calendar

The speaker may, upon the request of three members, place on a unanimous consent calendar any house resolution or concurrent resolution which does not contain an appropriation and which has been laid over under Rule 30.

If such resolution is placed on the unanimous consent calendar it may be removed only upon a written request submitted to the speaker by a member of the house.

If not removed after five legislative days, the chief clerk shall call up the resolution and without debate the speaker shall pronounce that it has passed by unanimous consent.

If the resolution is removed from the unanimous consent calendar, the speaker may again lay the resolution over under Rule 30, place it on a different calendar, or refer the resolution to any of the standing committees of the house.

Rule 32

Forms of Bills and Joint Resolutions — Review by Legislative Service Bureau

Every house bill shall be introduced by one or more members or by any standing or specially authorized committee of the house or interim study committee meeting during that general assembly. All bills and joint resolutions introduced shall be of typewritten copy with title, enacting clause, and body of bill as directed by the chief clerk of the house. One copy of each bill shall be presented in a bill cover and be accompanied by the number of copies of the bill and the title as shall be directed by the chief clerk. No bill shall be introduced nor shall the chief clerk accept the same unless an adequate explanation thereof is included at the end of each bill.

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A bill or joint resolution which has not been prepared by the legislative service bureau shall not be reported out of committee unless first reviewed by a legislative service bureau staff person. After the review the staff person shall prepare a report for the chairperson and committee members relating to the form and style of the bill under consideration and whether the bill appears to carry out its expressed purpose.

Rule 33

Joint Resolutions

Joint resolutions shall be framed and treated as bills.

Rule 34

Time of Introduction of Bills

No bill or joint resolution under individual sponsorship shall be read for the first time after adjournment on Friday of the 7th week of the first regular session of the general assembly. However, any bill drafted by the legislative service bureau that is not read upon adjournment on Friday of the 7th week of the first session, but is in possession of the house legal counsel, will be given a house bill number and will be assigned to the sifting committee upon the establishment of the sifting committee.

After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill or joint resolution under individual sponsorship shall be read for the first time after adjournment on Friday of the 3rd week of the second regular session of the general assembly.

However, bills or joint resolutions co-sponsored by the majority and minority floor leaders, standing committees or sifting committee may be drafted and introduced at any time permissible under joint rule 18. House and concurrent resolutions may be introduced at any time.

Rule 35

Introduction and Reading of Bills

All bills and joint resolutions to be introduced in the house

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shall be typed into proper form and shall be filed with the chief clerk no later than 4:30 p.m. on the legislative day preceding its introduction. When the time for introducing bills is reached in the regular order of business, the chief clerk will proceed in the same manner as if the bills were introduced from the floor. This rule does not deny a member the right to introduce a bill from the floor if the bill has previously been typed in proper form.

Every bill shall receive two readings but no bill shall receive its first and last readings on the same day.

A "reading of a bill" as required by these rules shall consist of a reading of the title and enacting clause unless otherwise demanded by a house member.

Rule 36

First Reading, Commitment and Amendment

36.1. A bill is introduced into the house by an initial or "first reading of the bill".

36.2. When the house is in session the first reading shall consist of a "reading" as is provided in Rule 35.

36.3. Upon a first reading of the bill, the speaker shall state

that it is ready for commitment or amendment; and the speaker shall commit it to the standing or select committee, or to a committee of the whole house. If to a committee of the whole house, the house shall determine on what day.

36.4. On a day when the house is not in session, the speaker shall cause a statement, which shall consist of the title, enacting clause, bill number and committee to which the bill is referred to be published in the house journal. This publication shall constitute a first reading and commitment and shall contain the notation "read and committed under Rule 36.4".

36.5. All amendments offered to bills on file or on the calendar shall be accompanied by such copies as the chief clerk shall direct.

36.6. Such amendments shall give the number of the bill sought to amend and the chief clerk shall designate each such amendment

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thus: Amendment to House File ....., or Senate File ....., by .....

36.7. A bill reported out by committee shall go to the speaker who shall direct that the bill be placed on the calendar unless it covers subject matter more properly within the jurisdiction of some other standing committee, in which case the speaker shall refer the bill to the proper standing committee. However, it shall require an affirmative vote of a majority of the total committee members to authorize the introduction of any bill.

36.8. No amendment to the rules of the house, to any resolution or bill, except technical amendments and amendments to bills substituted for by Senate Files containing substantially identical title, language, subject matter, purpose and intrasectional arrangement, shall be considered by the membership of the house without a copy of the amendment having been filed with the chief clerk on the day preceding floor debate on the amendment. This provision shall not apply to any proposal debated on the floor of the house after the fifteenth week of the first session and the thirteenth week of the second session. No amendment or amendment to an amendment to a bill, rule of the house, or resolution shall be considered by the membership of the house without a copy of said amendment being on the desk of the entire membership of the house prior to consideration.

Rule 37

Commitment of Appropriation and Revenue Bills

All bills to appropriate money shall be referred to the appropriations committee, and all bills pertaining to the levy, assessment or collection of taxes shall be referred to the committee on ways and means.

Rule 38

Arrangement on Calendar

Bills reported out for passage, or amendment and passage, or

without recommendation, by a committee, shall be arranged on a daily calendar by the chief clerk at 4:30 p.m. in the order of the file

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number of said bills and following the preceding legislative day's daily calendar. The combined daily calendar shall make up the house calendar or order for the consideration of bills, except as otherwise provided herein. Priority shall be given to house over senate file numbers and to joint resolutions over bills.

Rule 39

Debate Calendar

The members of the majority floor leadership shall cause a weekly debate calendar to be prepared and distributed to the house members by the chief clerk. Said calendar shall be available by noon on the last session day of any week when floor action by the house is scheduled for the next week. Any bill except appropriations and ways and means bills not listed on the debate calendar shall not be considered by the house during the week covered by the debate calendar.

The majority floor leadership shall cause to be prepared and distributed to the members at the opening of each session day when floor action is scheduled, a daily calendar setting forth the number, title, and order of consideration of bills for the next session day that floor action is scheduled.

A bill listed on the daily calendar which is not taken up in proper order shall be deleted from the debate calendar and be placed on the regular calendar.

Rule 40

Consideration of Committee Amendments

After a bill has been referred and reported back it shall be considered on its first reading after the amendments of the committee have been read.

Rule 41

Amendments to Special Order Bills

All amendments, except corrective amendments, to bills special ordered more than five session days in advance of the date set for debate shall be filed prior to the close of the daily clip sheet of the session day two session days prior to the date set for debate.

Amendments, to a special ordered bill, not timely filed as pro-

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vided in this rule shall not be in order.

A corrective amendment is an amendment which does not substantively change the amendment or the bill.

The daily clip sheet shall close one hour after adjournment or 4:30 p.m. whichever is later.

The time limits set for the filing of amendments on specially ordered bills shall not apply to bills special ordered for less than five session days.

Rule 42

Irrelevant Amendments

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

Rule 43

Consideration of Bills

Bills, including committee bills, reported out for passage, for indefinite postponement, for amendment and passage, or without recommendation by the committee, shall not be acted upon until at least one day after the printed journal containing said report has been placed upon the desks of the members of the house.

Appropriations committee bills shall not be acted upon until at least two days after the printed bill has been placed on the desks of the members of the house.

The reports of the committees shall not be read while the house is in session except as herein provided. Said reports shall be printed in the journal immediately after they are filed with the chief clerk. Reports recommending bills for passage, for amendment and passage, or without recommendation shall stand approved unless written objections are filed during the first legislative day following their printing in the journal. If objections are filed, they shall be disposed of as soon as possible. Reports recommending indefinite postponement shall be governed by Rule 49.

Upon an affirmative vote of at least a constitutional majority of the members, a report may be read before it is printed in the

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journal and while the house is in session, and acted upon at once.

Rule 44

Consideration of Bills Upon Last Reading

No amendment, unless by way of correcting an error or omission, shall be received to any bill on its last reading, and no debate shall be allowed on the same.

Rule 45

Endorsement of Bills and Other Papers

All bills, resolutions, petitions, memorials or other papers shall be accompanied by the name of the member presenting the same.

Rule 46

Printing of Bills and Joint Resolutions

Bills and joint resolutions shall be printed in form as provided by law and by rule. Each house may direct the printing of an additional number of its own bills. A substitute for a bill offered by a member or by a committee, where it is entirely or substantially a complete substitute for the particular bill, unless otherwise ordered, shall be printed as a substitute for the original bill (and the caption shall so indicate, giving the substitute the same number as the original bill, but reciting "substitute for" such bill),

and such substitute bill shall by the file clerk be included in the bill file next to the original bill and such substitute bill shall not be printed in the journals.

Legalizing bills of a local or private nature shall be printed in bill form and placed in the files of the members, the same as other bills, in the order of their introduction. The cost of such printing shall be deposited with the treasurer of state, in advance at a rate to be fixed, and the newspaper publication of the same shall be without cost to the state. No legalizing act may be introduced until all of the provisions of law shall have been complied with.

Rule 47

Certification of Bills

When a bill shall pass it shall be certified by the chief clerk noting the day of its passage at the end thereof.

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Rule 48

Rereferral

After the referral and report thereof to the house, or at any time before its passage, a bill may be rereferred. A bill placed on the house calendar by a committee which is later rereferred to a committee is exempted from joint rule 18(1) for the remainder of the session.

Rule 49

Effect of Indefinite Postponement

When a question is postponed indefinitely, it shall not be again acted upon during the session. Any bill reported back from a committee recommending indefinite postponement shall be disposed of within three legislative days after the printed journal containing said report has been placed upon the desks of the members of the house, otherwise the committee recommendation shall be considered adopted.

Rule 50

Status of Bills Following First Regular Session

Except as provided in Rule 3 of the joint rules all bills introduced in the first regular session of a general assembly which have not been withdrawn, defeated, or indefinitely postponed, shall at the opening of the second regular session be rereferred to a committee.

DIVISION V—COMMITTEE PROCEDURES

Rule 51

Appointment of Committees

All committees shall be appointed by the speaker, unless otherwise especially directed by the house.

Rule 52

Order on Question of Commitment

When a resolution shall be offered or a motion made to refer any subject, and different committees shall be proposed, question

shall be taken in the following order: The committee of the whole house; a standing committee; a select committee.

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Rule 53
Study Bills

A study bill is any matter which a member of the house wishes to have considered by a standing committee, other than appropriations, and which has not been included in a previously introduced bill. Upon taking possession of, or taking committee action on, a study bill, whichever is earlier, the committee chairperson shall submit three copies of such bill to the chief clerk's office for numbering.

A study bill which has not been assigned a number by the chief clerk's office prior to the report of the bill to the house shall be rereferred to a committee.

Rule 54
Committee Meetings

No committee, except a conference committee or the administrative rules review committee, shall sit during the sitting of the house without special leave.

Rule 55
Smoking

Smoking shall not be permitted in the house committee rooms while a committee is meeting or on the floor of the house except in the perimeter area while the house is in session.

Rule 56
Assignments to Subcommittee

When a bill has been assigned to a subcommittee, the chairperson shall report to the house the bill number and the names of the subcommittee members and such reports shall be reported in the journal of the last legislative day of the week in which the bill is assigned.

Rule 57
Open Meetings

Standing, sifting and steering committee meetings shall be open, and voting by secret ballot shall be prohibited. The administration committee has the option to close its meetings to evaluate the professional competency of an individual whose ap-

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pointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation on the request of the affected individual.

Rule 58
Quorum Call

At the convening of each committee meeting the roll of the committee shall be called listing those present and absent.

Rule 59.1

Time of Filing Report and Contents

A committee attendance record shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting. The committee attendance record and the report of committee form shall be of public record and may be published in the journal. The committee attendance record shall include the following information:

a. The time the meeting was scheduled to convene.

b. The time the meeting convened.

c. The members present at the meeting.

d. The time the meeting adjourned.

If any bills are finally disposed of in committee, the committee attendance record shall also include a list of such actions.

A report of committee form shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting for each study bill, numbered bill or resolution receiving final committee disposition. The report of committee form shall include the following information:

a. The committee action taken.

b. The amendment attached, if any.

c. The ayes and nays of the committee on such disposition.

Upon final adjournment of the first session and final adjournment of the second session of the general assembly, the chairperson of each committee shall have placed the committee's book of record containing minutes, roll calls, rules, etc., with the chief clerk for access of any interested person.

Rule 59.2

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Minority Recommendation

The minority of the members of any committee may present its recommendations on the final disposition of any bill to the house by attaching such recommendation to the committee report and the same shall be printed in the journal with the committee report.

Rule 60

Committee Amendment

Whenever a committee amendment is proposed which would amend a committee amendment previously adopted, the amendment shall be drafted in the form of a substitute amendment and shall be considered as such.

Rule 61

Committee Notice and Agenda

Each committee shall prepare and publish a notice and agenda of each committee meeting at least one legislative day prior to the meeting.

The notice shall contain the committee name, the date, time and location of the meeting.

The agenda shall contain the matters to be discussed, including a list of bills, joint resolutions and study bills by number. The

agenda should contain the names of individuals who are scheduled to appear before the committee and the organization which they represent.

A bill, joint resolution or study bill may not be reported out of committee if the bill was not included in the published notice and agenda unless this rule is suspended by a majority of the total membership of the committee.

Rule 62

Committee Quorum

A majority of the total membership shall constitute a quorum of each standing committee.

Rule 63

Committee Amendments to Motions

All amendments made to an original motion in committee shall be incorporated in the motion and so reported.

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Rule 64

Time Limit on Committee Possession of Bills

After a bill has been in committee eighteen (18) legislative days following notation in the journal of referral to said committee, the bill may be withdrawn from the committee and placed on the calendar by an affirmative vote of not less than fifty-one (51) members of the house. This rule shall not apply to the committee on appropriations and the committee on ways and means.

Rule 65

Committee Hearings

When any matter is referred to a standing committee by motion of any member, it shall be the duty of the chairperson of such standing committee to notify such member of the time of the sitting upon such matter referred, and such member shall be permitted to confer with such committee during their consideration of such matter.

No more than one-third of the membership of any standing committee shall be required for the purpose of requesting a public hearing to be held.

However, the rules of the appropriations committee and the ways and means committee may require a greater number, but not more than a majority of the total membership of the committee, for the purpose of requesting a public hearing to be held after the sifting committee has been appointed. Upon written request of such number or such lesser number as may be required by committee rules, the chairperson of a committee shall designate a time and place for a public hearing and make a public announcement thereof.

At least five days' notice shall be given before a public hearing is held. However, this requirement shall not apply after the steering committee is appointed.

Rule 66

Sifting Committee

A sifting committee shall be appointed by the speaker of the

house at such time during the progress of the session as the speaker, in that person's discretion, may see fit. The speaker of the

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house, before the appointment of such committee and at such time as in the speaker's opinion such appointment is necessary, shall propound to the house the following question: "Shall a sifting committee be appointed at this time?"

And if after taking the vote by ayes and nays a majority of said vote shall be in favor of the appointment of said committee, the speaker of the house shall then at once appoint the said committee. No motion from the floor of the house by any member thereof shall be considered by the house for the appointment of said committee. Upon the appointment of the sifting committee, the steering committee is discharged.

The sifting committee shall have authority to place any bill remaining either on the house calendar or remaining in any committee on the sifting committee calendar, except appropriations bills and ways and means bills. No rule of the sifting committee shall require more than sixty percent vote of the members of the committee to place a bill on the sifting committee calendar. The requirement for preparation and distribution of a weekly debate calendar as provided in Rule 39 is suspended upon appointment of a sifting committee.

A motion to withdraw a bill from the sifting committee shall be in writing and filed with the chief clerk not less than two legislative days before it can be considered, provided that this shall not apply on the last two legislative days. Only one such motion can be made with reference to any particular bill.

It shall require an affirmative vote of at least a constitutional majority of the members to withdraw a bill from the sifting committee.

Rule 67

Limitation on Filing of Claims

A claim or claim bill, the subject matter of which has been considered or filed for consideration in the house or any committee thereof, in two or more prior sessions of the general assembly, shall not be considered by any committee or by the house unless it shall have been specifically referred to this session by a prior general

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assembly. The committee on claims is authorized to set a definite date after which it will not receive claims or claim bills for consideration.

DIVISION VI—COMMITTEE OF THE WHOLE

Rule 68

Organization of Committee of the Whole

In forming the committee of the whole house, the speaker shall leave the chair, and a chairperson to preside in committee shall be

appointed by the speaker.

Rule 69

Rules in Committee of the Whole

The rules of the house shall be observed in committee of the whole house, so far as they are applicable.

Rule 70

Bills in Committee of the Whole

Upon bills committed to the committee of the whole house, the bill shall be first read throughout by the chief clerk or chairperson, and then read again or debated by clauses, leaving the preamble to be last considered. After report, the bill shall be again subject to debate and amendment before a vote is had on its last reading and passage.

Rule 71

Amendments by Committee of the Whole

All amendments made to a report committed to a committee of the whole house shall be noted and reported as in the case of bills.

DIVISION VII—MOTIONS

Rule 72

Form of Motions

Every motion, except subsidiary or incidental motions, shall be reduced to writing, if the speaker or any member desires it, but this exception shall not apply to motions to amend.

Rule 73

Order and Precedence of Motions

When a question is under debate, no motion will be received except the following:

1. A motion to adjourn.
2. A motion to lay on the table.
3. A motion for the previous question.
4. A motion to postpone action until a certain day.
5. A motion to amend the bill under consideration by striking the enacting words.
6. A motion to refer or rerefer.
7. A motion to amend by committee.
8. A motion to amend by an individual.
9. A motion to postpone indefinitely.

These motions have precedence as listed.

A motion to postpone to a certain day, to refer or rerefer, or to postpone indefinitely a particular question will not be considered more than once in the same day.

If a motion to amend a bill by striking the enacting words is adopted, the action is equivalent to rejection of the bill.

Rule 74

Motions Not Debatable

Motion to lay on the table, to adjourn, for the previous question, and appeals of a ruling of the presiding officer shall be decided without debate.

Rule 75

Motion to Adjourn

A motion to adjourn shall always be in order, except when a member is speaking or the house is voting.

Rule 76

Withdrawal of Motions

After a motion is stated by the speaker, or read by the chief clerk, it shall be deemed to be in possession of the house, but may be withdrawn by leave of the house.

Rule 77

Referral and Rereferral

Motions and reports may be referred and rereferred at the pleasure of the house.

Rule 78

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Reconsideration

a. A motion to reconsider may be made only by a member who voted on the prevailing side of the question sought to be reconsidered.

b. A motion to reconsider may be made not later than adjournment on the day following the day of the action sought to be reconsidered. Where the floor manager voted on the prevailing side, he or she has the prior right to make the motion, until adjournment on the day of the action sought to be reconsidered.

c. A motion to reconsider made following the one hundred fourteenth calendar day of the first regular session, or the ninety-fourth calendar day of the second regular session, shall be taken up when made. A motion made at any other time may be taken up prior to the third day succeeding the day of the action sought to be reconsidered only if called up by the mover, and after the second day succeeding the day of the action sought to be reconsidered if called up by any member.

d. A motion to reconsider takes precedence over all other questions, but is subject to consideration of a report of a committee of conference, and to motions to fix the day to which the house shall adjourn, to recess, to adjourn, and to lay on the table.

e. No motion to reconsider passage or adoption, or failure, of any bill or joint resolution, shall prevail, unless it shall obtain a constitutional majority. Where passage, adoption or failure is reconsidered, questions on amendments may then be reconsidered, and shall be disposed of without delay.

f. A motion that the motion to reconsider be laid on the table is in order. The effect of laying the motion to reconsider on the table is to cause the bill or joint resolution to proceed on its regular course immediately.

DIVISION VIII—VOTING

Rule 79

Manner of Voting

During the taking of the vote of the house on any question only

those members at their desks and voting shall be counted except

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that members meeting in a conference committee or in administrative rules review committee at the time a vote is taken on a question may have their vote recorded within 30 minutes or adjournment, whichever is first of that same legislative day, providing the vote does not change the outcome of the vote on that question.

Rule 80

Duty of Voting

Except as limited by Rule 79, every member who shall be in the house when the question is put shall give his or her vote, unless the house for special reasons shall excuse that person; but such a member must ask to be excused before commencing to take a vote on the main question.

Rule 81

Limitation on Right to Vote

No member shall vote on any question in which that person is financially interested.

Rule 82

Vote of the Speaker

In all cases of a call of the ayes and nays, the speaker shall vote; in other cases that person shall not be required to vote unless the house is equally divided or unless, that person's vote, if given to the minority, will make the division equal, and in case of such equal division the question shall be lost.

Rule 83

Call of the House

Upon written request of five members, the presiding officer shall compel the attendance of absent members for the consideration of specified bills or resolutions.

A call of the house shall specify the propositions to which it is to apply, and must be put into effect before roll call is taken on any such proposition. Said request may be filed with the chief clerk any time before final action upon the proposed measures. The chief clerk shall immediately, after said filing, notify the house.

A call of the house shall be lifted by affirmative vote of fifty-

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one or more members, as to the whole house or as to individual members.

Rule 84

Method of Calling the House

Upon the call of the house, the names of the members shall be called by the chief clerk, and the absentees noted after which the names of the absentees shall again be called, and the sergeant-at-arms be directed by the speaker to compel their attendance, unless they are previously excused. Any member occupying that person's

seat during a call of the house shall be counted by the speaker and that person's name entered in the journal as being present but not voting for the purpose of making a quorum.

Rule 85

Method of Calling the Roll

Upon calls of the house, or in taking the ayes and nays on any question, the electrical roll call system shall be used. In the event the electrical roll call system is not in operating order when it is necessary to take a record roll call vote, the presiding officer shall order that the aye and nay votes be taken by calling the roll in alphabetical order, except that the name of the speaker of the house shall be called last.

During the casting of the vote with the voting machine, the individual votes and the vote totals shall be shown on the display boards. Before the voting machine is closed, the presiding officer shall inquire of the house, "Have you all voted?".

Rule 86

Quorum and Demand for Ayes and Nays

A majority of the members shall constitute a quorum, and upon demand of any two members the ayes and nays shall be ordered; the names of the members demanding the ayes and nays shall be entered in the journal.

Rule 87

Previous Question

When a member moves for a previous question, that member shall state whether the motion will apply to the main question, to

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all the amendments, or to particular amendments. The motion requires an affirmative vote of at least a constitutional majority of the members. If the motion for a previous question is not adopted, the house shall proceed in the same manner as before the motion was made.

If the motion is adopted, all debate must end and the house will vote upon the question except:

1. If the motion applies to the main question, the member in charge of the measure will have ten minutes to speak for the purpose of closing discussion before the vote on the measure is taken.

2. If the motion applies to an amendment, the member proposing the amendment will have five minutes to speak for the purpose of closing discussion before the vote on the amendment is taken.

3. If a member has filed a written request with the chief clerk of the house indicating his or her desire to speak on a particular question. The request must be filed before the motion is made by the movant. The request allows a member to speak on a particular question before the closing discussion by the member who is in charge of the measure or who is proposing the amendment.

Rule 88

Division of the Question

Any member may call for a division of the question, which shall be

divided if it comprehends questions so distinct that one being taken away, the remainder may stand separately for the discussion by the house. A motion to strike out being lost shall not preclude either an amendment or a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

ELECTION CONTEST COMMITTEE APPOINTED

The Speaker announced the appointment of the following Representatives as members of the election contest committee in the matter of the contest by Larry Miles Dinger, contestant, against Jim Johnson, incumbent, for the office of State Representative from Representative District 14: Schroeder of Pottawattamie, Chair; Brandt of Black Hawk, Rapp of Black Hawk, Swearingen of Keokuk and Poffenberger of Dallas.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 20 County Government

Relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

S.B. 21 County Government

Extending the property tax levy for flood and erosion control to all taxable property outside the corporate limits of a city.

S.B. 22 County Government

Relating to the platting and recording of resurveyed or subdivided land.

S.B. 23 County Government

Relating to the disposition of unused highway right of way.

S.B. 24 County Government

Relating to the form of restricted and salvage certificates of title.

S.B. 25 Judiciary and Law Enforcement

Authorizing the performance of marriage ceremonies by court of appeals judges.

AMENDMENTS FILED

H–3001	H.F. 57	Spear of Lee
H–3002	H.F. 36	Crabb of Crawford
H–3003	S.F. 93	Tyrrell of Iowa
H–3004	H.F. 131	Tyrrell of Iowa

On motion by Pope of Polk, the House adjourned at 9:18 a.m., until 9:00 a.m., Wednesday, January 21, 1981.

JOURNAL OF THE HOUSE

Tenth Calendar Day—Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 21, 1981

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

Prayer was offered by the Reverend Stanley Jensen, pastor of the Baptist Church of Monticello.

The Journal of Tuesday, January 20, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom McCool, Resident, Iowa Lutheran Hospital, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Petrick of Linn on request of Oxley of Linn; Kirkenslager of Des Moines on request of Smith of Scott; Harbor of Mills on request of Danker of Pottawattamie.

INTRODUCTION OF BILLS

House File 132, by Trucano, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing.

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

House File 133, by Spear, a bill for an act relating to the acquisition and sale of student-built structures and property on which the structures are or will be built.

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

House File 134, by Diemer, a bill for an act exempting from the sales, services, and use tax the sale of food through vending machines.

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

House File 135, by Mullins, a bill for an act relating to the use of weed seed in commercial feed.

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

House File 136, by Mullins, a bill for an act relating to foreign language requirements for approved high schools.

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

House File 137, by Mullins, a bill for an act to provide for direct election of members of area education agency boards of directors.

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

House File 138, by Tyrrell, a bill for an act relating to requirements for issuance of minors' school licenses.

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

House File 139, by Tyrrell, a bill for an act authorizing the schoolhouse tax to be voted for energy conservation projects.

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

House File 140, by Bruner, a bill for an act providing that covenants, restrictions, or conditions in instruments relating to real property which prohibit or restrict the installation or use of solar energy systems are unenforceable.

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

House File 141, by Hummel, a bill for an act relating to the fencing of railroad rights of way and providing penalties.

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

House File 142, by Poncy and Brandt, a bill for an act appropriating funds to the department of social services for homemaker, chore, and transportation services for the elderly and

handicapped, effective upon publication.

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

House File 143, by Tyrrell, a bill for an act relating to the authority of school districts to levy a tax for public educational and recreational purposes.

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

House File 144, by Hall, a bill for an act relating to the taking of fur-bearing animals.

Read first time and referred to committee on **natural resources.**

House File 145, by Welden, a bill for an act relating to educational leave and educational assistance for state employees.

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

House File 146, by Mullins, a bill for an act to amend section 455.135, relating to repairs and improvements in drainage and levee districts.

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

House File 147, by Bruner, a bill for an act relating to the agricultural land tax credit by requiring the filing of a claim to receive the agricultural land tax credit, limiting the tax credit to the first six hundred thousand dollars of assessed value of agricultural land owned by a resident and authorizing a double tax credit for tracts of agricultural land which are farmed organically.

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

House File 148, by Bruner, a bill for an act relating to minimum basic utility user charges for residential gas and electric customers.

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

House File 149, by Bruner, a bill for an act to eliminate the state

sales tax and use tax on minimum essential uses of electricity for residential purposes.

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

House File 150, by Bruner, a bill for an act to appropriate funds to the department of social services for the purpose of making state supplementary assistance payments to certain federal supplementary security income recipients who live in their own homes, and their dependents.

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

House File 151, by Pelton, a bill for an act relating to the valuation of land which is used for wind erosion control or wildlife habitat purposes.

Read first time and referred to committee on **natural resources.**

House File 152, by Mullins, a bill for an act relating to public and confidential governmental records and providing a penalty.

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

House File 153, by Bruner, a bill for an act prohibiting county and city zoning practices and restrictive covenants which exclude or discriminate against community-based residential homes providing room and board and other services for developmentally disabled persons.

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

HOUSE CONCURRENT RESOLUTION 5
By Ritsema and Doderer

Whereas, the President and Vice President of the United States are elected by electors and not by the people directly; and

Whereas, this method of electing the President and Vice President is capable of producing a result which is at variance with the popular vote of the election; and

Whereas, this method is established by Article II, Section 2 of the Constitution of the United States as amended by the Twelfth Amendment to that Constitution; *Now Therefore,*

Be It Resolved by the House of Representatives, the

Senate Concurring, That the Iowa General Assembly requests that the Congress of the United States propose and submit to the states an amendment to the Constitution of the United States providing that the President and Vice President of the United States be elected on the basis of the popular vote; and

Be It Further Resolved, That the Chief Clerk of the House of Representatives is directed to send copies of this resolution to the presiding officers of the houses of the legislatures of the several states of the Union, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and each member of the Iowa Congressional Delegation.

Laid over under Rule 30.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 21, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, relating to the release of the American hostages from Iran.

LINDA HOWARTH MACKAY, Secretary

SENATE CONCURRENT RESOLUTION 3
By Hultman, Junkins and Gallagher

Whereas, 52 Americans were taken hostage in Iran in the performance of their official duties; and

Whereas, the hostages conducted themselves with dignity throughout their ordeal; and

Whereas, the families of the hostages exhibited patience and supported the efforts of the United States negotiators; and

Whereas, President Jimmy Carter and the members of the State Department of the United States worked tirelessly and patiently for the release of the hostages; and

Whereas, Deputy Secretary of State Warren Christopher spent untold hours negotiating with the Algerian negotiators to bring the crisis to a successful conclusion; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That it congratulate and express its heartfelt appreciation to President Jimmy Carter, the United

States State Department, and the Deputy Secretary Warren Christopher; and

Be It Further Resolved, That the Senate and House express a great joy and prayerful thanks at the reuniting of the hostages and their families; and

Be It Further Resolved, That the Senate and House especially welcome the return of fellow Iowan Kathryn Koob; and

Be It Further Resolved, That copies of this resolution be forwarded to President Jimmy Carter, Deputy Secretary Warren Christopher, and Kathryn Koob.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 9:27 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 6
By Johnson of Woodbury and Crabb

Whereas, in the litigation of Wilson et al. v. Omaha Indian Tribe et al. the federal courts have imposed a discriminatory burden of proof upon the Iowa claimants; and

Whereas, the Iowa claimants are claiming titles which trace back to state and federal patents; and

Whereas, the Iowa claimants and their predecessors in title have paid property taxes on the land which is the subject of this litigation for many years, sometimes in excess of one hundred years; and

Whereas, the state of Iowa is one of the Iowa claimants in this litigation; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the state of Iowa should support the efforts of the Monona County Land Association in its endeavor to maintain the claims of ownership of the Iowa claimants to the land that is the subject of this litigation.

Laid over under Rule 30.

HOUSE RESOLUTION 4
By Committee on Ethics

Be It Resolved by the House of Representatives, That the following be adopted as the Code of Ethics for the house of representatives:

HOUSE CODE OF ETHICS

Recognizing that members of the general assembly are honorable citizens who are active in the business, religious and public service affairs of their community, state, and nation, the following rules were adopted pursuant to chapter 68B to assist the members in the conduct of their legislative affairs.

1. A member of the house shall not accept economic or investment opportunity under circumstances where the member knows, or should know, that there is a reasonable possibility that the opportunity is being afforded with the intent to influence the member's conduct in the performance of official duties.

2. A member of the house shall not charge to or accept from a person, partnership, or corporation known to have a legislative interest, a price, fee, compensation, or other consideration for the sale or lease of any property or the furnishing of services which is in excess of that which the member would ordinarily charge another.

3. A member of the house, in order to further his or her own economic interests, or those of any other person, shall not disclose or use confidential information acquired in the course of the member's official duties.

4. A member of the house may appear before a state agency in any representation case. Whenever a member of the house appears before a state agency, the member shall carefully avoid all conduct which might in any way lead members of the

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general public to conclude that the member is using his or her official position to further the member's professional success or general interest.

5. In order to permit the general assembly to function effectively, members of the house will, of necessity, be required to vote on bills and participate in committee work which will affect their employment and other areas in which they may have a monetary interest. Action on bills and in committee work which specifically deal with a member's specific employment or specific investment, as opposed to a profession, trade, or business in general, should be avoided. In making a decision relating to a member's activity on particular bills or in committee work which are subject to this code, the following factors should be considered:

a. Whether a substantial threat to the member's independence of judgment has been created by the conflict situation.

b. The effect of the member's participation on public confidence in the integrity of the legislature.

c. Whether the member's participation is likely to have any significant effect on the disposition of the matter.

d. The need for the member's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

The member may, however, decide to participate in a manner contrary to the economic interest which creates the conflict situation, but if the member abstains, he or she should disclose that fact to the legislative body.

6. Members of the house are urged to familiarize themselves with chapters 68B, 721 and 722 and section 720.4.

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7. Members of the house shall not charge any amount or item to a charge account to be paid for by a lobbyist or any organization a lobbyist represents.

8. Complaints against a member of the house or a lobbyist operating in the house shall be in writing, made under oath and filed with the ethics committee of the house. If the ethics committee determines that the complaint sets out an apparent violation of the law or code of ethics or rules regulating lobbyists, it shall set the matter for hearing, notify the accused of the right to appear in person, to be represented by counsel, to present statements and evidence and to cross-examine witnesses. The committee shall hold a hearing and consider all relevant evidence and shall make its recommendations to the house.

9. Advisory opinions may be rendered as set out in section 68B.10 upon request of a member of the general assembly.

10. a. As used in this rule, the word "gift" and the phrases "immediate family member" and "public disclosure" have the meaning provided in section 68B.2.

b. A person who provides a gift which exceeds fifteen dollars in value in any one occurrence to a member, officer, or employee of the house or the immediate family members of a member, officer, or employee of the house shall report the gift. The report shall show the nature, amount, date, donee, and donor of the gift. If more than one person shares in the expense of providing a gift which is required to be reported, each of those persons shall report the gift even though that person's share of the expense does not exceed fifteen dollars in value. However, if a legal entity other than a natural person makes the gift, the legal entity shall

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report the gift as a donor. If a gift is made to a group of persons, the gift shall be reported if the average value of the gift provided to those persons participating exceeds fifteen dollars in value and those members, officers and employees and their immediate family members participating shall be listed in the report. A member, officer, or employee

and the immediate family members of a member, officer, or employee shall not accept more than one gift which is required to be reported from the same person in any one occurrence.

c. The report shall be filed in the office of the chief clerk of the house by the fifteenth day of the month following the month in which a gift is provided which is required to be reported. The chief clerk shall also file and maintain any report filed by the members, officers or employees who desire to report a gift made to them or their immediate family members. Subject to the approval of the committee on ethics, the chief clerk of the house shall prepare forms for the filing of these reports and make them available to any person who is required to file a report. The reports filed shall be maintained by the chief clerk of the house and be available for public inspection as provided in chapter 68A. The committee on ethics may authorize the chief clerk of the house to prepare and make available to the public an annual summary of the reports filed under this rule.

Be It Further Resolved, That the following be adopted as the rules of the house of representatives governing lobbyists:

HOUSE RULES GOVERNING LOBBYISTS

1. Definitions:

a. For the purpose of these rules, "lobbyist" is defined as a person who:

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(1) is paid compensation to encourage the passage, defeat, or modification of legislation; or

(2) expends money in an attempt to encourage the passage, defeat, or modification of legislation; or

(3) represents an organization which has as one of its purposes the encouragement of the passage, defeat, or modification of legislation; or

(4) is a federal, state, or local official or employee who represents the official position of his or her department, commission, board, or agency, and who attempts to encourage the passage, defeat, or modification of legislation.

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

(1) Designated representatives of political parties organized in the state of Iowa and representing more than two percent of the total votes cast for governor or president in the preceding general election.

(2) Representatives of the news media engaged only in the reporting and disseminating of news.

(3) Officials and employees of federal, state, and local government who in the course of their official duties submit legislation or amendments to a representative or a house committee, or who are requested or required to provide information to a representative, or who are requested or

required to appear before a house committee, and who do not encourage the passage, defeat, or modification of legislation.

(4) Any elected state official.

(5) Constituents of a legislator in lobbying their legislator.

2. All lobbyists shall on or before the day their lobbying

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activity begins, register with the chief clerk of the house by filing a lobbyist registration form listing:

a. Name, permanent business and residential addresses, temporary residential and business addresses during the legislative session, if any; and telephone numbers.

b. The name and addre of each individual, company, firm, corporation, union, association or cause for which he or she lobbies.

c. The general subjects of legislation in which the lobbyist is or may be interested, the file number of the bills and resolution (if known) which will be lobbied, whether the lobbyist intends to lobby for or against each bill or resolution (if known), and on whose behalf the lobbyist is lobbying the bill or resolution.

Only one registration statement need be filed by a lobbyist, even if the lobbyist represents more than one client.

3. All information filed under these rules shall be public record and open to public inspection at any reasonable time.

4. Employees of federal, state, and local government offices who are designated representatives of their agency shall not lobby on behalf of such offices without a letter of authorization from such office.

5. Lobbyists shall only be permitted on the floor of the house pursuant to rule 25 of the rules of the house.

6. A fee or bonus shall not be paid to any lobbyist with reference to any legislative action that is conditioned wholly or in part upon the results attained by the lobbyist.

7. A lobbyist, or employer of a lobbyist, shall not offer economic or investment opportunity or promise of employment to any member of the house with intent to influence conduct

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in the performance of official duties.

8. The chief clerk of the house, subject to the approval of the house ethics committee, shall prescribe forms and procedures for compliance with these rules.

Laid over under Rule 30.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 26 Energy

Including energy conservation and solar access as objectives of city and county zoning regulations.

S.B. 27 Energy

To provide for the registration and bonding of insulation installers and to subject violators to civil penalties effective January 1, 1982.

S.B. 28 Energy

Relating to the siting of hazardous waste treatment, storage and disposal facilities.

S.B. 29 County Government

Relating to the appointment of a member of a county board of supervisors to the council on social services, effective upon publication.

S.B. 30 County Government

Authorizing the appointment of legal counsel for county officers under certain circumstances.

S.B. 31 County Government

To remove the maximum rate of interest to be paid on investments of public funds other than those invested by the secretary of state.

S.B. 32 County Government

Increasing from four percent to eight percent the penalty to be paid to redeem property sold for delinquent taxes.

S.B. 33 County Government

Relating to the fees for filing, indexing, and copying financing statements and continuation statements under the uniform commercial code.

S.B. 34 Commerce

Relating to the liability of the industrial loan guaranty fund for acts and omissions of the auditor of state.

S.B. 35 State Government

Relating to the retention of budget documents.

S.B. 36 State Government

Providing that the issuance of property tax receipts are optional.

S.B. 37 Ways and Means

Exempting coal mined in Iowa and held as inventory by an electric utility from property taxation.

S.B. 38 Ways and Means

Exempting the gross receipts from the sale or rental of mining equipment to be used within the state from the state sales tax.

S.B. 39 Commerce

Providing that the rights arising in a mortgagor as a result of enforcement of a due-on-sale clause inure to the benefit of a purchaser of the mortgagor's interests in the real property.

S.B. 40 Energy

Relating to the purchase of energy efficient products by the state.

S.B. 41 Education

Relating to joint meetings of members of boards of an area education agency and its corresponding merged area.

S.B. 42 Education

Providing for redrawing director districts in a merged area.

S.B. 43 Education

Striking the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

S.B. 44 Education

Relating to school year requirements.

S.B. 45 Education

Relating to the authority of boards of directors of school districts and area education agencies in school reorganization proceedings.

S.B. 46 Education

Relating to the compulsory school attendance of children.

S.B. 47 Ways and Means

Allowing school districts to issue general obligation bonds in certain named cases and providing that the Act takes effect upon its publication.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., January 20, 1981

Convened: 1:30 p.m.

Adjourned: 1:50 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould,

Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz and Welsh.

Absent: None.

Excused: Trucano.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON ETHICS

House Resolution 4, relating to the House Code of Ethics.

Fiscal note is not required.

Recommended **Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 18), a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

Fiscal note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3005	H.R. 3	Conlon of Muscatine
H—3006	H.R. 3	Johnson of Linn
Chiodo of Polk		Conlon of Muscatine
Smalley of Polk		Branstad of Winnebago
Swearingen of Keokuk		Horn of Linn
Halvorson of Webster		Groth of Buena Vista
Clark of Cerro Gordo		Poncy of Wapello
H—3007	H.R. 3	Menke of O'Brien

H–3008	H.F. 96	Johnson of Linn
H–3009	H.F. 95	Johnson of Linn
H–3010	H.R. 3	Halvorson of Webster
H–3011	H.R. 3	Halvorson of Webster
H–3012	H.R. 3	Avenson of Fayette
H–3013	H.R. 3	Cochran of Webster Halvorson of Webster
H–3014	H.F. 1	Johnson of Linn
H–3015	H.R. 3	Hanson of Delaware Renken of Grundy Danker of Pottawattamie McKean of Jones Clark of Cerro Gordo Pelton of Clinton Pellett of Cass Halvorson of Webster
H–3016	H.R. 3	Halvorson of Webster
H–3017	H.R. 3	Halvorson of Webster

On motion by Pope of Polk, the House adjourned at 12:04 p.m., until 9:00 a.m., Thursday, January 22, 1981.

JOURNAL OF THE HOUSE

Eleventh Calendar Day—Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 22, 1981

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

Prayer was offered by the Reverend Leland Schmidt, pastor of St. John's Lutheran Church, Honey Creek.

The Journal of Wednesday, January 21, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Cook, Resident, Iowa Lutheran Hospital, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kirkenslager of Des Moines on request of Smith of Scott.

OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

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

HORACE DAGGETT
THOMAS J. JOCHUM

ADOPTION OF SENATE CONCURRENT RESOLUTION 3

Pope of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 3, relating to the release of the American hostages from Iran, filed on January 21, 1981 and found on pages 144 and 145 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Pope of Polk, the House was recessed at 9:20 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 22, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, providing for the compensation of officers and employees of the senate and house for the Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY, Secretary

The House stood at ease at 1:40 p.m. until the fall of the gavel.

The House resumed session at 2:28 p.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the day, on request of Pellett of Cass.

ADOPTION OF SENATE CONCURRENT RESOLUTION 4

Pope of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 4 as follows:

SENATE CONCURRENT RESOLUTION 4
By Rules and Administration

Whereas, section two point eleven (2.11) of the Code provides that "The compensation of chaplains, officers and employees of the general assembly shall be fixed by joint

action of the house and senate by resolution at the opening of each session, or as soon thereafter as conveniently can be done.", *Now Therefore,*

Be It Resolved by the Senate, the House Concurring, That the compensation for the following officers for the period commencing January 12, 1981 and ending January 10, 1983, shall be within the following ranges:

Secretary of the Senate and Chief Clerk of the House. . . . . $21,294 to $30,004

Assistant Secretary of the Senate and Assistant Chief Clerk of the House. . . . . $16,250 to $22,360

Within the indicated ranges the exact compensation shall be set or adjusted for the senate officers by the senate rules and administration committee and for the house officers by the house administration committee. The committees shall report the exact compensation assigned to each position on the next legislative day, or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to disapprove or amend the report shall be effective the day after the action.

Be It Further Resolved, That the compensation of the employees of the sixty-ninth general assembly is set, effective from January 12, 1981, until January 10, 1983, in accordance with the following salary schedule:

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#7	#8	#9	#10	#11
$6,884.80	$7,196.80	$7,550.40	$7,841.60	$8,216.00
3.31	3.46	3.63	3.77	3.95
#12	#13	#14	#15	#16
$8,611.20	$8,985.60	$9,422.40	$9,838.40	$10,254.40
4.14	4.32	4.53	4.73	4.93
#17	#18	#19	#20	#21
$10,712.00	$11,148.80	$11,627.20	$12,147.20	$12,729.60
5.15	5.36	5.59	5.84	6.12
#22	#23	#24	#25	#26
$13,395.20	$14,102.40	$14,747.20	$15,371.20	$16,016.00
6.44	6.78	7.09	7.39	7.70
#27	#28	#29	#30	#31
$16,681.60	$17,430.40	$18,179.20	$18,928.00	$19,676.80
8.02	8.38	8.74	9.10	9.46
#32	#33	#34	#35	#36
$20,592.00	$21,507.20	$22,568.00	$23,670.40	$24,793.60
9.90	10.34	10.85	11.38	11.92

	#37	#38	#39	#40	#41
	$26,000.00	$27,248.00	$28,579.20	$30,014.40	$31,532.80
	12.50	13.10	13.74	14.43	15.16

In this schedule, each numbered block shall be the yearly and hourly compensation for the pay grade of the number heading the block. Within each grade there shall be seven steps numbered "1" through "7". In the above schedule the steps for all grades are determined in the following manner. Each numbered block is counted as the "1" step for that grade. The next higher block is counted as the "2" step; the next higher block is the "3" step; the next higher block is the

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"4" step; the next higher block is the "5" step; the next higher block is the "6" step; the next higher block is the "7" step.

All employees, other than those designated "part-time" shall be compensated for 40 hours of work in a one-week pay period. Except for the personnel designated to the contrary in this resolution, employees who are required to work in excess of 40 hours in a one-week pay period shall either be compensated at a rate of pay equal to one and one-half times the hourly pay provided in this resolution or allowed compensatory time off at a rate of one and one-half hours for each hour of overtime.

The following personnel shall not be paid an overtime premium:

Secretary of the Senate
Chief Clerk of the House
Assistant Secretary of the Senate
Assistant Chief Clerk of the House
Senate Legal Counsel
House Legal Counsel
Finance Clerk
All Administrative Assistants
All Research Analysts
All Secretaries to Senators and Clerks to Representatives
House Public Information Office Director
All Caucus Staff Directors

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

Be It Further Resolved, That in the event the salary schedule for employees of the State of Iowa as promulgated by the merit employment commission pursuant to section nineteen A point nine (19A.9), subsection two (2), Code 1981, is revised

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upward at any time during the sixty-ninth general assembly, such revised schedule shall simultaneously be adopted for the compensation of the employees of the sixty-ninth general assembly assigned a grade by this resolution. The pay ranges of those positions specifically listed on page one of this resolution shall be automatically adjusted to reflect any cost of living increases granted to those emplyees not included in the collective bargaining agreement made final under Chapter Twenty (20) of the Code.

Be It Further Resolved, That the employees of the sixty-ninth general assembly be placed in the following pay grades:

EMPLOYEES OF THE HOUSE

Legal Counsel II	Grade 33
Legal Counsel I	Grade 29
Executive Secretary to Speaker	Grade 23
Caucus Staff Director and/or Leader's Administrative Assistant	Grade 26 to Grade 31
Research Analyst	Grade 24 to Grade 28
Executive Secretary to Chief Clerk	Grade 23
Clerk to Chief Clerk	Grade 15
Public Information Office Director	Grade 26 to Grade 30
Assistant to Public Information Office Director	Grade 18
Supervisor of Clerks	Grade 20
Journal Editor	Grade 22 to Grade 24
Assistant Journal Editor	Grade 18 to Grade 20
Compositor	Grade 16 to Grade 18
Finance Clerk	Grade 22 to Grade 27
Assistant Finance Clerk	Grade 17 to Grade 20
Recording Clerk	Grade 20
Assistant Legal Counsel	Grade 23
Assistant to the Legal Counsel and Engrossing/Enrolling Clerk	Grade 21
Assistant to the Legal Counsel	Grade 21

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Chief Indexer	Grade 19
Indexing Assistant	Grade 17
Supply Clerk	Grade 15
Swing Clerk	Grade 15
Switchboard Operator	Grade 13
Clerk I	Grade 13
Clerk II	Grade 15
Administrative Assistant I	Grade 13
Administrative Assistant II	Grade 15
Bill Clerk	Grade 13
Assistant Bill Clerk	Grade 12

File Clerk ..... Grade 8 or minimum wage, whichever is greater
Postmaster ..... Grade 10
Sergeant-at-Arms ..... Grade 15
Assistant Sergeant-at-Arms ..... Grade 13
Doorkeepers ..... Grade 9
Elevator Operator ..... Grade 8 or minimum wage, whichever is greater
Porter ..... Grade 8 or minimum wage, whichever is greater
Cloakroom Attendant ..... Grade 8 or minimum wage, whichever is greater
Pages ..... Minimum Wage
Aide to Public Information Office
(80 hours a week maximum) ..... Minimum Wage
Aide to the Chief Clerk ..... $4.00/hr.

EMPLOYEES OF THE SENATE

Legal Counsel II ..... Grade 33
Legal Counsel I ..... Grade 29
Caucus Staff Director and/or
Leader's Administrative Assistant ..... Grade 26 to Grade 31
Research Analyst ..... Grade 24 to Grade 28
Executive Secretary to the Secretary ..... Grade 24
Secretary to the Secretary of the Senate ..... Grade 20
Journal Editor ..... Grade 22 to Grade 24
Assistant Journal Editor ..... Grade 18 to Grade 20
Compositor ..... Grade 16 to Grade 18

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Assistant Legal Counsel ..... Grade 23
Assistant to the Legal Counsel ..... Grade 17
Finance Clerk ..... Grade 22 to Grade 27
Assistant Finance Clerk ..... Grade 17 to Grade 20
Recording Clerk ..... Grade 20
Chief Indexer ..... Grade 19
Indexing Assistant ..... Grade 17
Records and Supply Clerk ..... Grade 19
Switchboard Operator ..... Grade 13
Secretary I ..... Grade 13
Secretary II ..... Grade 15
Administrative Assistant I ..... Grade 13
Administrative Assistant II ..... Grade 15
Bill Clerk ..... Grade 13
Assistant Bill Clerk ..... Grade 12
Postmaster ..... Grade 10
Sergeant-at-Arms ..... Grade 15
Assistant Sergeant-at-Arms ..... Grade 13
Chief Doorkeeper ..... Grade 10
Doorkeepers ..... Grade 9
Porter ..... Grade 8 or minimum wage, whichever is greater
Pages ..... Minimum Wage

Be It Further Resolved, That there shall be four classes of appointments as employees of the general assembly:

A "permanent full-time" or "permanent part-time" employee is one who is employed the year around and eligible to receive state benefits.

An "exempt full-time" employee is one who is employed for the period of the sessions with extensions post-session and pre-session as scheduled. This class is eligible to receive state benefits with the cost of benefits to the state to be paid by the employee when not on the payroll.

A "session-only" employee is one who is employed for only

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a portion of the year, usually the legislative session. This class is not eligible for state benefits, except IPERS.

A "part-time" employee is one who is employed to work less than 40 hours per week. This class is not eligible for state benefits, except IPERS if eligible.

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

1. The extent of formal education required of the position; and,

2. The extent of the responsibilities to be assigned to the position; and,

3. The amount of supervision placed over the position; and,

4. The number of persons the position is assigned to supervise and skill and responsibilities of those positions supervised.

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

Be It Further Resolved, That a senator may employ a Secretary I or Secretary II and each representative may employ a Clerk I or Clerk II who shall perform such clerical duties as the senator or representative shall designate under the administrative direction, as appropriate, of the secretary of the senate or the chief clerk of the house.

Each standing committee chairperson and each appropriations subcommittee chairperson shall designate a secretary or clerk

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of at least the Secretary II or Clerk II level to be the Secretary or Clerk to the Committee. Such Secretary or Clerk shall prepare committee minutes, committee reports, type committee correspondence, maintain committee records, and otherwise assist the committee. Such duties shall be performed in accordance with standards which shall be provided by the secretary of the senate and chief clerk of the house. The chairperson of a senate committee may designate any Secretary II to be the committee secretary. The chairperson of a house committee may designate any Clerk II to be the committee secretary. In making the designation, chairpersons shall consider persons for possible designation as the secretary or clerk to the committee in the following order:

First: The secretary or clerk to the chairperson.

Second: The secretary or clerk to the committee's vice-chairperson.

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

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

A Secretary II and Clerk II is a person who has been certified by Merit Employment as having passed a typing performance examination of at least 40 words per minute, and a stenographic performance examination of 80 words per minute using either manual or machine dictation which will be transcribed with 80% accuracy.

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

Be It Further Resolved, That as an alternative to each senator and representative having a secretary, senators and representatives may hire an administrative assistant I or II as provided by this paragraph. Senators and representatives may employ an assistant only if two or more senators or two

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or more representatives or two or more senators and representatives agree to jointly employ a secretary or secretaries and the assistant in a total number not greater than the senators and representatives participating in the joint hiring. Without an agreement between the hiring senators or representatives to the contrary, the secretary or secretaries and the assistant shall each devote their time equally to each of the persons for whom they work.

An Administrative Assistant II is a person who has participated in two years of education beyond high school or the equivalent experience, demonstrates a comprehensive

knowledge of the legislative process and the capability of properly using the English language in research papers.

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

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

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

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

Be It Further Resolved, That employees of the general assembly shall be eligible for mobility within pay steps -- at the discretion of the chief clerk of the house and the secretary of the senate, and subject to the approval of the house committee on administration or the senate committee

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on rules and administration, as the case may be -- in accord with the following schedule:

(1) Progression from step "1" to "2" --six months of actual employment.

(2) Progression from step "2" to "3", and step "3" to "4", and step "4" to "5" -- twelve months of actual employment.

(3) Progression from step "5" to "6" and step "6" to "7" --twenty-four months of actual employment.

Be It Further Resolved, that in addition to the steps provided in the preceding paragraph, that secretaries to senators and clerks to representatives shall be eligible for additional steps as provided in this paragraph. At the discretion of the secretary of the senate and chief clerk of the house and subject to the approval of the senate committee on rules and administration or the house committee on administration, as appropriate, secretaries and clerks may be granted additional steps in accord with the following schedule:

1. One additional step for a secretary or clerk to a standing committee, ethics committee or appropriations subcommittee chairperson who is not the designated committee secretary or clerk.

2. One additional step for a secretary or clerk to a vice-chairperson or ranking member of a standing committee, or

clerk to the minority or majority caucus staffs.

3. Two additional steps for a designated secretary or clerk to a standing or ethics committee or appropriations subcommittee or assistant floor leader or speaker pro tempore or president pro tempore, and one additional step for each such position held beyond the first position.

4. Three additional steps for a secretary or clerk to a majority or minority floor leader.

Except as provided in subparagraph three (3), steps may be granted only under one of the subparagraphs and only once within each subparagraph and shall not exceed three steps

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when combined.

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

The entry level for the position of research analyst shall be grade 24, step 1, unless extraordinary conditions justify increasing that entry level; however, that entry level may not be increased beyond grade 26, step 1. A research analyst must have shown knowledge of legislative rules and procedures as well as the Code of Iowa to be considered at any grade above a grade 24, step 1.

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

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

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

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advance of granting the pay increase;

c. No more than one exceptionally meritorious service pay increase may be granted in any twelve month period.

Be It Further Resolved, That the secretary of the senate and chief clerk of the house shall receive applications for employment, arrange for any necessary examinations, contact references and make recommendations for hiring. The senate rules and administration committee and the house administration committee shall both hire officers and employees for their respective bodies and fill any vacancies which may occur, to be effective at such time as they shall set. The committee shall report the names of those it has hired for the positions specified in this resolution or the filling of any vacancies on the next legislative day or, if such action is during the interim, on the first day the senate or house shall convene. Any action by the senate or house to amend or disapprove a report or a portion of a report shall be effective the day after the action.

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

Be It Further Resolved, That permanent employees of the general assembly shall receive vacation allowances, sick leave, health and accident insurance, life insurance, and disability income insurance as are provided for full-time

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permanent state employees. The computations shall be maintained by the finance clerks in each house and coordinated with the state comptroller.

Be It Further Resolved, That should any employee have grievance concerning their compensation, hours of work, performance of work, or other matter, the grievance shall be resolved as provided in this paragraph or by procedures determined by the senate rules and administration committee or the house administration committee.

The grievance shall first be brought to the attention of the secretary of the senate or chief clerk of the house.

The procedure may be informal and oral except that the secretary or chief clerk shall give his or her final conclusion in writing.

An employee may appeal in writing an adverse ruling of the secretary or chief clerk to the Senate Rules and Administration Committee or the House Administration Committee which shall consider the grievance. The committee's consideration shall be informal except that accurate minutes shall be kept and the final conclusion shall be in writing.

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

Be It Further Resolved, That the compensation of chaplains officiating at the opening of the daily sessions of the house of representatives and the senate of the sixty-ninth general assembly be fixed at ten (10) dollars for each house of the general assembly, and that mileage for chaplains be fixed at the rate of twenty (20) cents per mile to and from the State Capitol. The secretary to the senator or representative who is the chairman of the chaplain's committee shall be granted one pay step in addition to the step for which that secretary is otherwise qualified.

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 with regard to the filing of amendments during the consideration of Senate Concurrent Resolution 4.

Connors of Polk offered amendment H–3020 filed by Connors, Connolly and O'Kane from the floor and requested division as follows:

H–3020

Amend Senate Concurrent Resolution 4 as follows:

H–3020A

1. Page 4, by striking line 19 and inserting in lieu thereof the following:

"Research Analyst I. . . . . Grade 24
Research Analyst II. . . . . Grade 26
Research Analyst III. . . . . Grade 28".

2. Page 11, by striking lines 14 through 20 and inserting in lieu thereof the following:

"The committees shall base the assignment of a Research Analyst position upon the following factors:
Research Analyst I: Graduate of a college or university with bachelor's or master's degree.

Ability to communicate orally and in writing in a clear and concise manner and to summarize detailed documents, administrative rules, legislation, periodicals and other written materials. Ability to learn research techniques and research sources and apply research methods. Related experience may be substituted for a college degree.
Research Analyst II: Same as for Research Analyst I except that two years of legislative research experience is required.
Research Analyst III: Same as for Research Analyst I except that three years legislative research experience is required and skills must have been demonstrated at a higher degree of competence. Experience in similar occupation may be substituted to some degree depending upon type of experience, special areas of experience and number of years of such experience.

H—3020B

An employee who is promoted to a position which is assigned a higher pay grade shall establish a new anniversary date to be used in determining completion of longevity steps which shall be the date of the employee's promotion. The employee shall be employed at step 1 in the new position unless additional steps are necessary to insure a one step pay increase."

On motion by Connors of Polk, amendment H—3020A lost.

The following amendment H—3023, to amendment H—3020B, filed by Smalley of Polk from the floor was adopted by unanimous consent:

H—3023

Amend Amendment H—3020 to Senate Concurrent Resolution 4 as follows:
1. Page 1, by striking line 30 and inserting in lieu thereof the following: "such experience." "
2. Page 1, by inserting after line 30 the following:
"3. Page 11, by inserting before line 21 the following:"

On motion by Connors of Polk, amendment H—3020B, as amended, lost.

Johnson of Howard moved the adoption of Senate Concurrent Resolution 4.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 3

Pope of Polk asked and received unanimous consent for the immediate consideration of House Resolution 3, providing for the permanent rules of the House for the Sixty-ninth General Assembly, filed on January 20, 1981 and found on pages 117 through 138 of the House Journal.

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 with regard to the filing of amendments during consideration of House Resolution 3.

Halvorson of Webster offered the following amendment H—3017 filed by him and moved its adoption:

H—3017

Amend House Resolution 3 as follows:

1. Page 6, line 24, by adding after the word "Secretaries" the words "and Administrative Assistants".

2. Page 6, line 25, by adding after the word "secretaries" the words "and administrative assistants".

3. Page 6, line 26, by adding after the word "Secretaries" the words "and administrative assistants".

4. Page 6, line 28, by adding after the word "secretary" the words "or administrative assistant".

5. Page 6, lines 28 and 29, by adding after the word "Secretaries" the words "and administrative assistants".

Amendment H—3017 lost.

Conlon of Muscatine offered amendment H—3005 filed by him and requested division as follows:

H—3005

Amend House Resolution 3 as follows:

H—3005A

1. Page 8, line 1, by inserting after the word "council," the words "the lieutenant governor,".

H—3005B

2. Page 18, line 4, by striking the words

"other than".

3. Page 18, line 5, by striking the word "appropriations,".

H—3005C

4. Page 20, by striking line 9 and by inserting in lieu thereof the words "amend another committee amendment, the amend-".

H—3005B

5. Page 21, by striking lines 1 through 8.

H—3005D

6. Page 22, by striking lines 21 through 28.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—3005B.

On motion by Conlon of Muscatine, amendment H—3005A was adopted.

Halvorson of Webster offered the following amendment H—3011 filed by him and moved its adoption:

H—3011

Amend House Resolution 3 as follows:

1. Page 11, by striking lines 13 through 27 and inserting in lieu thereof the following:

"No bill or joint resolution under individual sponsorship shall be read for the first time after 4:00 p.m. or adjournment, whichever is earlier, on Friday of the 7th week of the first regular session of the general assembly unless a written request for drafting the bill has been filed with the legislative service bureau before that time.

After adjournment of the first regular session, bills may be prefiled at any time before the convening of the second regular session. No bill or joint resolution under individual sponsorship shall be read for the first time after 4:00 p.m. or adjournment, whichever is earlier, on Friday of the 3rd week of the second regular session of the general assembly unless a written request for drafting the bill or joint resolution has been filed with the legislative service bureau before that time."

A non-record roll call was requested.

The ayes were 40, nays 54.

Amendment H—3011 lost.

Menke of O'Brien offered the following amendment H—3007 filed by him and moved its adoption:

H—3007

Amend House Resolution 3 as follows:

1. Page 11, line 21, by inserting after the word "committee." the following: "No individual request for a bill draft will be accepted by the legislative service bureau after Friday of the 5th week of the first session."

2. Page 11, line 27, by inserting after the word "assembly." the following: "No individual request for a bill draft will be accepted by the legislative service bureau after Friday of the first week of the second regular session."

A non-record roll call was requested.

The ayes were 60, nays 34.

Amendment H—3007 was adopted.

Connors of Polk offered the following amendment H—3022 filed by him from the floor and moved its adoption:

H—3022

Amend House Resolution 3, as follows:

1. On Page 11, by inserting after line 32, the following:

Rule 34a

Committee Bills

No committee may introduce as a committee bill any matter involving substantially identical title, language, subject matter, purpose and intrasectional arrangement to an individual bill which was in the possession of the committee for at least ten days before any deadline fixed by joint rule for the placement on the House calendar of individual bills.

Amendment H—3022 lost.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3010 filed by him on January 21, 1981, placing out of order amendment H—3018 (to amendment H—3010) filed by Conlon of Muscatine from the floor.

Avenson of Fayette offered amendment H—3012 filed by him and requested division as follows:

H—3012

Amend House Resolution 3 as follows:

H—3012A

1. Page 14, line 9, by inserting after the word "calendar" the words "consisting of bills and joint resolutions from the house calendar".

H—3012B

2. Page 14, line 18, by inserting after the word "calendar" the words "consisting of bills and joint resolutions from the weekly debate calendar".

On motion by Avenson of Fayette, amendment H—3012A lost.

On motion by Avenson of Fayette, amendment H—3012B was adopted.

Hanson of Delaware offered the following amendment H—3021 filed by Hanson of Delaware, Pellett, McKean, Corey, Clark of Cerro Gordo, Renken and Halvorson of Webster from the floor and moved its adoption:

H—3021

Amend House Resolution 3 as follows:

1. Page 18, by striking lines 21 and 22, and inserting in lieu thereof the following: "while a committee is meeting. Smoking shall not be permitted on the floor of the House from 8 a.m. to 5 p.m. or while the House is in session, except in the perimeter area."

A non-record roll call was requested.

The ayes were 37, nays 54.

Amendment H–3021 lost.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H–3015 filed by Hanson, et al., on January 21, 1981.

The House resumed consideration of amendment H–3005C.

On motion by Conlon of Muscatine, amendment H–3005C was adopted.

The House resumed consideration of amendment H–3005D.

On motion by Conlon of Muscatine, amendment H–3005D was adopted.

Johnson of Linn offered the following amendment H–3006 filed by Johnson, et al.:

H–3006

Amend House Resolution 3 as follows:
1. Page 25, line 34, by striking the word "During" and inserting in lieu thereof the following: "Upon direction of the speaker or upon the request of two members during".

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H–3019, to amendment H–3006, filed by him from the floor.

Johnson of Linn moved the adoption of amendment H–3006.

A non-record roll call was requested.

The ayes were 56, nays 40.

Amendment H–3006 was adopted.

Cochran of Webster offered the following amendment H—3013 filed by him and Halvorson of Webster and moved its adoption:

H—3013

Amend House Resolution 3 as follows:

1. Page 26, line 1, by striking the words "that members" and inserting in lieu thereof the following: "as members:

1. Members".

2. Page 26, by inserting after line 6 the following:

"2. An original vote on any question may be recorded at any time within ten minutes after the vote has been announced, providing the vote does not change the outcome of the vote on that question. The presiding officer shall announce the names of persons so recorded after the ten minute period."

A non-record roll call was requested.

The ayes were 41, nays 53.

Amendment H—3013 lost.

Halvorson of Webster offered the following amendment H—3016 filed by him and moved its adoption:

H—3016

Amend House Resolution 3 as follows:

1. Page 27, line 23, by inserting after the word "shall" the word "not".

2. Page 27, line 24, by inserting after the word "boards." the following: "The vote and vote totals shall be displayed on the board at the time the presiding officer announces the results of the vote."

Amendment H—3016 lost.

Menke of O'Brien moved the adoption of House Resolution 3.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

House File 154, by committee on judiciary and law enforcement, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property.

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

House File 155, by committee on ways and means, a bill for an act to provide for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the Act retroactive to January 1, 1981.

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

House File 156, by Bennett, a bill for an act to grant a partial exemption from property taxation to certain agricultural land, to be effective January 1.

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

COMMUNICATION RECEIVED

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

STATE DEPARTMENT OF HEALTH

A summary of activities report concerning adoption of rules and complaints for the calendar year 1980, in accordance with Section 258A.4(2), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 48• Judiciary and Law Enforcement

Relating to the criminal code concerning the definition of a forcible felony and use of reasonable force.

S.B. 49 Judiciary and Law Enforcement

Relating to chapter 692 concerning criminal investigation data, criminal history data, and intelligence data.

S.B. 50 Energy

Relating to energy conservation programs provided by the Iowa housing finance authority and natural gas and electric utilities, with a January 1 effective date.

S.B. 51 Energy

Providing a residential energy credit against individual state income tax liability, effective upon publication retroactive to January 1, 1981.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 1

Judiciary and Law Enforcement: Shimanek, Chair; Halvorson of Clayton and Rapp.

House Joint Resolution 3

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House Joint Resolution 4

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 5

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 6

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House File 2

Judiciary and Law Enforcement: Pelton, Chair; Smalley and Doderer.

House File 4

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Johnson of Howard and Jay.

House File 5

Judiciary and Law Enforcement: Conlon, Chair; Ritsema, Corey, Rapp and Sturgeon.

House File 6

Commerce: Schnekloth, Chair; Smith and Welsh.

House File 8

Judiciary and Law Enforcement: Poffenberger, Chair; Egenes, Smalley, Arnould and Jochum.

House File 9

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 10

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 11

Human Resources: Kirkenslager, Chair; Gross, Menke and Miller.

House File 13

County Government: Hansen of O'Brien, Chair; Oxley and Renken.

House File 17

Judiciary and Law Enforcement: Ritsema, Chair; Poffenberger and Arnould.

House File 18

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 23

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 25

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 30

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 31

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 32

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 34

Judiciary and Law Enforcement: Conlon, Chair; Egenes and Sturgeon.

House File 36

Labor and Industrial Relations: Conlon, Chair; Johnson of Linn and Sturgeon.

House File 38

Judiciary and Law Enforcement: Pelton, Chair; Poffenberger and Jochum.

House File 39

Judiciary and Law Enforcement: Pelton, Chair; Poffenberger and Jochum.

House File 42

Judiciary and Law Enforcement: Johnson of Howard, Chair; Gross and Swartz.

House File 43

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 48

County Government: Branstad, Chair; Walter and Clark of Lee.

House File 49

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 52

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Pelton and Arnould.

House File 56

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Smalley and Brandt.

House File 57

Judiciary and Law Enforcement: Poffenberger, Chair; Halvorson of Clayton and Welsh.

House File 59

State Government: Carpenter, Chair; Harbor and Brandt.

House File 60

County Government: Renken, Chair; Binneboese and Clark of Cerro Gordo.

House File 63

Labor and Industrial Relations: Hummel, Chair; Crabb and Gettings.

House File 64

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 69

Judiciary and Law Enforcement: Pelton, Chair; Johnson of Howard and Doderer.

House File 70

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 75

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Rapp.

House File 78

Ways and Means: Maulsby, Chair; Diemer and Cochran.

House File 79

Judiciary and Law Enforcement: Poffenberger, Chair; Corey and Jay.

House File 81

Ways and Means: Branstad, Chair; Diemer and Oxley.

House File 84

Labor and Industrial Relations: Smalley, Chair; Mann and Connors.

House File 85

County Government: Tofte, Chair; Gettings and Johnson of Linn.

House File 87

Human Resources: Kirkenslager, Chair; Gross, Menke and Miller.

House File 91

Judiciary and Law Enforcement: Egenes, Chair; Gross and Brandt.

House File 93

Human Resources: McKean, Chair; Cusack, Daggett and Running.

House File 95

Judiciary and Law Enforcement: Shimanek, Chair; Smalley, Pelton, Jay and Welsh.

House File 96

Judiciary and Law Enforcement: Shimanek, Chair; Smalley, Pelton, Jay and Welsh.

House File 99

Ways and Means: Diemer, Chair; Daggett and Norland.

House File 101

Labor and Industrial Relations: Corey, Chair; Stueland and Running.

House File 102

State Government: Swearingen, Chair; Clark of Cerro Gordo and Brandt.

House File 103

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 104

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 105

Commerce: Johnson of Linn, Chair; Chiodo and Hoffmann.

House File 107

Ways and Means: Hummel, Chair; Petrick and Cochran.

House File 109

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 110

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 111

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 112

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 113

Agriculture: McKean, Chair; Miller and Stueland.

House File 115

Ways and Means: Maulsby, Chair; Diemer and Cochran.

House File 117

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 118

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 119

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 120

Judiciary and Law Enforcement: Ritsema, Chair; Corey and Jay.

House File 121

State Government: Harbor, Chair; Trucano and Doderer.

House File 122

Human Resources: Mullins, Chair; Arnould, Clements, Connors, Maulsby and Walter.

House File 124

State Government: Harbor, Chair; Shimanek and Halvorson of Webster.

House File 125

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger and Swartz.

House File 126

Human Resources: Trucano, Chair; Clements and Lonergan.

House File 127

Judiciary and Law Enforcement: Smalley, Chair; Egenes and Sturgeon.

House File 128

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 129

Judiciary and Law Enforcement: Poffenberger, Chair; Halvorson of Clayton and Jochum.

House File 130

State Government: Swearingen, Chair; Crawford and Brandt.

House File 131

Human Resources: Mullins, Chair; Arnould, Clements, Connors, Maulsby and Walter.

House File 148

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 2

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 3

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 4

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 5

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 6

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 7

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 8

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 9

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 10

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 11

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 12

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 13

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 15

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

Study Bill 16

Judiciary and Law Enforcement: Johnson of Howard, Chair; Egenes and Swartz.

Study Bill 17

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Gross and Welsh.

Study Bill 18

Judiciary and Law Enforcement: Conlon, Chair; Gross and Brandt.

Study Bill 20

County Government: Branstad, Chair; Renaud and Pelton.

Study Bill 21

County Government: Hanson of Delaware, Chair; Running and Tofte.

Study Bill 22

County Government: Schroeder, Chair; Swartz and Pelton.

Study Bill 23

County Government: Renken, Chair; Gettings and Gross.

Study Bill 24

County Government: Branstad, Chair; Renaud and Pelton.

Study Bill 25

Judiciary and Law Enforcement: Trucano, Chair; Gross and Jochum.

Study Bill 29

County Government: Renken, Chair; Renaud and Danker.

Study Bill 30

County Government: Gross, Chair; Hall and Pelton.

Study Bill 31

County Government: Clark of Cerro Gordo, Chair; Running and Hansen of O'Brien.

Study Bill 32

County Government: Schroeder, Chair; Swartz and Gross.

Study Bill 33

County Government: Schroeder, Chair; Walter and Gross.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 53, a bill for an act providing an exemption from annual licensing and inspection for individuals making less than two thousand dollars per year from baked goods and confectionary items.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON EDUCATION

Senate File 93, a bill for an act relating to the definition of the Higher Education Act of 1965 and providing that the Act will take effect upon its publication.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON STATE GOVERNMENT

Study Bill 8A, to establish short term liquor licenses and beer permits. (Voted out of committee on January 20, 1981.)

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON WAYS AND MEANS

Study Bill 14, to provide for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the Act retroactive to January 1, 1981.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—3024	H.F. 142	Tyrrell of Iowa
H—3025	H.F. 126	Johnson of Linn

On motion by Pope of Polk, the House adjourned at 4:43 p.m., until 10:00 a.m., Monday, January 26, 1981.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 26, 1981

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

Prayer was offered by the Reverend John L. Riebhoff, pastor of the Trinity United Methodist Church, Fort Dodge.

The Journal of Thursday, January 22, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Clark of Cerro Gordo, from fifty-nine constituents favoring House File 87, requiring Iowa doctors to report to the State Department of Health cases of Reye's Syndrome that they treat.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Shimanek of Jones; Cusack of Scott on request of Miller of Buchanan; Johnson of Howard, for the morning session, on request of Renken of Grundy.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 7

Pope of Polk called up for consideration House Concurrent Resolution 7 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 7
By Pope

Be It Resolved by the House of Representatives, the Senate Concurring, That a joint convention of the two houses of the Sixty-ninth General Assembly be held on January 29, 1981, at 10:00 a.m.; and

Be It Further Resolved, That Governor Robert D. Ray be invited to deliver his budget message at this joint convention of the two houses of the General Assembly

and that the Speaker of the House of Representatives and the President of the Senate be designated to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

On motion by Pope of Polk, the House was recessed at 10:12 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 7, by Spear and Brandt, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of senators.

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

House Joint Resolution 8, by Bennett, a joint resolution proposing an amendment to the Constitution of the State of Iowa limiting the availability of bail.

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

House File 157, by Johnson of Woodbury, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

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

House File 158, by Egenes, a bill for an act to require write-in candidates to file a declaration of candidacy prior to an election.

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

House File 159, by Ritsema, a bill for an act to allow optional coverage under the Iowa public employees' retirement system for members of the Iowa beer and liquor control council.

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

House File 160, by Schroeder, a bill for an act to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them.

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

House File 161, by Hansen of O'Brien, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

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

House File 162, by Woods, Chiodo and Pavich, a bill for an act to permit pari-mutuel betting in Iowa by creating a state racing commission and prescribing its powers and duties, by providing for licensing of certain organizations for the purpose of conducting horse or dog races and racing meets, by imposing taxes and fees and providing for their use and disbursement, and by declaring certain acts to be unlawful and prescribing penalties.

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

House File 163, by Branstad and Mullins, a bill for an act repealing the state inheritance tax and making coordinating amendments.

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

House File 164, by Diemer, a bill for an act to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

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

House File 165, by Bennett, a bill for an act to provide a credit of five percent of property taxes due to property taxpayers who pay all property taxes due for the fiscal year on or before September 30.

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

House File 166, by Lageschulte, a bill for an act to exempt certain interest income from the state individual income tax and making the Act retroactive.

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

House File 167, by Schnekloth, a bill for an act relating to the allowable expenditures of school districts.

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

House File 168, by Danker, a bill for an act relating to the rights of intestate succession of adopted persons, their natural parents and adoptive parents.

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

House File 169, by Johnson of Howard and Gross, a bill for an act providing for a ten dollar registration fee for special registration plates issued to former prisoners of war with a December 1 effective date.

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

House File 170, by Swearingen, a bill for an act requiring an agency conducting a hearing for vacating and closing a road to send notice of allowed damages to affected property owners and utilities.

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

House File 171, by Swearingen, a bill for an act exempting from the sales, services, and use tax property purchased by a dry cleaning business for use in packaging dry cleaned items.

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

House File 172, by Doderer, Hansen of O'Brien and Clark of Cerro Gordo, a bill for an act relating to the identification of proposed constitutional amendments and public measures on a ballot.

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

House File 173, by Jochum, a bill for an act relating to the scope of negotiations conducted by public employers and employees.

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

House File 174, by Jochum and Welsh, a bill for an act permitting an employee to choose the care given under workers' compensation medical benefits.

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

House File 175, by committee on state government, a bill for an act relating to fourteen-day liquor licenses and beer permits.

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

ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Pope of Polk called up for consideration Senate Concurrent Resolution 1, to furnish county auditors and members of Congress copies of daily legislative publications, filed on January 14, 1981 and found on page 76 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-2 The Dubuque High School Girls Volleyball Team
1981-3 Iowa Jaycees, et al.

PAT H. HARPER
Chief Clerk of the House

COMMUNICATIONS RECEIVED

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

COMMISSION ON THE STATUS OF WOMEN

The annual report of the Commission on the Status of Women has been received, pursuant to Chapter 601.8, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The annual report, July 1, 1979 to July 1, 1980 of the Department of Transportation has been received, pursuant to Section 310.36, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 52 Commerce

Relating to the effective date of rate reductions ordered by the commerce commission.

S.B. 53 Commerce

Relating to the implementation of suspended rates, charges, schedules, or regulations pending a decision by the commerce commission in a rate-making proceeding.

S.B. 54 Commerce

Relating to the judicial review of commerce commission actions, and providing for the initiation of judicial review of rate-regulatory decisions with the supreme court.

S.B. 55 Agriculture

Relating to transactions involving the storage, processing or sale of grain, and providing penalties.

S.B. 56 Agriculture

To increase the threshold for workers compensation insurance for persons engaged in agriculture.

S.B. 57 Ways and Means

Relating to the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

S.B. 58 Education

Relating to the duties of the director of special education of an area education agency.

APPOINTMENTS BY THE SPEAKER

Speaker Stromer announced the following appointments to statutory committees:

1981-1982 Legislative Council
(Section 2.41, Code of Iowa)

Representative Robert T. Anderson
Representative Donald D. Avenson
Representative John H. Clark
Representative John Connors
Representative Gregory D. Cusack
Representative Ingwer Hansen
Representative Lester D. Menke
Representative Lawrence Pope
Representative Richard W. Welden

Legislative Fiscal Committee
(Section 2.45, Code of Iowa)

Representative John H. Clark
Representative Gregory D. Cusack
Representative Kenneth Miller
Representative Hugo Schnekloth
Representative Richard W. Welden

Administrative Rules Review Committee
(Section 17A.8, Code of Iowa)

Representative Ned Chiodo
(To fill a vacancy, term expiring April 30, 1983)

AMENDMENTS FILED

H—3026	S.F. 93	Tyrrell of Iowa
H—3027	H.F. 154	Sturgeon of Woodbury

H—3028 H.F. 15 Jochum of Dubuque

On motion by Pope of Polk, the House adjourned at 11:53 a.m., until 9:00 a.m., Tuesday, January 27, 1981.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day—Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 27, 1981

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

Prayer was offered by the Reverend David E. Lack, pastor of the St. Paul Lutheran Church, Davenport.

The Journal of Monday, January 26, 1981 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 9, by Spear, Brandt, Lloyd-Jones, Dieleman, Sturgeon and Bruner, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the general assembly to prescribe by law when a person who is convicted of a felony or who is mentally ill or mentally retarded shall be entitled to the privilege of an elector.

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

House File 176, by Anderson of Jasper, Brandt, Chiodo, Swartz, Welsh, Dieleman, Norland, Binneboese, Bruner, Howell, Horn, Connors, Lonergan, Arnould, Halvorson of Webster, Renaud and Corey, a bill for an act requiring publication of a statement of the economic impact of a proposed administrative rule.

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

House File 177, by Anderson of Jasper, a bill for an act relating to the billing information supplied to gas and electric public utilities.

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

House File 178, by O'Kane, Cochran and Gettings, a bill for an act providing for a refund of the sales tax paid on machinery or equipment by a business beginning or expanding its operation in an area with a higher unemployment rate than the statewide unemployment rate.

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

House File 179, by Bennett, a bill for an act providing that the market value in the ordinary course of trade of agricultural land for state inheritance tax purposes shall be determined on the basis of its use for agricultural purposes if the land was so valued for federal estate tax purposes and providing a January 1 effective date.

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

House File 180, by Renken, Johnson of Linn, Schroeder, Mann, De Groot, Stueland, Pellett, Harbor, Branstad, Cook, Danker, Crabb, Gross, Maulsby and Corey, a bill for an act to repeal chapter 20 relating to collective bargaining for public employees.

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

House File 181, by Johnson of Woodbury, a bill for an act relating to the apportionment of the interest penalty on delinquent school taxes.

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

House File 182, by Pavich, a bill for an act relating to tuition rates set by the state board of regents.

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

House File 183, by Pavich, a bill for an act to exempt from the use tax tangible personal property used in interstate transportation and commerce.

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

House File 184, by Pavich, a bill for an act relating to the exemption for a disabled dependent under the Iowa income tax, with a January 1 effective date.

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

House File 185, by Spear, Hanson of Delaware, Bruner, Dieleman, Brandt, Lloyd-Jones and Howell, a bill for an act relating

to the appointment of the secretary of agriculture.

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

House File 186, by Welden, a bill for an act relating to the permissible use of proceeds of property sold by a county board of hospital trustees.

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

House File 187, by Welden, a bill for an act relating to the disposition of civil penalties collected by the district court for violation of a state law or an order or rule issued by a state agency.

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

House File 188, by Pavich, a bill for an act relating to the residence qualification for election to the office of drainage district trustee.

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

House File 189, by Trucano, a bill for an act to provide an additional property tax credit for persons sixty-five years of age or older with an annual income of ten thousand dollars or less, providing for the payment of the credit from the homestead tax credit fund, with a January 1 effective date.

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

House File 190, by Tofte, a bill for an act to allow members of the Iowa public employees' retirement system to repay certain contributions and receive credit for previous service.

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

House File 191, by Corey and Kirkenslager, a bill for an act to prohibit the possession of tobacco on school property by students.

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

House File 192, by Menke, a bill for an act relating to the imposition of a tax on the ownership of agricultural land and appropriating the revenues from the tax to pay the cost of administration and enforcement and to provide funds for state cost-sharing conservation projects, and imposing penalties.

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

House File 193, by Halvorson of Clayton and Welsh, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

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

House File 194, by Lloyd-Jones, a bill for an act relating to conservation easements.

Read first time and referred to committee on **natural resources.**

House File 195, by Lloyd-Jones, a bill for an act changing the date of the end to the Vietnam Conflict for purposes of the military service property tax exemption.

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

House File 196, by Lloyd-Jones, a bill for an act relating to the funding of county conservation board projects, effective upon publication.

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

House File 197, by Hoffmann, a bill for an act repealing the prohibition against a municipality, county or other governmental unit within the state making a law, ordinance, or regulation relating to the availability of obscene materials.

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

House File 198, by Maulsby, Branstad, Anderson of Audubon, Van Maanen, De Groot, Tyrrell, Oxley and Miller, a bill for an act

providing that the valuation of agricultural land for property tax purposes be based upon actual productivity and providing a January 1 effective date.

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

House File 199, by De Groot, Tyrrell, Lloyd-Jones, Dieleman, McKean, Renken, Maulsby and Krewson, a bill for an act providing for the establishment, operation, and funding of forestry nurseries on property under the control of department of social services' institutions, effective upon publication.

Read first time and referred to committee on **human resources.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 27, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, providing for a joint convention to be held on Thursday, January 29, 1981, at 10:00 a.m. and inviting the Governor to deliver his budget message.

Also: That the Senate has on January 27, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 113, a bill for an act relating to the payment of claims by counties for military service tax credits to be effective upon publication.

LINDA HOWARTH MACKAY, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 59 State Government

Relating to rules of the fire marshal.

S.B. 60 State Government

Amending the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

S.B. 61 Education

Requiring balanced treatment of creation-science and evolution-science in public schools.

S.B. 62 Judiciary and Law Enforcement

Relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

S.B. 63 Commerce

Relating to product liability actions.

S.B. 64 Commerce

Relating to properties that are exempt from judicial process.

S.B. 65 State Government

Relating to the allowances granted wholesalers and distributors under the motor fuel and cigarette and tobacco taxes.

APPOINTMENTS BY THE SPEAKER

Speaker Stromer announced the following statutory appointments to the Interstate Cooperation Commission, terms commencing February 1, 1981 and ending January 31, 1983.

Interstate Cooperation Commission
(Section 28B.1, Code of Iowa)

Representative Philip A. Davitt
Representative Raymond Lageschulte
Representative Thomas Lind
Representative Wendell C. Pellett
Representative Joseph E. Welsh

PRESENTATION OF VISITORS

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

Fifty fifth grade students from Abbie Sawyer Elementary School, Ames, accompanied by Susan Schaefer and Dorothy Budolfson. By Crawford of Story.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 73, a bill for an act relating to repairs and improvements in drainage and levee districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3029.**

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 34), relating to the liability of the industrial loan guaranty fund for acts and omissions of the auditor of state.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENT FILED

H—3029 H.F. 73 Committee on Agriculture

On motion by Pope of Polk, the House adjourned at 9:14 a.m., until 9:00 a.m., Wednesday, January 28, 1981.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 28, 1981

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

Prayer was offered by the Reverend Harold Ward, pastor of the St. Paul Lutheran Church, Monona.

The Journal of Tuesday, January 27, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Boeke, Osage.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn, for January 28 and January 29, on request of Lloyd-Jones of Johnson.

INTRODUCTION OF BILLS

House Joint Resolution 10, by Bruner and Jochum, a joint resolution proposing an amendment to the Constitution of the State of Iowa allowing motor vehicle registration fees, licenses and motor fuel excise taxes to be spent on public transit systems.

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

House File 200, by Welsh, a bill for an act relating to the raffling of alcoholic liquor and beer by nonprofit organizations.

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

House File 201, by Welsh, a bill for an act relating to the time for appearance in small claims actions.

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

House File 202, by Diemer, Cook, Renken, Carpenter, Tyrrell and Mann, a bill for an act relating to reports of motor vehicle accidents.

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

House File 203, by Howell, Carl, O'Kane, Dieleman, Arnould, Binneboese, Lonergan, Gettings and Renaud, a bill for an act authorizing the county board of supervisors to waive the payment of the interest penalty on delinquent property taxes for reasons of an extended period of unemployment.

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

House File 204, by Howell, Dieleman, Arnould, Hanson of Delaware, McKean, Binneboese and Lonergan, a bill for an act relating to the burden of proof for injuries to a person or property caused by a pipeline.

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

House File 205, by Arnould, a bill for an act to prohibit for one year the conversion of residential rental dwellings to cooperatives or condominiums.

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

House File 206, by Arnould, Cusack, Dieleman, Sullivan, Clements, Pavich, Anderson of Jasper, Carl, Lonergan, Gettings, Sturgeon, Renaud, Spear, O'Kane, Davitt, Binneboese and Swartz, a bill for an act exempting from the sales, service, and use tax property used for capturing and utilization of solar energy.

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

House File 207, by Lind, a bill for an act providing that vehicle plates, with certain exceptions, be issued to vehicles and not removed upon sale.

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

House File 208, by Arnould, a bill for an act creating the children's trust fund, providing for the deposit of certain fees in the fund and appropriating the proceeds in the fund.

Read first time and referred to committee on **human resources.**

House File 209, by Halvorson of Clayton, a bill for an act relating to the establishment of agricultural districts, to the assessment and taxation of certain agricultural lands, and to provide tax penalties for breach of commitment.

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

SENATE MESSAGE CONSIDERED

Senate File 113, by committee on appropriations, a bill for an act relating to the payment of claims by counties for military service tax credits to be effective upon publication.

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

On motion by Pope of Polk, the House was recessed at 9:12 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 210, by Holt, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

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

House File 211, by committee on judiciary and law enforcement, a bill for an act relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 26, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 112, a bill for an act relating to the accounting for pay periods which overlap two fiscal years, effective upon publication.

Also: That the Senate has on January 26, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act to provide for the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher as of November 30, 1980 to the general fund of the state.

Also: That the Senate has on January 26, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, providing for the joint rules of the senate and house of representatives for the Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY, Secretary

SENATE MESSAGE CONSIDERED

SENATE CONCURRENT RESOLUTION 2
By Committee on Rules and Administration

Be It Resolved By The Senate, The House Of Representatives Concurring, That the joint rules of the senate and house in the sixty-ninth general assembly shall be:

JOINT RULES OF THE SENATE AND HOUSE

Rule 1

Suspension of Joint Rules

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

Rule 2

Designation of Sessions

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

Rule 3

Sessions of a General Assembly

The election of officers, organization, hiring and compensation of employees, and standing committees in each house of the general assembly and action taken by each house

shall carry over from the first to the second regular session and to any extraordinary session of the same general assembly. The status of each bill and resolution shall be the same at the beginning of each session as it was immediately before adjournment of the previous regular or extraordinary session; however the rules of either house may provide for re-referral of some or all bills and resolutions to standing committees upon adjournment of each session or at the beginning of a subsequent regular or extraordinary session, except those which have been adopted by both houses in different forms.

Upon final adoption of a concurrent resolution at any extraordinary session affecting that session, or at a regular session affecting any extraordinary session which may be held before the next regular session, the creation of any calendar by either house shall be suspended and the business of the session shall consist solely of those bills or subject matters stated in the resolution adopted. Bills named in the

Page 2

resolution, or bills containing the subject matter provided for in the resolution, may, at any time, be called up for debate in either house by the majority leader of that house.

Rule 4

Presentation of Messages

All messages between the two houses shall be sent by the secretary of the senate or the chief clerk of the house of representatives, shall be announced and communicated to the chair.

Rule 5

Printing and Form of Bills and Other Documents

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

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

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

Rule 6

Companion Bills

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

length, the complete text shall be printed in both houses.

Rule 7

Reprinting of Bills

Whenever any bill has been substantially amended by either

Page 3

house, the secretary of the senate or the chief clerk shall order the bill reprinted on paper of a different color. All adopted amendments shall be distinguishable.

The secretary of the senate or the chief clerk may order the printing of a reasonable number of additional copies of any bill, resolution, amendment, or journal.

Rule 8

Daily Clip Sheet

The secretary of the senate and the chief clerk shall prepare a daily clip sheet covering all amendments filed.

Rule 9

Reintroduction of Bills and Other Measures

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

Rule 10

Certification of Bills and Other Enrollments

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

Rule 11

Amendments by Other House

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

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

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

1. Recede, after which the bill shall be read for the

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last time and placed upon its final passage; or

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

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

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

1. If the amending house which gave second consideration to the bill concurs in the amendment to the amendment, the bill shall then be read for the last time as finally amended, and placed upon its final passage.

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

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

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

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

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

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

Rule 12

Conference Committee

1. Within one legislative day after either house insists upon an amendment to a bill, the presiding officer of the house, after consultation with the majority leader, shall appoint three majority party members and, after consultation

with the minority leader, shall appoint two minority party members to a conference committee. The presiding officer of the senate, after consultation with the majority leader, shall appoint three majority party members and, after consultation with the minority leader, shall appoint two minority party members to a conference committee. The papers shall remain with the house that originated the bill.

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

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

4. An agreement on recommendations must be approved by at least three members from each house. The committee shall submit two originals of the report signed by at least three members of each house with one signed original and three copies to be submitted to each house. The report shall first

be acted upon in the house originating the bill. Such action, including all papers, shall be immediately referred by the secretary of the senate or the chief clerk of the house of representatives to the other house.

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

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

7. If the conference committee fails to reach agreement, a report of such failure signed by at least three members of each house shall be given promptly to each house. The

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bill shall be returned to the house that originated the bill and the members of the committee shall be immediately discharged and a new conference committee appointed by the presiding officer of each house. The presiding officer of the house, after consultation with the majority leader, shall appoint three majority party members and, after consultation with the minority leader, shall appoint two minority party members all of whom shall not have previously served on a conference committee on the bill under consideration. The presiding officer of the senate, after consultation with the majority leader, shall appoint three majority party members and, after consultation with the minority leader, shall appoint two minority party members all of whom shall not have previously served on a conference committee on the bill under consideration.

Rule 13

Enrollment and Authentication of Bills

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

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

Rule 14

Concerning other Enrollments

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

All resolutions and other matters which are not to be presented to the governor or the secretary of state shall be enrolled, signed and retained permanently by the secretary

of the senate or chief clerk of the house.

Rule 15

Transmission of Bills to the Governor

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After a bill has been signed in each house, it shall be presented to the governor by the secretary or the chief clerk of the house of origin. The secretary or the chief clerk shall report the date of the presentation, which shall be entered upon the journal of the house of origin.

Rule 16

Fiscal Notes

A fiscal note shall be attached to any bill or joint resolution which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures or fiscal liability of the state or its subdivisions. This rule does not apply to appropriation measures where the total effect is stated in dollar amounts.

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

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

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

The legislative fiscal director shall prepare the fiscal note within a reasonable time after receiving the request. A copy of the fiscal note shall be filed by the legislative fiscal director, for distribution, with the secretary of the senate or the chief clerk of the house unless within one

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legislative day a request for a revised fiscal note is filed with the legislative fiscal director. The legislative fiscal director may request the cooperation of the state comptroller

or any state department or agency. If a fiscal note is prepared by the comptroller or any state department or agency at the request of the fiscal director, that fact shall be stated in the note.

Each fiscal note shall state in dollars the estimated effect of the bill on the revenues, expenditures, and fiscal liability of the state during each of the first five years after enactment. Sources of funds for expenditures under the bill shall be stated, including federal funds. If the fiscal director cannot make an accurate estimate, he or she shall state his or her best available estimate or shall state that no dollar estimate can be made and state concisely the reason.

The fiscal note shall be attached or printed in the bill following the explanation or shall be printed in the daily clip sheet.

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

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

Rule 17

Joint Legislative Intern Committee

There shall be a joint legislative intern committee to organize and supervise a legislative intern program for Iowa college and university students. The committee shall consist of fourteen members: two members of the senate, one appointed

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by the majority leader and one appointed by the minority leader; two members of the house, one appointed by the majority leader and one appointed by the minority leader; the secretary of the senate or his or her designee; the chief clerk of the house or his or her designee; the director of the legislative service bureau or his or her designee; a person from each of the three state universities selected by each of the universities; a person representing the Drake University College of Law selected by Drake University; a person representing the University of Iowa College of Law selected by the college of law; and two persons from Iowa private colleges selected by the other members of the committee.

The members of the joint legislative intern committee, except the two persons from Iowa private colleges, shall be named by the appropriate appointing authorities within twenty days after the convening of the first regular session of each

general assembly. The two persons from Iowa private colleges will be selected at the committee's first meeting, or as soon as practical. Members shall serve until their successors have been duly appointed or selected. The committee shall elect a ~~chairman~~ chair and vice ~~chairman~~ chair from its membership. A vacancy shall be filled in the same manner as the original appointment.

The purpose of the legislative intern program shall be: 1) to provide useful staff services to legislators not otherwise provided by the general assembly; 2) to give interested college, graduate, and law school students practical experience in the legislative process as well as providing a meaningful educational experience; and 3) to enrich the curriculum of participating colleges and universities.

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

1. Provide procedures for the recruitment, selection, assignment, and supervision of all interns in each house.
2. Establish the duties of interns.

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3. Provide orientation and seminar programs for interns.
4. Consult and work with faculty and staff at Iowa colleges and universities to encourage participation in the legislative intern program.
5. Prepare and distribute materials designed to explain the legislative intern program.
6. Prescribe all necessary forms.
7. Make recommendations to the general assembly regarding the legislative intern program.
8. Such other duties and responsibilities as are necessary to effectively organize and supervise the legislative intern program.

The joint legislative intern committee shall report to the general assembly in January of each year. The report shall include a description of the results of the legislative intern program during the last preceding session and the proposed legislative intern program for the session convening during the month the report is submitted.

Rule 18

Time of Committee Passage and Consideration of Bills

1. To be placed on the house calendar, all bills except appropriations bills, ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the senate minority leader, and the house majority leader, after consultation with the house minority leader, beginning with the 16th week of the first session and beginning with the 14th week of the second session, the claims committee report,

and conference committee reports must be reported out of committee no later than the following deadlines:

House bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 10th week of the first session and the 8th week of the second session.

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House bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the 11th week of the first session and the 9th week of the second session.

Senate bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 13th week of the first session and the 11th week of the second session.

Senate bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the 14th week of the first session and the 12th week of the second session.

2. To be placed on the senate calendar, all bills except appropriations bills, ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the senate minority leader, and the house majority leader, after consultation with the house minority leader, beginning with the 16th week of the first session and beginning with the 14th week of the second session, the claims committee report, and conference committee reports must be reported out of committee no later than the following deadlines:

Senate bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 10th week of the first session and the 8th week of the second session. Senate bills sponsored by a committee must be reported out of a standing committee no later than the Friday of the 11th week of the first session and the 9th week of the second session.

House bills under individual sponsorship must be reported out of a standing committee no later than the Friday of the 13th week of the first session and the 11th week of the second session.

House bills sponsored by a committee must be reported out

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of a standing committee no later than the Friday of the 14th week of the first session and the 12th week of the second session.

3. During the 12th week of the first session and the 10th

week of the second session each house will consider only bills originating in that house and unfinished business. During the 15th week of the first session and the 13th week of the second session each house will consider only bills originating in and passed by the other house and unfinished business. Beginning with the 16th week of the first session and beginning with the 14th week of the second session, each house will consider only appropriations bills, ways and means bills, bills or joint resolutions co-sponsored by the majority and minority floor leaders, companion bills sponsored and introduced by the senate majority leader, after consultation with the senate minority leader, and the house majority leader, after consultation with the house minority leader, claims report, bills coming from conference commitee, and unfinished business.

4. Rule 18 shall not apply to concurrent or simple resolutions, senate confirmations, reapportionment bills, or bills passed by both houses in different form prior to being sent to a conference committee, or claims report.

5. A bill reported out of any committee within the deadlines established by this rule and then referred to the same or another committee may be reported out by that committee.

6. A motion to reconsider filed and not disposed of on action on a bill or resolution which is subject to a deadline under this rule may be called up at any time on the day of the deadline or at any time after the deadline by the person filing the motion or by the majority leader, any other rule to the contrary notwithstanding.

Referred to the **committee on rules.**

HOUSE RESOLUTION 5

By Crawford, Brandt, Shimanek, Lloyd-Jones, Pope, Stromer, Mullins, Swearingen, Avenson, Welsh, Woods, Byerly, Horn, Poncy, Van Maanen, Bennett, Johnson of Woodbury, Johnson of Linn, De Groot, Howell, Pellett, O'Kane, Groth, Halvorson of Webster, Jay, Anderson of Audubon, Oxley, Chiodo, Anderson of Jasper, Pavich, Hansen of O'Brien, Welden, Connors, Poffenberger, Branstad, Schroeder, Tofte, Egenes, Davitt, Norland, Pelton, Dieleman, Menke, Hummel, Arnould, Lageschulte, Kirkenslager, Mann, Trucano, Renaud, Clements, Smith, Carpenter, Swartz, Carl, Cook, Cusack, Harbor, Danker, Daggett, Halvorson of Clayton, Crabb, Lonergan, Doderer, Binneboese, Connolly, Miller, Rapp, Jochum, Gettings, Walter, Lind, Diemer, Renken, Johnson of Howard, Smalley, Shull, Conlon, Maulsby, Tyrrell, Hanson of Delaware, Clark of Lee, Clark of Cerro Gordo, Hall, McKean, Bruner, Spear, Corey, Holt, Cochran, Hoffmann,

Krewson, Ritsema, Schnekloth, Petrick, Sturgeon, Sullivan, Stueland, Running and Gross

Whereas, Philip E. Burks, Research Supervisor has been a member of the staff of the Iowa Legislative Service Bureau for in excess of nineteen years; and

Whereas, Philip E. Burks has distinguished himself during his tenure with the Legislative Service Bureau and is recognized by present and past members and staff of the General Assembly, as well as by legislators and staff from other states, as one of the most energetic and knowledgeable state legislative staff members in the nation; and

Whereas, Philip E. Burks is recognized as an expert in soil conservation laws, social service legislation, election laws, and many other areas of law; and

Whereas, Philip E. Burks is one of the outstanding, if not the outstanding, legislative staff experts on reapportionment and has testified before Congress regarding state standards for reapportionment, assisted at least two states in establishing their constitutional and procedural standards for reapportionment, has been called upon by the Iowa Supreme Court to provide reapportionment assistance, and has served as the chairman of the National Conference of State Legislatures Reapportionment Subcommittee of the Ethics, Elections and Reapportionment Committee and during such tenure co-authored a highly praised publication on reapportionment which has been distributed to the legislatures of the fifty states; and

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Whereas, Governor Robert D. Ray has recognized the contributions of Philip E. Burks to the state of Iowa by naming Phil as the first recipient of the Employee Special Achievement Award and will make the presentation of that award on Friday, January 30, 1981, *Now Therefore*,

Be It Resolved, That the House of Representatives join the Governor in recognizing Philip E. Burks' years of outstanding service to the state, as well as service to many states, and pay tribute to and thank Phil for the many jobs he has done so well; and

Be It Further Resolved, That a copy of this resolution be forwarded to Philip E. Burks, his wife, Marj, and children, Chuck, Tom, and Linda Kay.

Laid over under Rule 30.

EMPLOYEES OF THE HOUSE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, duly adopted, your committee on administration submits the following names of officers and employees of the House and their respective classification, grades and steps:

Chief Clerk	Pat H. Harper	$22,350.00

Position	Name	Grade and Step	Class of Appointment
Legal Counsel and Assistant Chief Clerk	Bruce Graham	33-4	P-FT
Assistant Legal Counsel	Debra Wozniak	23-2	S-O
Executive Secretary to Speaker	Janet S. Clayton	23-2	E-FT
Leader's Administrative Assistant	Rita Courtney	26-1	P-FT
Leader's Administrative Assistant	Sharon Pilmer	26-1	P-FT
Leader's Administrative Assistant	Mark Brandsgard	27-4	P-FT
Caucus Staff Director	Paula Feltner	31-7	P-FT
Research Analyst	Cathy Auwaerter	24-1	P-FT
Research Analyst	John Boehm	26-2	P-FT
Research Analyst	Ronda Menke	26-3	P-FT
Research Analyst	M. L. Triggs	26-5	P-FT
Research Analyst	Barbara Winters	26-3	P-FT
Research Analyst	Kevin Vinchattle	24-1	P-FT
Caucus Staff Director	Joseph J. O'Hern	31-6	P-FT
Research Analyst	Bradley Kading	26-3	P-FT
Research Analyst	Linda J. King	26-5	P-FT
Research Analyst	Mary O'Connor	24-1	P-FT
Research Analyst	Tom Patterson	24-2	P-FT
Executive Secretary to Chief Clerk	Dorothy Potthoff	23-4	P-FT
Clerk to Chief Clerk	Susan Bruckshaw	15-2	S-O
Public Information Office Director	Patricia A. Barry	26-3	P-FT
Assistant to Public Information Office Director	Suzanne Searles	18-2	P-FT
Supervisor of Clerks	Colleen Dillon	20-6	E-FT
Journal Editor	Elizabeth A. Isaacson	24-7	P-FT
Assistant Journal Editor	Vivian Anders	19-5	P-FT
Finance Clerk	Billie Jean Walling	26-7	P-FT
Assistant Finance Clerk	Debra K. Olson	17-6	P-FT

Position	Name	Grade and Step	Class of Appointment
Recording Clerk	Alyce M. Elmitt	20-6	E-FT
Assistant to the Legal Counsel and Engrossing/ Enrolling Clerk	Pauline E. Kephart	21-7	P-FT
Assistant to the Legal Counsel	M. Maxine Mann	21-7	P-FT
Chief Indexer	Juanita F. Swackhammer	19-7	P-FT
Indexing Assistant	Wilma F. Zika	17-5	P-PT
Compositor	Carol S. Edwards	17-5	P-FT
Compositor	C. Elaine Schoonover	17-3	P-FT
Supply Clerk	Ann A. McCarty	15-5	S-O
Swing Clerk	Ivadell Huff	15-1	S-O
Switchboard Operator	Beverly Baker	13-2	S-O
Switchboard Operator	Rosemary Massman	13-3	S-O
Bill Clerk	Phyllis J. Fraizer	13-6	S-O
Assistant Bill Clerk	Madeline E. James	12-5	S-O
Postmaster	Mildred M. Weber	10-2	S-O
Sergeant-at-Arms	Donald R. Emanuel	15-2	S-O
Assistant Sergeant-at-Arms	Frank Christen	13-5	S-O
Doorkeeper	Gustaf Adamson	9-2	S-O
Doorkeeper	Luman Bell	9-3	S-O
Doorkeeper	Arthur E. Borwick	9-1	S-O
Doorkeeper	Carman Breeding	9-2	S-O
Doorkeeper	George Falk	9-1	S-O
Doorkeeper	Harold Missman	9-2	S-O
Elevator Operator	Evelyn Seaney	8-4	S-O
Aide to Public Information Office	Lisa Wuest	$3.35 Per Hr.	S-O
Speaker's Page	Karolyn Price	$3.35 Per Hr.	S-O
Chief Clerk's Page	Margene A. Mayer	$3.35 Per Hr.	S-O
Page	Brian Comfort	$3.35 Per Hr.	S-O
Page	Angela Cruse	$3.35 Per Hr.	S-O
Page	Douglas Demers	$3.35 Per Hr.	S-O
Page	Molly Eness	$3.35 Per Hr.	S-O
Page	Amy Engelbert	$3.35 Per Hr.	S-O
Page	Michael Frantz	$3.35 Per Hr.	S-O
Page	Rebecca Griffin	$3.35 Per Hr.	S-O
Page	Charlene King	$3.35 Per Hr.	S-O

Position	Name	Grade and Step	Class of Appointment
Page	Edward Mauro	$3.35 Per Hr.	S-O
Page	Ruth McCarthy	$3.35 Per Hr.	S-O
Page	Tammela Meerdink	$3.35 Per Hr.	S-O
Page	Tina Meth	$3.35 Per Hr.	S-O
Page	Barbara Miller	$3.35 Per Hr.	S-O
Page	Jennifer Mullins	$3.35 Per Hr.	S-O
Page	Tari Lynn Peterson	$3.35 Per Hr.	S-O
Page	Sara Rickert	$3.35 Per Hr.	S-O
Page	Dave Schieffer	$3.35 Per Hr.	S-O
Page	Shileen Sween	$3.35 Per Hr.	S-O
		G-L + P**	
Secretary*	Judy L. Albaugh	13-1 + 1	S-O
Secretary*	Joyce R. Anderson	15-1 + 2	S-O
Secretary*	Julie A. Anderson	15-5 + 2	S-O
Secretary*	Laurine A. Anderson	13-1 + 1	S-O
Secretary*	Norma L. Bakros	15-1 + 2	S-O
Secretary*	W. Andrew Barneby	13-1 + 1	S-O
Secretary*	Kathleen A. Beckman	15-1 + 1	S-O
Secretary*	Judith D. Bissinger	13-1 + 1	S-O
Secretary*	P. Ann Blomme	13-1 + 0	S-O
Secretary*	Alice G. Bolten	13-4 + 0	S-O
Secretary*	Dorothy J. Breeding	15-2 + 1	S-O
Secretary*	Elisabeth C. Buck	13-1 + 1	S-O
Secretary*	Florence D. Buhr	15-2 + 1	S-O
Secretary*	R. Lugene Burns	15-5 + 1	S-O
Secretary*	Pamela M. Byerly	13-2 + 2	S-O
Secretary*	Gretchen Cardamon	15-1 + 2	S-O
Secretary*	Joyce Chamberlain	13-1 + 2	S-O
Secretary*	R. Jeannene Cochran	15-5 + 2	S-O
Secretary*	Phyllis R. Cowles	15-5 + 1	S-O
Secretary*	Deloris A. Cox	15-1 + 1	S-O
Secretary*	Carol J. Crowfoot	15-4 + 2	S-O
Secretary*	Ruth A. Daggett	15-2 + 2	S-O
Secretary*	Claretta J. De Groot	13-1 + 1	S-O
Secretary*	Emily J. Dieleman	13-1 + 1	S-O

Position	Name	Grade and Step G-L + P**	Class of Appointment
Secretary*	Joan R. Eggen	15-4 + 2	S-O
Secretary*	E. Gail Eubank	13-1 + 1	S-O
Secretary*	Mary Joan Eveleth	15-2 + 1	S-O
Secretary*	Nancy J. Farris	13-1 + 1	S-O
Secretary*	J. Anne Fennessy	13-1 + 1	S-O
Secretary*	Rosemary Findlay	15-1 + 2	S-O
Secretary*	Phyllis N. Freel	13-3 + 0	S-O
Secretary*	Virginia Garretson	15-5 + 1	S-O
Secretary*	Beverly J. Gettings	15-2 + 1	S-O
Secretary*	Audrey J. Gibson	15-3 + 0	S-O
Administrative Assistant II	Judith L. Hall	15-1	S-O
Secretary*	Thomas P. Halverson	13-1 + 1	S-O
Secretary*	Joan M. Hansen	15-1 + 1	S-O
Secretary*	Theresa C. Harkin	13-1 + 1	S-O
Secretary*	Barbara J. Harrison	15-4 + 2	S-O
Secretary*	Susan K. Hill	13-1 + 1	S-O
Secretary*	Betty J. Hirschauer	15-1 + 1	S-O
Secretary*	Judith L. Hooker	13-2 + 1	S-O
Secretary*	Donna B. Hove	15-1 + 2	S-O
Secretary*	John L. Jacoby	13-1 + 1	S-O
Secretary*	Katherine W. Kelly	13-4 + 1	S-O
Secretary*	Patricia A. King	15-2 + 2	S-O
Secretary*	Sharon K. Kreps	13-1 + 1	S-O
Secretary*	B. June Kullander	15-5 + 1	S-O
Secretary*	Mary Kay Labonia	13-2 + 1	S-O
Secretary*	Maxine R. Lauritzen	13-1 + 1	S-O
Secretary*	Becky S. Laverty	13-1 + 1	S-O
Secretary*	Gay P. Leverich	15-3 + 2	S-O
Secretary*	Joyce Lewis	15-2 + 1	S-O
Secretary*	Nancy Lewis	13-1 + 0	S-O
Secretary*	Barbara J. Lind	15-2 + 2	S-O
Secretary*	Carolyn R. Littrell	15-3 + 2	S-O
Secretary*	Dona K. Lloyd	15-4 + 1	S-O
Secretary*	Jean Lodwick	13-1 + 3	E-FT
Secretary*	N. Kay Markell	13-5 + 1	P-FT
Secretary*	Dixie L. Mather	13-1 + 1	S-O
Secretary*	Crystal A. Meier	13-1 + 1	S-O
Secretary*	Betty C. Millen	13-4 + 1	S-O
Secretary*	Sheryl B. Millen	15-2 + 1	S-O
Secretary*	Shirley M. Miller	15-3 + 0	S-O
Secretary*	Haleen E. Pellett	15-4 + 2	S-O
Secretary*	William B. Perkins	13-1 + 0	S-O
Secretary*	L. Chris Petersen	13-1 + 1	S-O
Secretary*	Judith L. Platt	13-1 + 1	S-O
Secretary*	Naomi L. Poncy	13-1 + 0	S-O

Position	Name	Grade and Step	Class of Appointment
		G-L + P**	
Secretary*	Carolyn J. Ramsay	15-2 + 0	S-O
Secretary*	Mary A. Rhoads	15-1 + 1	S-O
Secretary*	Sally A. Rhoads	13-1 + 1	S-O
Secretary*	Giovanna K. Ries	15-1 + 1	S-O
Secretary*	Barbara J. Roman	13-1 + 1	S-O
Secretary*	Virginia A. Rowen	13-2 + 1	S-O
Secretary*	Lavena M. Rucker	15-5 + 1	S-O
Secretary*	Gerry L. Rydell	15-5 + 1	S-O
Secretary*	Suzanne O'Dea Schenken	13-1 + 0	S-O
Secretary*	Mildred L. Schnekloth	13-1 + 1	S-O
Secretary*	Mary Ann Scott	15-4 + 2	S-O
Secretary*	Cathy Sears	13-4 + 3	E-FT
Secretary*	Julie T. Simon	13-2 + 1	S-O
Secretary*	Bonnie J. Smalley	15-1 + 2	S-O
Secretary*	Patsy M. Soliday	15-2 + 1	S-O
Secretary*	Dianne Stephenson-Silva	13-1 + 1	P-FT
Secretary*	Mildred E. Stewart	15-6 + 1	S-O
Secretary*	Harriet J. Stromer	15-5 + 1	S-O
Secretary*	Lisandro P. Thorpe	13-1 + 0	S-O
Secretary*	Charlotte F. Turner	15-1 + 2	S-O
Secretary*	Luella R. Van Maanen	13-1 + 1	S-O
Secretary*	Margaret M. Vernon	13-1 + 1	S-O
Secretary*	Laurie J. Ward	13-1 + 1	S-O
Secretary*	Peggy H. Ward	15-1 + 0	S-O
Secretary*	Elizabeth A. Wasker	15-5 + 2	S-O
Secretary*	Eva D. Wehrman	13-1 + 1	S-O
Secretary*	Barbara B. Wennerstrum	15-2 + 2	S-O
Secretary*	Bettie J. Wentz	15-3 + 2	S-O
Secretary*	Kristin L. Wentz	13-1 + 1	S-O
Secretary*	Jo Ann West	15-3 + 1	S-O
Secretary*	Margaret A. White	15-1 + 2	S-O
Secretary*	Mary M. Whitmore	15-1 + 2	S-O
Secretary*	Rosemarie Yacavona	13-1 + 0	S-O
Secretary*	Tilli A. Ivanovich	13-1 + 0	S-O
Secretary*	Rose M. McCauley	13-5 + 1	S-O

* Referred to as Clerk I and Clerk II in Senate Concurrent Resolution 4

** G = Grade
L = Longevity
P = Position

JOHNSON of Howard, Chair

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your Committee on Administration submits the following changes:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Leader's Administrative Assistant	Mark W. Brandsgard	27-4 to 27-5	P-FT	1/16/81
		G-L + P*		
Administrative Assistant II	L. Chris Petersen	13-1 + 1 to 15-1	S-O	1/16/81
Administrative Assistant II	Betty C. Millen	13-4 + 1 to 15-4	S-O	1/16/81
Secretary	Joyce R. Anderson	15-1 + 2 to 15-2 + 2	S-O	3/27/81
Secretary	Laurine A. Anderson	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Norma L. Bakros	15-1 + 2 to 15-2 + 2	S-O	1/16/81
Secretary	Kathleen A. Beckman	15-1 + 1 to 15-2 + 1	S-O	3/27/81
Secretary	Alice G. Bolten	13-4 + 0 to 13-5 + 0	S-O	2/13/81
Secretary	Florence D. Buhr	15-2 + 1 to 15-2 + 2	S-O	1/12/81
		15-2 + 2 to 15-3 + 2		2/13/81
Secretary	R. Lugene Burns	15-5 + 1 to 15-6 + 1	S-O	1/16/81
Secretary	Phyllis R. Cowles	15-5 + 1 to 15-5 + 2	S-O	1/12/81
Secretary	Deloris A. Cox	15-1 + 1 to 15-2 + 1	S-O	1/16/81
Secretary	Claretta J. De Groot	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	E. Gail Eubank	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Mary Joan Eveleth	15-2 + 1 to 15-3 + 1	S-O	3/13/81
Secretary	Nancy J. Farris	13-1 + 1 to 13-2 + 1	S-O	5/08/81
Secretary	Rosemary Findlay	15-1 + 2 to 15-2 + 2	S-O	3/27/81

Position	Name	Grade and Step	Class of Appointment	Eff. Date
		G-L + P*		
Secretary	Phyllis N. Freel	13-3 + 0 to 13-4 + 0	S-O	5/22/81
Secretary	Virginia Garretson	15-5 + 1 to 15-6 + 1	S-O	3/13/81
Administrative Assistant II	Judith L. Hall	15-1 to 15-2	S-O	3/27/81
Secretary	Betty J. Hirschauer	15-1 + 1 to 15-2 + 1	S-O	3/27/81
Secretary	Donna B. Hove	15-1 + 2 to 15-2 + 2	S-O	3/27/81
Secretary	Joyce Lewis	15-2 + 1 to 15-2 + 2	S-O	1/12/81
		15-2 + 2 to 15-3 + 2		3/27/81
Secretary	Dixie L. Mather	13-1 + 1 to 15-1 + 2	S-O	1/16/81
		15-1 + 2 to 15-2 + 2		3/27/81
Secretary	Shirley M. Miller	15-3 + 0 to 15-4 + 0	S-O	1/16/81
Secretary	Judith L. Platt	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Carolyn J. Ramsay	15-2 + 0 to 15-3 + 0	S-O	3/27/81
Secretary	Mary A. Rhoads	15-1 + 1 to 15-2 + 1	S-O	3/27/81
Secretary	Giovanna K. Ries	15-1 + 1 to 15-2 + 1	S-O	3/27/81
Secretary	Virginia A. Rowen	13-2 + 1 to 13-3 + 1	S-O	3/13/81
Secretary	Gerry Rydell	15-5 + 1 to 15-5 + 2	S-O	1/12/81
Secretary	Mildred L. Schnekloth	13-1 + 1 to 15-1 + 2	S-O	1/16/81
		15-1 + 2 to 15-2 + 2		3/27/81
Secretary	Mary Ann Scott	15-4 + 2 to 15-5 + 2	S-O	2/13/81
Secretary	Charlotte F. Turner	15-1 + 2 to 15-2 + 2	S-O	3/27/81
Secretary	Luella R. Van Maanen	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Margaret M. Vernon	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Laurie J. Ward	13-1 + 1 to 13-2 + 1	S-O	3/27/81

Position	Name	Grade and Step	Class of Appointment	Eff. Date
		G-L + P*		
Secretary	Peggy H. Ward	15-1 + 0 to 15-2 + 0	S-O	3/27/81
Secretary	Eva D. Wehrman	13-1 + 1 to 13-2 + 1	S-O	3/27/81
Secretary	Barbara B. Wennerstrum	15-2 + 2 to 15-3 + 2	S-O	5/21/81
Secretary	Bettie J. Wentz	15-3 + 2 to 15-4 + 2	S-O	1/16/81
Secretary	Kristin L. Wentz	13-1 + 1 to 13-2 + 1	S-O	4/10/81
Secretary	Margaret A. White	15-1 + 2 to 15-2 + 2	S-O	3/27/81
Secretary	Mary M. Whitmore	15-1 + 2 to 15-2 + 2	S-O	1/30/81

* G = Grade
L = Longevity
P = Position

JOHNSON of Howard, Chair

SPONSOR ADDED
(House File 12)

O'Kane of Woodbury requested to be added as a sponsor of House File 12.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 66 Judiciary and Law Enforcement

Establishing a statute of limitations for actions for damages founded on violations of federal or state constitutional rights, including provisions that are retroactive with respect to causes of action accruing prior to the effective date of this Act.

S.B. 67 Judiciary and Law Enforcement

Relating to the composition, organization, administration, supervision and funding of the judicial department of Iowa and making an appropriation.

S.B. 68 Appropriations

Relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

S.B. 69 Agriculture

Amending Iowa's law on the production and sale of dairy products by updating certain internal references which are required by the Interstate Milk Shippers Compact and by repealing various paragraphs and sections which are inconsistent with such changes.

S.B. 70 Agriculture

Relating to fees for certificates of inspection, issued by state entomologist.

S.B. 71 Agriculture

Raising feed tonnage fees.

S.B. 72 Agriculture

Relating to the licensing of dealers of livestock, other than feeder pigs, and their agents.

S.B. 73 Agriculture

Relating to the fees to be collected in connection with regulatory activities of the warehouse division of the Iowa state commerce commission.

S.B. 74 Agriculture

Relating to liens against crops to secure payment for fertilizer and agricultural chemicals applied to farm land and providing for the perfection and enforcement of these liens, and providing for statutory damages.

S.B. 75 County Government

Implementing home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government and the powers and duties of the board of supervisors and other county officers and employees, making corresponding amendments, and providing penalties.

S.B. 76 Energy

Exempting coal mined in Iowa and held as inventory by an electric utility from property taxation.

S.B. 77 Energy

Exempting the gross receipts from the sale or rental of mining equipment to be used within the state from the state sales tax.

APPOINTMENTS BY THE SPEAKER

Speaker Stromer announced the following appointments to statutory committees:

ENERGY POLICY COUNCIL
(Section 93.2, Code of Iowa)

Representative Charles H. Bruner,
to serve at the Speaker's pleasure.

COMMISSION ON THE AGING
(Section 249B.2, Code of Iowa)

Representative Betty A. Hoffmann,
term expiring June 30, 1981, to fill a vacancy
created by the resignation of Marvin Diemer

CAPITOL PLANNING COMMISSION
(Section 2.91, Code of Iowa)

Representative Sue Mullins,
term expiring April 30, 1981, to fill a vacancy
created by the resignation of Lawrence Pope and
reappointment to a term ending April 30, 1985.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., January 27, 1981

Convened: 1:35 p.m.

Adjourned: 1:55 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz and Trucano.

Absent: Welsh.

Excused: Halvorson of Clayton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 62), relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 6), to replace the salaries of the members of

the Iowa beer and liquor control council with a per diem compensation.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 7), providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 10), relating to the fee collected for services performed, and certificates and copies of records issued within the department of health.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3030	H.R. 4	Conlon of Muscatine
H–3031	H.F. 53	Welsh of Dubuque
		Conlon of Muscatine

On motion by Pope of Polk, the House adjourned at 11:52 a.m., until 9:00 a.m., Thursday, January 29, 1981.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day – Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 29, 1981

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

Prayer was offered by the Reverend Rolland C. Towell, pastor of the St. Charles Combined Parish of Disciples of Christ, St. Charles.

Reverend Towell presented the following Proclamation by Governor Robert D. Ray.

STATE OF IOWA
EXECUTIVE DEPARTMENT
In the Name and by the Authority of the State of Iowa

PROCLAMATION

Whereas, after 444 long days of separation, the 53 former hostages are now back on American soil; and

Whereas, the hostages and their families have displayed great courage and fortitude during this entire crisis; and

Whereas, Iowa's Kathryn Koob is among these valiant Americans who endured more than 14 months of captivity in Iran and who maintained their integrity and honor throughout this long ordeal; and

Whereas, may this tragic event in the history of the world serve as a reminder always of the value of freedom and liberty; and

Whereas, President Ronald Reagan has declared this a day to give thanks for the safe return of our 53 fellow citizens;

Now, Therefore, I, Robert D. Ray, Governor of the State of Iowa, do hereby proclaim January 29, 1981 as a day of

SPECIAL PRAYER AND THANKSGIVING

in Iowa, and call upon all Iowans to join in celebrating the release of our hostages. I further urge that all bells in the state be rung at noon for five minutes to commemorate this historic occurrence.

(Seal)

In Testimony Whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 29th day of January in the year of our Lord one thousand nine hundred eighty-one.

ROBERT D. RAY, Governor

The Journal of Wednesday, January 28, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Larson, Harlan.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Arnould of Scott.

ADOPTION OF HOUSE RESOLUTION 5

Pope of Polk asked and received unanimous consent for the immediate consideration of House Resolution 5, recognizing and thanking Phil Burks for his years of outstanding service to the State of Iowa, filed on January 28, 1981 and found on pages 213 and 214 of the House Journal.

Crawford of Story moved the adoption of House Resolution 5.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 8
By Pellett

Whereas, birds are one of the most important groups of land-living vertebrates in the world; and

Whereas, birds are helpful to humans by destroying harmful

insects, weed seeds, rats, and mice; and
Whereas, knowledge about birds has enabled men and women to develop theories about flight; and
Whereas, it is beneficial to learn about the importance of birds in order to halt their destruction; *Now Therefore*,
Be It Resolved by the House of Representatives, the Senate Concurring, That the Governor of this state is directed to designate March 21 of each year as Bird Day and to urge that the residents of this state observe the day by devoting a portion of it to a study of birds, including their habits and usefulness and the best means of protecting birds.

Laid over under Rule 30.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 9:38 a.m., Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Cook of Hardin, Chair; McKean of Jones and Carl of Poweshiek.

The House stood at ease at 9:39 a.m., until the fall of the gavel.

The House resumed session at 9:52 a.m., Speaker Stromer in the chair.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Cook of Hardin, Chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 7, duly adopted, the joint convention was called to order, President Branstad presiding.

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

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

The motion prevailed and the President appointed as such committee Senators Nystrom of Boone, Kinley of Polk and Schwengels of Jefferson, on the part of the Senate, and Representatives Egenes of Story, Renaud of Polk and Van Maanen of Mahaska, on the part of the House.

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

The committee waited upon Governor Robert D. Ray who delivered the following budget message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Members of the Press, Guests and Friends:

The budget I present to you and to our Iowans today is very important. But on this particular day, bells are ringing here in Iowa, and around our nation, for a special purpose that transcends budgets and government. Bells are ringing to celebrate freedom. This is a "National Day of Thanksgiving" for the freedom of 53 very special Americans.

Just 16 days ago, I reported to Iowans on the Condition of the State. I prefaced that report with the hope that one Iowan, Kathryn Koob, would soon be home again, along with the other hostages.

Kathryn Koob will soon be home — so today is truly an "Iowa Day of Thanksgiving."

America's third President, Thomas Jefferson, said, "The God who gave us life, gave us liberty at the same time."

Today let us express our thanks to God for the freedom of 53 brave Americans, and for that gift of liberty He bestowed upon our land...

The hostage ordeal is behind us now. It is history. So, too, is the Inauguration of Ronald Reagan, our new President, who incidentally did a magnificent job last Tuesday in welcoming the hostages.

The exhilaration we share need not fade away. I hope it lingers for awhile, because it's kind of nice to feel so good about this country of ours. I wish I could say the same for our economy.

In the days, weeks, and months ahead our chief concern will be the troubled economy of this country.

This legislature and others around the county are wrestling with the reality of inflation, recession, the rising cost of energy, and high interest rates. So, too, are city councils, county supervisors, and local school boards.

There will be much debate in the new Congress about how to strengthen the economy. In the meantime, we all continue to cope — trying to make ends meet.

Economic problems plague Iowa farm families, business people, assembly line workers, teachers, retired Iowans, merchants, homemakers, secretaries, and students — just about everybody.

How is state government affected?

When farmers receive less income, they pay less tax.

When businesses earn less money, they pay less tax.

When people lose their jobs and have no income, they pay no tax.

At the state level, tax revenues have dropped below projections. To offset a deficit, we were forced to act decisively in 1980, and act we did. Unlike the federal government, we could not print money to pay for programs. We had to cut programs to save money.

Last April, we chopped $95 million from the budget, and later I ordered across-the-board spending cuts of 4.6 percent — totaling another $78 million.

I imposed a freeze on state hiring, and I can tell you today state government's payroll is down about 700 employees.

I have taken still more action — stopping the purchase of new cars, cutting procurement of new equipment, reducing out-of-state travel, conserving more energy, trimming paperwork, curtailing construction, scaling back programs and consolidating others. We have done all of this, and more.

Last month I proposed a series of steps to keep Iowa's budget balanced at the end of this fiscal year. I am pleased with the Senate's prompt action on these items, and I

trust the House will follow. Today, I also appeal to every manager and every employee in government to help us squeeze and freeze to save taxpayers' dollars. If we don't, still further cuts may be necessary.

Beginning July 1 we will have a new fiscal year and a new budget. To build that budget, I held days of hearings and I offered the public an opportunity to come into the Governor's Office and tell me their needs.

Iowa's agency heads held down their askings, and I am grateful for their cooperation. Still, requests added up to some $2 billion for fiscal year 1982.

We simply do not have that kind of money. You know that, I know that, and our Iowans everywhere know that.

Here is our dilemma. Because of the adverse national economy, we have, in effect, lost one year of revenue growth. Looking ahead, we face higher salary requests, higher utility costs, and higher costs for the materials we buy — from asphalt for Iowa roads to award-winning programs for IPBN.

What is the answer? Many suggest simply raising the sales tax. It's always easy to talk about raising taxes. But if you do raise taxes, you'll find it is not so easy for people to pay them.

I'll give you my reaction to that suggestion.

I do not support raising the sales tax — nor do I support raising income tax rates.

Instead, we must make the hard decisions. We must be frugal. We will be austere.

This budget basically extends our current level of spending with increases only to meet critical needs. There will be some pain, but we will not ignore essential services to our citizens.

Those services include education, human needs, natural resources, transportation, and public safety, among others.

Here are some highlights:

EDUCATION

Iowa is a leader in education. People acknowledge that from coast to coast. Ten years ago, this administration proposed and started the School Foundation Plan to sustain local schools and restrain property taxes. We have pumped more money into school aid every year.

State school aid will increase by $38 million above this year's funding — that is over half of all the increased General Fund spending — not withstanding 14,000 fewer students.

In this budget, aid to local schools alone totals $619 million in fiscal year 1982 and $646 million in fiscal year 1983.

There are two other measures to help schools which deserve your support — allowing schools to continue to levy for cash reserves and delaying the date for tendering individual contracts.

This budget also maintains state assistance for non-public students.

Higher education is always a source of pride in the State of Iowa. Many of our best doctors, lawyers, teachers, dentists, veterinarians, engineers, and other leaders come from Iowa's universities. In addition to being good places to learn, our schools are also on the frontier of exciting research.

Like elsewhere in the budget, we include increases for Regents faculty and staff, along with funds to pay higher utility costs.

This is also a time to use our available authority to finance pressing capital improvements at Iowa, Iowa State and U.N.I. Without a surplus, it is appropriate to bond. We can avoid inflated construction costs in the future while spurring Iowa's economic recovery today.

My budget continues support for Iowa's excellent Area Community Colleges, for college courses taught in western Iowa, and for the Tuition Grant Program which we began to help private college students.

Had revenues kept pace we could have done even more for education. But I want you to know that education does take nearly 60 percent of this budget — by far the biggest slice of the pie.

HUMAN RESOURCES

Tough economic times like these and tight budgets like ours most severely affect those at the low-end of the income scale — people already suffering from inflation and high energy costs. Iowa has been meeting critical human needs. Still, there is a limit to what we can do, because there is a limit to what we can afford.

This budget funds mandated programs and continues those we believe are necessary — such as elderly and homemaker services. These are not programs we are required to have by law. These are programs we want to have because we do care.

This budget funds the larger Aid for Dependent Children caseload, but we cannot provide for increased benefits. Budget constraints require us to drop the Unemployed Parent component of ADC and to change step-parent assistance.

Iowa's growing prison population and other corrections issues demand our attention in 1981. They are thorny issues. They are controversial. And, they carry a price tag.

Several court cases remain unsettled, but we should not wait for those rulings to do what has to be done. My two-year budget provides increased security and covers the costs of housing more inmates.

NATURAL RESOURCES

Virtually everything we have in Iowa stems in some way from our land. While we are far from where we want to be, we have made great strides in preserving our resources while cleaning our air and our water. We began the state cost-share program for soil conservation, and we have expanded it.

Again, considerable support for soil conservation is embodied in this budget. We are not abdicating our stewardship of Iowa's fragile land.

TRANSPORTATION

Moving people and products is crucial to any economy, and certainly that is true here in Iowa. We need roads. We need railroads. We need a viable transportation system. We must have it!

Iowa's success stories in the 70s are still talked about in transportation circles. The challenge today is to recognize economic realities and maintain our transportation network.

Today, people are driving fewer miles. Many are driving smaller cars. They are using less gas.

While this conservation is indeed good, revenues from the sale of fuel have dropped 3 percent, while road construction costs are up 22 percent this year. Consider, also, that a lot of Iowa's roads were built in the 1920s and 30s. Many of them are wearing out in the 1980s.

At the present funding level, a road built in 1981 would have to last 180 years before it could be rebuilt.

To maintain essential roads, I again set forth a plan for a percentage road user fee. This wise approach will also fund the Iowa State Patrol and driver's licensing. You should know that 14 states have now moved to the percentage formula, and 25 states pay for Highway Patrol services out of road use funds.

This budget will rebuild an additional 107 miles of railroad branchline in each of the next two years, and continues support for local public transit.

PUBLIC SAFETY

Our state is still one of the safest places in which to live. Two weeks ago I gave you a plan to help keep it that way — a plan for a Criminal Justice Improvement Fund.

It will be financed by lawbreakers and will be a key weapon in our fight against crime. I am glad to champion this idea. With more dollars for criminal investigation and the Crime Lab, this fund will give us a better chance of catching criminals, and a better crack at convicting them, too.

* * * * *

The Governor's budget for 1982-83 includes other priorities. Let me quickly cite a few of them:

* Intensified utility rate review by the Commerce Commission

* Programs to reduce child and domestic abuse

* Continued promotion of "Fine Iowa Meats"

* Hazardous waste monitoring and disposal

* Opening the new Veterans Home addition in Marshalltown

* Stricter regulation of insurance marketing

This budget does and does not do several other things.

This budget recognizes this is not the time for new agencies or new programs. Rather, it reaffirms my belief that, when there are hard times, the suffering is shared. Nothing is spared.

This budget does not take a meat-axe to government. For instance, we need to have an Office of Disaster Services to coordinate emergency response to tornadoes, blizzards, droughts, flooding, and yes, even the closing of bridges. This office obtained $4.5 million in federal aid for Iowans these past two years. To delete Disaster Services from state government just doesn't make sense.

Despite the loss of federal revenue sharing, I have chosen to continue municipal and county assistance in this budget. State aid is only a small portion of local budgets, but it can make a real difference in local services.

Collective bargaining is, as you know, currently underway to determine salary increases for state employees. Because the process is not complete, it is not possible to include an exact amount for salaries in this budget. However, we have provided for increases from a Salary Adjustment Fund and from the treasury balance.

I must tell you this budget may require reducing state employment even further.

Making cuts to balance this budget was like choosing between one's children. Yet, I did cut. I cut $306 million from departmental askings.

Nevertheless, this budget will serve our Iowans. It will protect our Iowans. It will not dismantle everything we have built together. It is not a signal for retreat.

* * * * *

So far this morning I have outlined my thoughts for appropriating state money. Now let me take a moment to discuss revenues.

Last year's legislature provided additional tax credits for property owners, extended income tax indexing, and locked in productivity assessment of farm land. This year we will continue ag land, homestead, and elderly property tax credits at current levels.

In order to fund required prison costs and to keep this state in the black, we need to increase the cigarette tax, add inter-state long-distance calls to the telephone sales tax, and collect the premium tax paid by insurance companies quarterly instead of annually.

These are not major taxes. These are appropriate sources for a little extra revenue, they are needed, and they are needed now.

This is perhaps a good time to remind you that Iowa ranks 25th in size and 27th in population. Yet, we rank 36th in state and local tax collections per $1,000 income. That ranking is a credit to us — one we don't want to lose.

Let me also remind you that property taxes need not be increased because of this budget. Instead, local units of government and schools will likely have to make some cuts, as we are doing at the state level.

Because of inflation, this balanced budget is "hold-the-line" at best. We expect to pick up more savings by implementing the Governor's Economy Committee report. Hopefully, we may be able to restore some cuts in the second year of this two-year budget.

The budget for the second year of the biennium will obviously need more work next year, and if wholesale changes in federal programs are forthcoming from Washington, this budget may need amending both years.

We have a very volatile economy and we hope for an economic turnaround. I might say we are skeptical of rosy forecasts. So we will keep a close eye on commodity prices, interest rates, and other economic indicators. We will review monthly receipts carefully.

With purchasing power reduced, everybody is going to be scrambling for precious dollars this session. You, too, can brace yourselves for a barrage of requests. People will tell you they are in jeopardy, and they are entitled to more money. Soon legislation will carom back and forth between the chambers, to be reconciled, to be approved, and then sent to my desk.

All of this will pass, and the Iowa that we know and the Iowa that we love will go on, with some cloudy days, yes, but always with the prospect of a bright, new dawn.

When Iowa achieved Statehood, a generation of pioneer Iowans tamed the prairie and plowed the fields.

Later, a generation of Depression-era Iowans survived economic collapse and built an agri-business economy second to none.

Today, a new generation of Iowans is challenged to push ahead despite adversity. These Iowans are looking to us for direction. They are looking to us for leadership.

Will we succumb to circumstances beyond our control? We will not!

Will we turn our backs and walk away from urgent problems? We will not!

Will we let special interest chart our course? We will not!

The budget I give you today squarely confronts our circumstances. It offers substantive problem-solving. And, it is designed to do the most good for the most people.

This budget is built on basic principles. This budget is right for this state at this time. We can and should sculpt this budget with purpose, not panic — with calm, not chaos.

I thank you for the support you have given me before, and for your encouragement during this difficult budget process. Already your leaders have shown determination in holding down your expenses, and for that, I also thank you.

Finally, on behalf of our Iowans, I thank you for being here and working with me in our Capitol. You are citizens who serve as legislators. And this year, perhaps more than ever, as legislators, you can truly serve our citizens.

You have my word that I will help.

Thank you.

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

Pope of Polk moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

The House stood at ease at 10:40 a.m., until the fall of the gavel.

The House resumed session at 11:04 a.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 11, by Spear, Hanson of Delaware, Dieleman, Bruner, Brandt, Lloyd-Jones and Howell, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing that the governor shall appoint the secretary of state.

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

House File 212, by Woods, Swartz and Chiodo, a bill for an act providing for the staggered registration of vehicles subject to registration with a December 1, 1981, effective date.

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

House File 213, by Menke, a bill for an act providing for the issuance of a restricted license to a student between the ages of sixteen and eighteen who drops out of school without completing an approved driver's education course.

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

House File 214, by Mullins, Brandt, Avenson, Hansen of O'Brien, Poffenberger and Branstad, a bill for an act to increase the dollar amount which may be levied for the county agricultural extension education program.

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

House File 215, by Johnson of Howard and Welsh, a bill for an act providing that the possession of fireworks is a simple misdemeanor while an unlawful use remains a serious misdemeanor, subject to the prescribed penalties.

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

House File 216, by Kirkenslager, a bill for an act relating to railroad and highway grade crossings.

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

House File 217, by Chiodo, a bill for an act to establish Columbus' birthday as a legal public holiday.

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

House File 218, by Kirkenslager, a bill for an act relating to the eligibility of drainage and levee district trustees.

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

House File 219, by Smalley, a bill for an act providing that a plan of restitution is a condition of parole.

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

House File 220, by Smalley, a bill for an act making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

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

House File 221, by Smalley, a bill for an act increasing the homestead tax credit.

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

House File 222, by Smalley, a bill for an act allowing a deduction for income tax purposes of attorney's fees in cases where persons are not convicted of crimes and providing for a January 1 effective date.

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

House File 223, by Smalley, a bill for an act providing for an additional property tax credit for the elderly and disabled and providing for an appropriation.

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

House File 224, by Danker, a bill for an act relating to the use of force during arrest or in self-defense or defense of property.

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

House File 225, by McKean and Lloyd-Jones, a bill for an act to provide additional objectives for the adoption of zoning ordinances by cities and counties.

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

House File 226, by Jochum, a bill for an act relating to the termination of utility services of residential customers during the months of November through March and providing a penalty.

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

House File 227, by Danker, a bill for an act relating to criminal penalties by amending various sentencing provisions of the criminal code and the uniform controlled substances Act, and by redefining certain crimes as forcible felonies.

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

House File 228, by Johnson of Howard, a bill for an act relating to inspection of food service establishments.

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

House File 229, by Van Maanen, Gross, Tyrrell, Johnson of Woodbury, De Groot, Danker, Swearingen, Smalley, Anderson of Audubon, Renken, Branstad, Cook, Johnson of Linn, Maulsby, Hummel, Holt, Trucano, Diemer and Shull, a bill for an act relating to administrative rules which have been delayed for consideration by the general assembly.

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

House File 230, by Bennett, a bill for an act to eliminate continuing education requirements for barbers.

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

House File 231, by McKean, a bill for an act to impose an additional tax on the change in use of agricultural land, and imposing penalties for violations.

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

House File 232, by committee on appropriations, a bill for an act relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

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

House File 233, by committee on education, a bill for an act relating to joint meetings of members of boards of an area education agency and its corresponding merged area.

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

House File 234, by committee on state government, a bill for an act relating to the fee collected for preparation, filing and issuance of certificates and copies of records by the department of health.

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

House File 235, by committee on state government, a bill for an act to replace the salaries of the members of the Iowa beer and liquor control council with a per diem compensation.

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

House File 236, by committee on state government, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

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

SENATE MESSAGES CONSIDERED

Senate File 112, by committee on appropriations, a bill for an act relating to the accounting for pay periods, effective upon publication.

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

Senate File 114, by committee on appropriations, a bill for an act to provide for the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher as of November 30, 1980 to the general fund of the state.

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

HOUSE CONCURRENT RESOLUTION 9
By Committee on County Government

Whereas, the implementation of functional classification has taken place as of July 1, 1979 as directed by Chapter 1108 of the Acts of the Sixty-seventh General Assembly; and

Whereas, the implementation involves the transfer of various highways and streets among the three governmental jurisdictions; and

Whereas, fuel tax increases and jurisdictional percentage allocations from the road use tax fund as provided in Chapter 1108 of the Acts of the Sixty-seventh General Assembly were based, in part, on the functional classification in effect on January 1, 1973, on the number of miles of highways and streets which were candidates for transfer under that classification and on the highway and street needs assigned to those transfers for each jurisdiction, as for example, effective January 1, 1973 the counties would have a net gain of 431 miles of former primary highways at an assigned annual increase in needs of $10.9 million; and

Whereas, since the passage of Chapter 1108 of the Acts of the Sixty-seventh General Assembly, the diminution in the road use tax fund has resulted in increased revenues to the three governmental jurisdictions of only about 50% of the amount anticipated and, at the same time, the dollar needs amounts assigned to the transferred highways and streets has increased dramatically due to inflation; while appeals of the 1973 functional classifications that have already been filed and are proposed to be filed

Page 2

could more than double the net mileage of primary roads for which the counties would be benefited than was envisioned during consideration of Chapter 1108 of the Acts of the Sixty-seventh General Assembly; and

Whereas, the financial circumstances and the mileages involved have changed substantially since Chapter 1108 of the Acts of the Sixty-seventh General Assembly was passed to the point that those jurisdictions receiving a net increase in mileage will find it very difficult to provide necessary and desired services to their respective systems of highways and streets; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That jurisdictional transfers of roads or streets as required by Chapter 1108 of the

Acts of the Sixty-seventh General Assembly be restricted to classifications of record as of January 1, 1973 until the enactment of legislation which compensates state, county and municipal jurisdictions for additional highway, road or street needs resulting from the transfers; and

Be It Further Resolved, That notwithstanding the foregoing, future transfers of jurisdiction should take place if agreements are entered into by the jurisdictional divisions of government involved in the transfer of the roads and streets.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 11:20 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Woods of Polk on request of Poncy of Wapello; Clark of Lee on request of Tofte of Winneshiek; Walter of Pottawattamie on request of Pavich of Pottawattamie, all for the remainder of the day.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 93, a bill for an act relating to the definition of the Higher Education Act of 1965 and providing that the Act will take effect upon its publication, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3003 filed by him on January 20, 1981, placing out of order amendment H—3026, to amendment H—3003, filed by him on January 26, 1981.

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

On the question "Shall the bill pass?" (S.F. 93)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Clark, J. H.	Cusack	Danker	Johnson, R.
Trucano	Walter	Woods	

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

House File 53, a bill for an act providing an exemption from annual licensing and inspection for individuals making less than two thousand dollars per year from baked goods and confectionary items, with report of committee recommending passage was taken up for consideration.

Welsh of Dubuque offered the following amendment H–3031 filed by him and Conlon of Muscatine:

H–3031

Amend House File 53 as follows:

1. Page 1, by inserting after line 7 the following new section:

"Sec. . Section 170A.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For purposes of computing the license fee for subsections 4, 5, and 6 of this section, the sale of beer and alcoholic beverages as defined by section 123.3, subsections 8 and 9, shall not be considered in determining gross sales of a food service establishment. However the sale of beer and alcoholic beverages shall be considered in the gross sales to the extent that the fee of subsection 3 may be applicable."

2. Amend the title by striking lines 1 through 3 and inserting in lieu thereof the following: "An Act relating to the licensing of certain business establishments which serve the public."

Cook of Hardin rose on a point of order that amendment H–3031 was not germane.

The Speaker ruled the point well taken and amendment H–3031 not germane.

Welsh of Dubuque moved that the rules be suspended to consider and adopt amendment H–3031.

A non-record roll call was requested.

The ayes were 38, nays 56.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 53)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad

Bruner	Byerly	Carl	Carpenter
Chiodo	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Clark, B. J.	Clark, J. H.	Cusack	Johnson, R.
Poffenberger	Walter	Woods	

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

ADOPTION OF HOUSE RESOLUTION 4

Maulsby of Calhoun called up for consideration House Resolution 4, relating to the House Code of Ethics, filed on January 21, 1981 and found on pages 145 through 149 of the House Journal.

Conlon of Muscatine offered the following amendment H–3030 filed by him and moved its adoption:

H–3030

Amend House Resolution 4 as follows:

1. Page 4, line 9, by adding after the word "occurrence." the words "During any weekday during a regular session of the house for which a member

receives a per diem allowance, the member shall not accept gifts aggregating more than five dollars in value.".

Amendment H—3030 lost.

Jochum of Dubuque asked for unanimous consent to suspend the rules for the consideration of amendment H—3032 filed by him from the floor.

Objection was raised.

Maulsby of Calhoun moved the adoption of House Resolution 4.

The motion prevailed and the resolution was adopted.

EXPLANATION OF VOTE
(Senate File 93)

At the time the vote was taken on Senate File 93, my machine was inadvertently locked and my vote was not recorded. I would have voted "aye" on Senate File 93 had that vote been recorded.

TRUCANO of Polk

APPOINTMENTS BY THE SPEAKER

Speaker Stromer announced the following appointments:

JOINT LEGISLATIVE INTERN COMMITTEE
(Joint Rule 17)

Representative Janet Carl,
term commencing upon convening of Sixty-ninth General Assembly

Representative Andy McKean,
term commencing upon convening of Sixty-ninth General Assembly

MEDICAL ASSISTANCE ADVISORY COUNCIL (TITLE XIX)
(Section 249A.4(8), Code of Iowa)

Representative Rodney Halvorson, term expiring June 30, 1983

Representative Andy McKean, term expiring June 30, 1983
(Reappointment)

ADVISORY INVESTMENT BOARD OF THE IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)
(Section 97B.8, Code of Iowa)

Representative Doug Shull, term expiring June 30, 1983
(Reappointment)

STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD
(Section 306.6(2))

Representative Richard W. Welden,
serving at the Pleasure of the Speaker

ADDITIONAL APPOINTMENT OF COMMITTEE ON WAYS AND MEANS STANDING SUBCOMMITTEES

Schnekloth of Scott, chair of the committee on ways and means, announced the appointment of the following additional standing subcommittee of the committee on ways and means:

INDUSTRIAL INCENTIVES

Shull, Chair
Bennett
Diemer
Hall
Miller

REPORT OF THE ELECTION CONTEST COMMITTEE

The Election Contest Committee appointed Tuesday, January 20, 1981 by the Speaker of the House, Representative Delwyn Stromer, in the matter of the contest of Larry Miles Dinger, contestant, against James R. Johnson, incumbent, for the office of State Representative from Representative District 14 makes the following report:

1. That the contestant failed to personally serve on the incumbent prior to twenty

days before the first day of the session a statement of notice of contest as required by section 59.1 and that section 59.1 being specific in regard to procedures to be followed when contesting elections for seats in the general assembly must be strictly construed by the House of Representatives and that chapter 57, being general in nature, must yield to the specific provisions of chapter 59.

2. That because of the failure of the contestant to follow the procedures stated in chapter 59, Representative James R. Johnson be seated as a member of the Sixty-ninth General Assembly.

LAVERNE SCHROEDER, Chair
GEORGE R. SWEARINGEN
VIRGINIA POFFENBERGER

COMMUNICATION RECEIVED

A communication regarding the following matters was received on January 29, 1981 from the Honorable W. W. Reynoldson, Chief Justice of the Supreme Court, and is on file in the office of the Chief Clerk:

Rules of Civil Procedure. (Pursuant to sections 684.18(1) and 684.19, Code of Iowa.)

Rules of Criminal Procedure. (Pursuant to sections 813.4 and 684.19, Code of Iowa.)

Rules of Appellate Procedure. (Pursuant to sections 684.18(2) and 684.19, Code of Iowa.)

Forms for the Involuntary Hospitalization of the Mentally Ill. (Pursuant to sections 229.40 and 684.19, Code of Iowa.)

PRESENTATION OF VISITORS

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

Twenty-four senior students from Van Meter Junior-Senior High School, Van Meter, accompanied by Rod Beam. By Poffenberger of Dallas.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 78 Judiciary and Law Enforcement

Eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

S.B. 79 Judiciary and Law Enforcement

Relating to family farm corporations and including a provision retroactive to August 15, 1975.

S.B. 80 Ways and Means

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

S.B. 81 County Government

Relating to state and county funding of mental health and mental retardation services.

SUBCOMMITTEE ASSIGNMENTS

House File 22

Education: Carpenter, Chair; Holt and Spear.

House File 27

Education: Carpenter, Chair; Holt and Spear.

House File 67

Education: Carpenter, Chair; Holt and Spear.

House File 80

Energy: Clark of Lee, Chair; Cusack and Danker.

House File 82

Energy: Poffenberger, Chair; O'Kane, Ritsema, Bruner and Pelton.

House File 90

Education: Krewson, Chair; Clements and Lonergan.

House File 108

Education: Carpenter, Chair; Holt and Spear.

House File 116

Education: Johnson of Howard, Chair; Mann and Poncy.

House File 123

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 132

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger and Jay.

House File 133

Education: Holt, Chair; Maulsby and Anderson of Jasper.

House File 134

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 136

Education: Johnson of Howard, Chair; Mann and Poncy.

House File 137

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

House File 138

Transportation: Johnson of Woodbury, Chair; Danker and Binneboese.

House File 139

Education: Maulsby, Chair; Swearingen and Jay.

House File 140

Energy: Cook, Chair; Davitt and Ritsema.

House File 141

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Egenes and Swartz.

House File 143

Education: Maulsby, Chair; Swearingen and Jay.

House File 146

County Government: Renken, Chair; Howell and Hanson of Delaware.

House File 147

Ways and Means: Branstad, Chair; Maulsby and Oxley.

House File 149

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 153

Cities: Clements, Chair; O'Kane and Crawford.

House File 156

Agriculture: Cook, Chair; Welsh and McKean.

House File 157

Education: Johnson of Woodbury, Chair; Lind and Norland.

House File 161

Commerce: Schnekloth, Chair; Johnson of Linn, Chiodo, Woods and Hansen of O'Brien.

House File 164

Transportation: Mann, Chair; Lind and Pavich.

House File 168

Judiciary and Law Enforcement: Ritsema, Chair; Clark of Cerro Gordo and Rapp.

House File 169

Transportation: Lageschulte, Chair; Menke and Woods.

House File 170

Transportation: Kirkenslager, Chair; Branstad and Gettings.

House File 176

Commerce: Hummel, Chair; Hoffmann and Woods.

House File 177

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 182

Education: Lind, Chair; Menke and Horn.

House File 187

Judiciary and Law Enforcement: Poffenberger, Chair; Johnson of Howard and Jay.

House File 191

Education: Krewson, Chair; Johnson of Howard and Anderson of Jasper.

House File 192

Agriculture: Anderson of Audubon, Chair; Dieleman and Bennett.

House File 197

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Pelton and Brandt.

House File 199

Human Resources: De Groot, Chair; Spear, Poffenberger and Trucano.

House File 201

Judiciary and Law Enforcement: Pelton, Chair; Johnson of Howard and Doderer.

House File 202

Transportation: Lind, Chair; Holt and Anderson of Jasper.

House File 204

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Poffenberger and Jochum.

House File 205

Judiciary and Law Enforcement: Johnson of Howard, Chair; Gross and Swartz.

House File 206

Energy: Bennett, Chair; Clark of Lee and O'Kane.

House File 207

Transportation: Menke, Chair; Schnekloth and Bruner.

House File 208

Human Resources: Mullins, Chair; Arnould, Clements, Connors, Maulsby and Walter.

Senate File 113

Appropriations: Hoffmann, Chair; Halvorson of Clayton and Norland.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 1

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Cusack, Maulsby and Walter.

Study Bill 26

Energy: Johnson of Woodbury, Chair; O'Kane and Cook.

Study Bill 27

Energy: Lind, Chair; Mullins and Sullivan.

Study Bill 28

Energy: Ritsema, Chair; Carl, Cook, Howell and Poffenberger.

Study Bill 34

Commerce: Conlon, Chair; Chiodo and Schroeder.

Study Bill 37

Ways and Means: Shull, Chair; Diemer, Bennett, Miller and Hall.

Study Bill 38

Ways and Means: Shull, Chair; Diemer, Bennett, Miller and Hall.

Study Bill 39

Commerce: Conlon, Chair; Woods and Hummel.

Study Bill 40

Energy: De Groot, Chair; Binneboese and Lind.

Study Bill 41

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 42

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 43

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 44

Education: Menke, Chair; Clements and Carl.

Study Bill 45

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 46

Education: Carpenter, Chair; Swearingen, Clements, Lonergan and Jay.

Study Bill 48

Judiciary and Law Enforcement: Ritsema, Chair; Gross and Welsh.

Study Bill 49

Judiciary and Law Enforcement: Trucano, Chair; Pelton and Welsh.

Study Bill 50

Energy: Mullins, Chair; Davitt, Bruner, Clark of Lee and Lonergan.

Study Bill 51

Energy: Pelton, Chair; Lonergan, Clark of Lee, O'Kane and Petrick.

Study Bill 52

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

Study Bill 53

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

Study Bill 54

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

Study Bill 55

Agriculture: Bennett, Chair; Davitt, Cook, De Groot and Sullivan.

Study Bill 56

Agriculture: Anderson of Audubon, Chair; Cochran and Crabb.

Study Bill 57

Ways and Means: Ritsema, Chair; Hanson of Delaware and Rapp.

Study Bill 58

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 61

Education: Clements, Chair; Mann and Poncy.

Study Bill 62

Judiciary and Law Enforcement: Poffenberger, Chair; Gross and Rapp.

Study Bill 63

Commerce: Smith, Chair; Conlon, Halvorson of Clayton, Rapp and Jochum.

Study Bill 64

Commerce: Hoffmann, Chair; Conlon and Welsh.

Study Bill 66

Judiciary and Law Enforcement: Conlon, Chair; Corey and Doderer.

Study Bill 67

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Pelton, Jay and Sturgeon.

Study Bill 69

Agriculture: Hummel, Chair; Chiodo and De Groot.

Study Bill 70

Agriculture: Corey, Chair; Byerly and McKean.

Study Bill 71

Agriculture: Hummel, Chair; Chiodo and Crabb.

Study Bill 72

Agriculture: Tyrrell, Chair; Halvorson of Webster and Mullins.

Study Bill 73

Agriculture: Bennett, Chair; Davitt, Cook, De Groot and Sullivan.

Study Bill 74

Agriculture: Crabb, Chair; Cochran and Bennett.

Study Bill 76

Energy: Van Maanen, Chair; Johnson of Woodbury, Davitt, Sullivan and Bennett.

Study Bill 77

Energy: Van Maanen, Chair; Johnson of Woodbury, Davitt, Sullivan and Bennett.

Study Bill 78

Judiciary and Law Enforcement: Egenes, Chair; Smalley and Swartz.

Study Bill 79

Judiciary and Law Enforcement: Gross, Chair; Poffenberger and Sturgeon.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly Study Bill 68), relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

Fiscal Note is required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Concurrent Resolution, relating to the transfer of various highways and streets among the three governmental jurisdictions.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 41), relating to joint meetings of members of boards of an area education agency and its corresponding merged area.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 122), relating to the registration of family day care home providers who care for school-age children during the school year.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 19), prohibiting hunting with a rifle during the open deer hunting season.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

On motion by Pope of Polk, the House adjourned at 4:10 p.m., until 10:00 a.m., Monday, February 2, 1981.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 2, 1981

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

Prayer was offered by the Reverend Hugh Stone, pastor of the Mitchellville United Methodist Church, Mitchellville.

The Journal of Thursday, January 29, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Howard Beatty, Creston.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Miller of Buchanan; Welden of Hardin on request of Hansen of O'Brien; Swartz of Marshall on request of Welsh of Dubuque.

INTRODUCTION OF BILLS

House Joint Resolution 12, by Welden, Cusack, Tofte, Conlon, Johnson of Howard, Smalley, Halvorson of Clayton, Johnson of Woodbury, Johnson of Linn, Menke, Renken, Gross, Cook, Pope, Lageschulte, Tyrrell, Pelton, Anderson of Audubon, Swearingen, Corey, Diemer, Bennett, Branstad, Maulsby, Hansen of O'Brien, De Groot, Schnekloth, Hoffmann, Crabb, Schroeder, Van Maanen, Clements, Hanson of Delaware, McKean, Lind, Hummel, Danker, Harbor, Clark of Lee, Clark of Cerro Gordo, Ritsema, Mann, Krewson, Stueland, Poffenberger, Smith, Pellett, Egenes, Carpenter, Daggett, Petrick, Holt, Shull, Trucano, Woods, O'Kane, Carl, Walter, Dieleman, Welsh, Horn, Miller, Pavich, Davitt, Avenson, Connors, Jay and Binneboese, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to nullify or require reconsideration of a rule of a state agency by a resolution approved by the members of each house of the general assembly.

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

House Joint Resolution 13, by Ritsema, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the imposition of a limitation on expenditure of state funds.

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

House File 237, by Brandt, a bill for an act to provide for school breakfast programs and to make an appropriation.

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

House File 238, by Lind, a bill for an act to exclude the receipt of gifts by spouses and unemancipated minor children of a member of the general assembly from the reporting and gift limitation requirements of chapter 68B.

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

House File 239, by Brandt, a bill for an act relating to the agricultural land credit by requiring, beginning January 1, 1986, the filing of a claim for the credit with certification that a conservation plan has been approved or implemented.

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

House File 240, by Brandt, a bill for an act relating to the trial of multiple defendants.

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

House File 241, by Spear and Kirkenslager, a bill for an act relating to the use of flashing warning lights and stop arms by school bus drivers.

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

House File 242, by Branstad, a bill for an act relating to unlawful picketing and making penalties applicable.

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

House File 243, by Poncy, a bill for an act exempting from the state inheritance tax the property passing or transferred to the surviving spouse and making coordinating amendments.

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

House File 244, by Branstad, a bill for an act relating to the supervision of construction and maintenance work on secondary roads.

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

House File 245, by Horn, a bill for an act relating to the ownership and custody of X-rays and providing a penalty.

Read first time and referred to committee on **human resources.**

House File 246, by Horn, a bill for an act relating to noxious weeds.

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

House File 247, by Horn, a bill for an act relating to the purchase of school band and choir uniforms.

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

House File 248, by Horn, a bill for an act requiring license plates for motor trucks that weigh four tons or less to include the county name, with a December 1 effective date.

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

House File 249, by committee on commerce, a bill for an act relating to the liability of the industrial loan guaranty fund for acts and omissions of the auditor of state.

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

On motion by Pope of Polk, the House was recessed at 10:13 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

Pope of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 10 as follows, and moved its adoption:

HOUSE CONCURRENT RESOLUTION 10
By Pope

Be It Resolved by the House of Representatives, The Senate Concurring, That a joint convention of the two houses of the Sixty-ninth General Assembly be held on Wednesday, February 4, 1981, at 11:45 a.m., for the purpose of greeting and honoring Kathryn Koob.

Be It Further Resolved, That Governor Robert D. Ray be invited to present Kathryn Koob to the joint convention and that the Speaker of the House of Representatives and the President of the Senate be designated to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 11
By Pope

Be It Resolved by the House of Representatives, The Senate Concurring, That a joint convention of the two houses of the Sixty-ninth General Assembly be held on Wednesday, February 11, 1981, at 11:00 a.m.

Be It Further Resolved, That Chief Justice of the Supreme Court, W. Ward Reynoldson be invited to present his message of the condition of the judicial department at this joint convention, and recommend such matters as the Chief Justice deems expedient, pursuant to section 684.22 of the Code.

Laid over under Rule 30.

MINORITY REPORT OF ELECTION CONTEST COMMITTEE

The undersigned members of the Election Contest Committee object to the findings and conclusions of the Committee majority

and move that the House of Representatives adopt the following report and remand the matter to the Committee for a recount as required by Section 57.5, Code of Iowa (1981).

JURISDICTION

1. In the general election of November 4, 1980, the final tabulation for the 14th Representative District indicated 6,666 votes for Jim Johnson, the incumbent, and 6,618 for the contestant, Larry Miles Dinger, a margin of 48 votes out of 13,285 cast.

On December 8, 1980, the contestant directed the Howard County Sheriff to serve a statement of notice of contest on the incumbent. That evening, Timothy P. Smith, Deputy Sheriff of Howard County served the notice at Jim Johnson's home, his usual place of abode, by delivering a copy to Jim Johnson's wife. It is undisputed that Jim Johnson did receive the notice from his wife on or before December 11, 1980.

The incumbent has claimed in a special appearance filed with the Election Contest Committee that the service described above was not sufficient under the language of Section 59.1 Code of Iowa and that the contestant's election contest should be dismissed.

2. Section 59.1 of the 1979 Code of Iowa states:

> 59.1 Statement served. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent a statement of notice of contest which shall allege a fact or facts believed true by the contestant which, if true, would alter the outcome of the election.

It is important to note that Section 59.1 specifies when service on the incumbent is to be accomplished, but does not at all specify how it is to be accomplished.

3. The words "contestant" and "incumbent" in themselves are merely descriptive terms like "plaintiff" and "defendant" in other cases. "Incumbent" is defined in the general provisions chapter of the election laws (Section 57.3). No mention is made of jurisdictional impact. In fact, nowhere in the election chapters of the Iowa Code is there any hint that the terms "incumbent" and "contestant" take on special jurisdictional significance.

If the terms were to take on jurisdictional meaning, the result would be an impossible contradiction. The contestant would, himself, have to hand the statement of notice of contestant to the incumbent, himself. But Rule 52 of the Iowa Rules of Civil Procedure specifically bars a party to an action from actually serving an original notice. So, a contestant clearly must not be meant, by the language of Section 59.1, to serve the notice himself; and it would be nonsensical to argue that while "contestant" has no jurisdictional meaning, "incumbent" does. Therefore, the term "incumbent" has no jurisdictional meaning. It is merely an identifier.

4. The term "serve", however, has a very definite meaning in Iowa law. It means service in accordance with I.R.C.P. 56.1.

In State of Iowa v Hansen, 244 Iowa 145, 55 NW2d 923 (1952), the Iowa Supreme Court stated clearly:

> Furthermore, regardless of what may have been the situation in 1912, we do have today a very definite statement as to the meaning of the terms "served" and "personal service", R.C.P. 56.....this rule applies to the service of Original Notices.....We think that the terms "served" or "caused to be served", especially when used in connection with official notices have acquired the peculiar and appropriate meaning given to "service of original notices" in the absence of anything to the contrary appearing.....Hansen of 924.

The holding of Hansen is that when "served" appears in a statute, and no particular method of service is clearly mandated within the statute, the Rules of Civil Procedure apply.

Indeed, that court ruling complies with the Iowa Code Section 4.1(2):

> 4.1(2) Words and Phrases. Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

The word "serve" has acquired a peculiar and appropriate meaning: Rule 56.1; and under Section 4.1(2) of the Code of Iowa, the word "serve" must be construed to mean "service in accordance with Rule 56.1(a)".

5. That clear meaning of the word "serve" is reinforced by the realization that if Rule 56.1 I.R.C.P. were not to apply to service of original notices in Chapter 59 election contests before the Iowa House, no rule would seem to apply. No statute mandates an alternative method of service. Without Rule 56.1, Section 59.1 of the 1979 Code of Iowa becomes a no man's land, where the questions of who is capable of making service, how it is to be made, on whom, and where are left purely to guess work.

6. Rule 56.1(a) I.R.C.P. clearly states that personal service of original notice on a person over 18 years old in the home is identical to such service on the husband. Rule 56.1(a) I.R.C.P.:

> Personal service. Original notices are "served" by delivering a copy to the proper person. Personal service may be made as follows: (a) Upon any individual aged eighteen years or more who has not been adjudged incompetent, either by taking his signed, dated acknowledgment of service endorsed on the notice; or by serving him personally; or by serving, at his dwelling house or usual place of abode, any person residing therein who is at least eighteen years old, but if such place is a rooming house, hotel, club, or apartment buillding, the copy shall there be delivered to such person who is either a member of his family or the manager, clerk, proprietor, or custodian of such place.

Thus personal service on a wife over 18 years old at the usual place of abode is fully incorporated into personal service. Under Rule 56.1(a), service on the wife at the home is personal service on the husband. No distinction is made. Bull v Kistner, 135 NW2d 549, 257 Iowa 968 (1965).

7. The few original notice cases cited by incumbent to support his position that Rule 56.1(a) doesn't apply were written prior to 1943. In 1943, major changes were made in Rule 56.1(a), changes which removed limitations on substituted service and, in fact, fully incorporated service on the wife as personal service on the husband. The incumbent's citations of authority have been overruled by current Rule 56.1 and by more recent cases. They have no applicabililty today.

The only recent case cited by the incumbent concerns notice on appeal from administrative decisions, an area of law with its own special and detailed statute which has no application to rules for service of original notice. Thus, the incumbent cited no valid authority for his position that Rule 56.1(a) shouldn't apply to election contests.

8. Therefore, Iowa law is absolutely clear: the term "serve" in Section 59.1 of the Iowa Code must, by law, refer to Rule 56.1(a) I.R.C.P. And Rule 56.1(a) clearly states that service on Mr. Johnson's wife in their home is personal service on Mr. Johnson himself. The contestant, Mr. Dinger, served his notice properly.

9. But, even if, for sake of argument, the term "incumbent" did imply "no substituted service", the incumbent in this election contest actually did receive, through his wife, timely notice of the statement of contest. No prejudice has been, or can be, alleged. And where actual notice has been timely with no prejudice, current Iowa court opinions uniformly hold that even if errors were to occur in the manner of service of original notice, the errors should not be considered fatal. In 1978, the Iowa Supreme Court stated in Gray v Steele 264 NW2d 752:

> The effect and indeed the purpose (of Rule 59.1) is to relax the strict interpretation previously put upon matters involving mistakes and irregularities in original notices and to make more certain that disputes will be resolved on their merits.... As indicative of this new approach, we have even suggested it is now unavailing in most instances to raise non-prejudicial errors in the form of original notices or the manner of service.

So, in considering Section 59.1 of the Iowa Code, the question of timeliness has to be kept separate from the question of the method of service. A failure of timeliness might be fatal; a quibble over method clearly isn't.

10. A willingness to ignore non-prejudicial errors is also apparent in the so-called Iowa Saving Statute, Section 614.10 of the Iowa Code which reads:

> 614.10 Failure of action. If, after the commencement of an action, the plaintiff, for any cause except negligence in its prosecution, fails therein, and a new one is brought within six months thereafter, the second shall, for the purposes herein contemplated, be held a continuation of the first.

Under the statute, Mr. Dinger, the contestant, having been informed by a majority in the Election Committee that he had made an error in manner of service on the incumbent, could then serve the incumbent using the method chosen by the committee; and the contest could then continue, even if statutory time limits had passed.

On January 29, 1981, at 9 a.m. and in front of the Election Committee, Larry Miles Dinger personally served by hand a copy of his statement of notice of contest to the incumbent, Jim Johnson. That delivery was noted in the record of the Election Committee proceedings, and that delivery triggered Section 614.10 of the Iowa Code.

11. The flexibility shown in Gray and in the Iowa Savings Statute is especially important in an election contest in which the people's right to be represented by the person who actually received the most votes is at issue. That right of the people must overcome non-prejudicial jurisdictional quibbles. Thus, as long ago as 1936 in Haas v Contest Court, 265 NW 373, 221 Iowa 150 (1936), the Iowa Supreme Court refused to strictly construe the sufficiency of an election statement of contest. Certainly today the Iowa House of Representatives has a duty to behave as responsibly as would the Iowa Supreme Court.

The minority members believe that the law is crystal clear. Mr. Johnson received notice in full compliance with Iowa rules and law and he received notice in fact. They believe that the Committee had jurisdiction to proceed to the merits of the contest. As members of the Committee they proceeded to do just that. They have studied the public records and the seven depositions that were taken and filed with the Committee. In each deposition the witnesses were sworn under oath and examined by and in the presence of counsel for both parties.

The minority asks that the House take on the responsibility that the Committee majority shirked, study the evidence, and weigh the merits of the contest.

THE MERITS OF THE CONTEST

1. In the 14th Representative District, the 1980 election turnout was exceptionally high, nearly 80 percent. In Howard and Chickasaw Counties which compose about 80 percent of the district, voting is entirely by paper ballot. In those two counties, well over 150,000 individual vote decisions were counted by hand by precinct counting board members working late into the night. In the largest 14th District precinct, Bradford Township of Chickasaw County, five board members had to make about 9,000 counting decisions on the general election ballots, to say nothing of judicial, constitutional question, and township ballots. Counting had to be a long, tiring, and error-prone job.

In several precincts it is quite clear that errors did, in fact, take place.

a. An error in Bradford Township of Chickasaw County may be the most significant. In that township, counting board members kept a running tally of results on work sheets, then, later, transferred those work-sheet results into the official tally books. Several mistakes were made on the faces of the books (a 25 vote anomaly concerning the Presidential election, a failure to record the "no" votes for judges. Deposition of T. Steege, January 7, 1981) and it is very likely that an additional major error occurred during the transferring process, an error that probably denied Mr. Dinger at least 100 votes. The obviousness of the problem can best be described through a series of charts.

In chart #1 the combined Dinger-Johnson vote in the 14th District precincts of Chickasaw County is compared to the combined Cutler-Evans vote for U.S. Congress and the combined Culver-Grassley vote for U.S. Senate:

Precinct	Combined vote for State Rep.	Amount that vote for State Rep. exceeded the vote for:	
		Congress	Senate
Richland	189	0	-4
Deerfield	234	25	-13
Dayton	245	18	-12
Washington 2	257	36	-9
Washington 1	264	38	-9
Jacksonville	307	22	-2
New Hampton 1	329	40	-6
New Hamp. Tshp	351	22	-5
Dresden	369	18	-19
New Hampton 2	426	25	-14
Chickasaw	436	34	-19
New Hampton 3	496	39	-6
New Hampton 4	557	61	-3
Bradford	952	92	-149

It is obvious that the combined Dinger-Johnson vote, suddenly and without precedent in other Chickasaw County precincts, dropped by 100 to 150 votes in Bradford Township from what could have been anticipated by comparison with other races. And no known extraneous factor can explain the anomaly. Neither Dinger nor Johnson lives in Chickasaw County. Both campaigned in Bradford Township.

In chart #2 the Dinger vote in the 14th District precincts of Chickasaw County is compared to the vote for Cutler, the Democrat U.S. Congress candidate in those precincts; and in chart #3, the Johnson vote in the 14th District precincts of Chickasaw County is compared to the vote for Evans, the Republican U.S. Congress candidate:

Chart #2 Precinct	Dinger vote	Amount that Dinger vote exceeded Cutler vote	Chart #3 Johnson vote	Amount that Johnson vote exceeded Evans vote
Richland	78	-1	111	1
Washington 1	93	-9	171	47
Jacksonville	126	-4	181	26
Deerfield	139	10	95	15
Washington 2	144	19	113	17
Dayton	145	27	100	-9
New Hamp. Tshp	150	1	201	21
Dresden	164	34	205	-16
New Hamp 1	175	-1	154	41
New Hamp 4	246	1	311	60
New Hamp 2	256	9	170	16

Chickasaw	258	34	178	0
New Hamp 3	260	-14	236	53
Bradford	395	-117	557	25

From charts #2 and #3, it appears likely that the drop off of 100 to 150 votes noted in the combined Dinger-Johnson vote in Bradford Township came entirely from the Dinger total. Dinger's vote dropped off sharply from that of Cutler, while Johnson's continued steady when compared to Evans!

A similar falloff would occur if a Dinger comparison with Culver were charted. Bradford Township was the only precinct in Chickasaw County in which Dinger's total vote was less than Culver's. And Johnson's total again continued steady when compared with Grassley's.

As was mentioned above, an explanation for the dropoff isn't obvious or necessary; but the actuality of a significant error is apparent. And it must be remembered that the margin of Johnson victory in the entire 14th District was only 48 votes.

b. In Ward 2 of Cresco in Howard County, sworn depositions from the Republican and Democratic members of the counting board reveal that a major procedural error occurred, an error which casts doubt over the results reported from that ward: Johnson 398 votes; Dinger 342 votes.

The counting board consisted of 3 Democrats and 2 Republicans. At the suggestion of one of the Republicans, the board split into two teams when the counting began. Two Democrats counted judicial and constitutional question ballots only. Two Republicans and the third Democrat only counted general election ballots. One Republican read all of the general election ballots. The other Republican marked all the results on a blackboard. The Democrat at first stood over the reader's shoulder to correct the reading of results when necessary. However, for at least the hour from 5 p.m. to 6 p.m., the Democrat checker was absent from the counting room. She had gone home to fix supper for her invalid husband. During her absence, the two Republicans continued counting general election ballots with no Democrat assistance. On the Democrat's return, the Republicans told her that they had counted approximately 200 ballots in her absence. The Democrat noted that the pace of counting had clearly sped up during her absence. The Democrat then announced that if the Republicans had chosen to count 200 ballots without her checking, they might as well continue without her. She turned to transferring figures from the blackboard to the official tally books. At her deposition, the Democrat also stated that in her judgment, significant counting errors could have occurred. Depositions of Marie Queel, Lillie Mikota, Florence Morrison, Oliver Soltow, and Edvina O'Brien taken on January 26, 1981.

Thus, according to sworn depositions of the five counting board members in Cresco Ward 2, all of which confirmed the division of labor described above, from approximately 5 p.m. until 11 p.m. when counting was completed on election day, November 4, 1980, no Democrat either participated in the reading of the votes from the ballots or participated in marking down the votes as they were read.

Yet Section 50.1 of the Iowa Code clearly requires that before any counting of ballots begins, precinct election officials must:

4. designate two election board members not members of the same political party, who shall each separately keep a tally list of the count.

As applied through Section 51.7 of the Iowa Code, that provision must apply to the counting boards when they begin counting at 1 p.m. in counties like Howard in which double election boards are appointed. However, the counting board in Cresco Ward 2 did not comply with that mandate. For at least the final 6 hours, no Democrat was checking the Republican counters for accuracy; and as a result, counting board members, themselves, feared that significant counting errors may have occurred there.

c. In at least three other precincts, errors were obvious on the tally books canvassed by the Boards of Supervisors on Monday, November 10, 1980, and the Boards had to guess as to what results to certify.

Tally books provide space for both scratch mark vote totals in groups of five and for an arabic numeral total at the right hand edge. In New Hampton Township of Chickasaw County, both tally books showed 201 votes for Jim Johnson in arabic numerals; but, while one tally book also showed 201 in scratch marks, the other showed only 196. The Chickasaw County Board of Supervisors resolved the inconsistency by guessing that 201 was Johnson's proper total. Deposition of T. Steege taken on January 7, 1981.

In Precinct 4 of New Hampton in Chickasaw County, there was a similar error on the face of the tally books. Both books showed 246 scratch marks for Dinger, but both also showed 251 in arabic numerals. The Chickasaw County Board of Supervisors resolved that difficult inconsistency by guessing that 246 was the proper Dinger total. Deposition of T. Steege.

In Afton Township of Howard County, Johnson's home precinct, the envelope containing the tally books listed 399 ballots "voted and counted". Yet the tally books themselves showed a total vote in the Dinger-Johnson race of 408. The Howard County Board of Supervisors accepted the tally book count; Johnson 262; Dinger 145; Other: 1. Depositions of Tom Murray and Wilma Mohs taken on January 7, 1981.

Because of the exceptionally large voter turnout, the use of paper ballots, and the likelihood of errors occurring, especially in Bradford Township, Cresco Ward 2, New Hampton Township, New Hampton Precinct 4, and Afton Township, election officials in both Chickasaw and Howard Counties have testified that a recount is the only way to learn who actually won the race for 14th District State Representative.

During the deposition of Mr. Murray, Chairman of the Howard County Board of Supervisors, and Ms. Mohs, Republican Election Commissioner of Howard County, the attorney for Mr. Dinger asked Ms. Mohs:

Q. Okay. Does that seem to you to be at least a substantial opportunity for inadvertent mistakes?
A. Yes, it could happen.
Q. Yeah. Okay. Now, in your county when there is a total of 15 votes difference between two candidates, are you prepared to say that there is no possibility of error in computing that race?

A. No, I suppose there wouldn't be. It could happen.

* * *

Q. Okay. So what I'm saying is, that really the only way we are really going to know, given this small margin, is to go back and have a recount?
A. Yes.

* * *

Q. Mr. Murray, you will agree with her answers to those last questions?
A. Yes.

Deposition of T. Murray and W. Mohs, pp. 46, 47.

And during the deposition of Mr. Steege, Chairman of the Chickasaw County Board of Supervisors, the attorney for Mr. Dinger asked Mr. Steege:

Q. Okay. Finally, I want you to assume that the final total election results for the 14th House District would reflect a difference of 48 votes between Johnson and Dinger. Are you comfortable with the accuracy—in light of that margin, are you comfortable with the accuracy of the reporting and counting of the paper ballots from your County as Chairman of the Board of Supervisors?
A. No, I'm not. I couldn't be satisfied with them, because there is what I call discrepancies. You apparently don't like the word, but there are differences that—you know, I feel more comfortable when I go over the books if everything checks out and you don't need to make a judgment as to—
Q. Okay. Do you think the ballots in your County should be recounted?
A. Well, there is a question; I assume the only way to resolve it would be to count them, recount them.

Deposition of T. Steege, pp. 30, 31.

2. Certainly then, the obvious and apparent errors above described and the opinions of senior county election officials of both parties that a recount in the 14th District is necessary are persuasive; but even without such evidence, the Iowa House of Representatives is required to follow the mandate of Section 57.5 of the Iowa Code and commence a recount:

> The parties to any contested election shall have the right, in open session of the court or tribunal trying the contest, and in the presence of the officer having them in custody, to have the ballots opened, and all errors of the precinct election officials in counting or refusing to count ballots corrected by such court or tribunal.

An Attorney General's opinion written by Alice J. Hyde and dated January 7, 1981, and supplemented on January 14, 1981, confirms that Section 57.5 confers a right on the contestant in an election contest before the Iowa House of Representatives, a right to request and receive a recount. Mr. Dinger, through his attorney, Mr. David Nagle, officially requested such a recount by letter to the Speaker of the Iowa House of Representatives on December 31, 1980.

3. This House of Representatives must proceed on an honorable course, as the Iowa Senate did in the Ramsey/Hullinger contest in 1973. In that instance, the Senate felt duty-bound to recount the ballots in a close election contest to determine, once and for all, who had actually been elected by the voting public. In that instance, the recount result confirmed the incumbent as winner and he was then properly seated. In the Dinger-Johnson contest, no one can be certain who a recount will show to be the winner; but a fair, impartial recount will bring certainty and justice, goals to which this House must constantly strive.

CONCLUSION

Because Iowa law is unambiguous and clearly allows the method of service of statement of notice of contest used by the Howard County deputy sheriff in serving Jim Johnson,

Because Iowa law is clear that even if an election committee finds that the method of service of notice was in error, if no prejudicial error occurred (and none did to Mr. Johnson) the contest must be allowed to proceed to the merits,

Because the merits of Mr. Dinger's contest show real likelihood of errors by boards of canvassers in counting votes and declaring results in the precincts of the 14th Representative District,

Because Section 57.5 of the Iowa Code mandates that a contestant who requests a recount before the Iowa House of Representatives shall receive such a recount,

And because such a recount is the only fair means for resolving the question of who was actually elected by the people of the 14th Representative District to be their state representative to the 69th General Assembly,

Members Stephen J. Rapp and Diane Brandt of Election Contest Committee appointed Tuesday, January 20, 1981 by the Speaker of the House, Representative Delwyn Stromer, in the matter of the contest of Larry Miles Dinger, contestant, against James R. Johnson, incumbent, for the office of State Representative from District 14 hereby move that the House adopt their minority report and

A. Overrule the special appearance by James R. Johnson claiming a lack of jurisdiction in the Iowa House of Representatives and

B. Order the Election Contest Committee to reconvene and begin an immediate recount of the votes in Iowa House of Representatives District 14 as required by Section 57.5 of the Iowa Code (1981).

RAPP of Black Hawk
BRANDT of Black Hawk

SPONSOR ADDED
(House File 99)

Van Maanen of Mahaska requested to be added as a sponsor of House File 99.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 27, 1981 and is on file in the office of the Chief Clerk.

Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Pat Harper:

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

These include 8 claims of a general nature. This supplements our filing of December 22, 1980.

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

Very truly yours,

MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

PAT H. HARPER
Chief Clerk of the House

Claim No.	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
6712-69-25	Doris Svendsen Marshalltown, Iowa Request for retroactive pay	$ 478.80	Disapproved
6763-69-25	Henry County Memorial Hospital Mt. Pleasant, Iowa Request for payment for services provided to Title XIX recipients	306.00	Disapproved
6781-69-25	Joyce Serbousek Marion, Iowa Missed merit increase	76.00	Disapproved
6841-69-25	Sperry Transportation Company Charles City, Iowa Request for third quarter refund on license fees	1,139.04	Disapproved

6844-69-25	Richard J. Nett Trempealeau, Wisconsin Request for back wages	2,281.95	Disapproved
6851-69-25	Hunt Transportation, Inc. Omaha, Nebraska Requests for prorate refund for 1980	1,537.68	Disapproved
6882-69-25	Rosamond Bonnie Adams Red Oak, Iowa Seeks an additional quarter's license refund on her automobile	Undetermined	Disapproved
6911-69-25	Leslie Moding Spencer, Iowa Seeks fuel tax refund	82.00	Disapproved

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 82 Human Resources

Relating to substance abuse programs by making changes in facility licensing and auditing requirements, by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, and providing penalties.

S.B. 83 Agriculture

Providing for increasing the maximum permissible assessment for the Iowa beef excise tax.

S.B. 84 Agriculture

Relating to the regulation of agricultural and vegetable seeds.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., January 29, 1981

Convened: 1:35 p.m.

Adjourned: 1:55 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Gross.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 25), relating to authorizing the performance of marriage ceremony by court of appeals judges.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

House File 59, a bill for an act relating to the recording of agency agreements for joint or cooperative action.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H–3033.**

Committee Bill (Formerly Study Bill 13), to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

House File 21, a bill for an act relating to the enforcement of regulations pro-

hibiting the dispensing of leaded fuel into motor vehicles requiring unleaded fuel.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3033	H.F. 59	Committee on State Government
H—3034	H.F. 220	Smalley of Polk

On motion by Pope of Polk, the House adjourned at 11:50 a.m., until 9:00 a.m., Tuesday, February 3, 1981.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day—Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 3, 1981

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

Prayer was offered by the Reverend Robert Ericson, pastor of the Bethel Lutheran Church, Graettenger.

The Journal of Monday, February 2, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Howard Beatty, Creston.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Johnson of Woodbury called up for consideration House Concurrent Resolution 6, supporting the claims of ownership of Iowa lands brought by the Monona County Land Association in litigation of Wilson et. al., v. Omaha Indian Tribe et. al., filed on January 21, 1981 and found on page 145 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

House File 250, by Johnson of Linn, a bill for an act authorizing municipalities as defined in chapter 613A of the Code to establish a fund as protection against claims arising under that chapter or federal laws, and authorizing a tax for that purpose.

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

House File 251, by Lageschulte, a bill for an act to exempt interest and dividends received from the securities of a state and its political subdivisions from the state personal and corporate income taxes with a January 1 effective date.

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

House File 252, by Smalley, a bill for an act to eliminate the provisions in the election laws for casting a straight ticket vote.

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

House File 253, by Jochum, Rapp, Bruner, Chiodo, Sturgeon, Avenson, Connors, Pavich, Running, O'Kane, Howell, Horn, Cusack, Woods, Connolly, Lloyd-Jones, Cochran, Binneboese, Anderson of Jasper, Renaud and Halvorson of Webster, a bill for an act creating the division of consumer advocacy in the office of the attorney general and prescribing its powers and duties.

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

House File 254, by Bruner, Chiodo, Sturgeon, O'Kane, Jochum, Rapp, Pavich, Carl, Brandt, Howell, Connolly, Arnould, Running, Woods, Cusack, Connors, Sullivan, Lloyd-Jones, Cochran, Binneboese, Renaud, Halvorson of Webster, Horn, Anderson of Jasper and Avenson, a bill for an act relating to the approval, collection, and refunding of public utility rates and charges.

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

House File 255, by Danker, a bill for an act relating to the forfeiture of real estate contracts.

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

House File 256, by Diemer, a bill for an act relating to a statewide system for voluntary certification of persons engaging in certain electrical work.

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

House File 257, by Jochum, a bill for an act to shorten the probationary period for teachers.

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

House File 258, by Conlon, a bill for an act relating to the notification of victims of crime of the proposed disposition of the perpetrator's case.

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

House File 259, by Kirkenslager, a bill for an act increasing the tax on cigarettes with tax revenues to be used for fire protection purposes.

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

House File 260, by Branstad, a bill for an act relating to work requirements for general relief recipients and to the establishment of employment standards for local taxing districts.

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

House File 261, by Tyrrell, Danker and Renken, a bill for an act relating to the application of inmate income and assets to inmate daily subsistence costs at the state correctional institutions and providing a January 1 effective date.

Read first time and referred to committee on **human resources.**

House File 262, by Halvorson of Clayton, a bill for an act authorizing and regulating the sale of real property title insurance.

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

House File 263, by Davitt, a bill for an act relating to the maturity date of benefited water district bonds.

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

House File 264, by Schroeder, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter 419 for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste and providing for its effect upon publication.

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

REREFERRED TO COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS (House File 103)

The Speaker announced that House File 103, previously referred to the committee on **ways and means,** was rereferred to the committee on **labor and industrial relations.**

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 85 Judiciary and Law Enforcement

Relating to the disclaimer of succession to property and providing a January 1 effective date.

S.B. 86 State Government

Relating to the licensing of real estate salespersons, associate brokers and brokers.

S.B. 87 Cities

To create an advisory council on intergovernmental relations and to specify its powers and duties.

S.B. 88 Cities

Clarifying the city code in regard to responsibility for public places of cities, railroads, and abutting property owners.

S.B. 89 Cities

To eliminate the maximum rate of interest a public body or officer shall draw on bank time certificates of deposit.

S.B. 90 Cities

Relating to the tort liability of governmental subdivisions.

S.B. 91 Cities

Relating to the Iowa Administrative Procedure Act.

S.B. 92 Cities

Exempting cities from the construction and maintenance levy for county secondary road construction.

S.B. 93 Cities

Relating to state mandates imposed on political subdivisions of the state.

S.B. 94 Cities

Relating to Civil Service for cities.

S.B. 95 Cities

Relating to and making appropriations to the Office for Planning and Programming.

S.B. 96 Cities

Relating to the uniform application of veterans' preference in public employment.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON EDUCATION

House File 157, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

Fiscal note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 74), relating to an income tax refund checkoff for the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3035	H.F. 234	Spear of Lee
H—3036	H.F. 234	Spear of Lee
H—3037	H.F. 234	Spear of Lee
H—3038	H.F. 234	Spear of Lee
H—3039	H.F. 234	Spear of Lee
H—3040	H.F. 154	Miller of Buchanan
H—3041	H.F. 249	Conlon of Muscatine Chiodo of Polk Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 9:18 a.m., until 9:00 a.m., Wednesday, February 4, 1981.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day—Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 4, 1981

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

Prayer was offered by the Reverend Scott Holmes, pastor of the United Methodist Church, Guthrie Center.

The Journal of Tuesday, February 3, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Veverka, Prairie City.

INTRODUCTION OF BILLS

House File 265, by Kirkenslager, a bill for an act increasing the state sales, services, and use tax.

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

House File 266, by Pavich and Jay, a bill for an act relating to retirement systems for police and fire personnel.

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

House File 267, by Pellett, a bill for an act relating to the purchase of goods or services by a political subdivision from a member of the political subdivision's governing board.

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

House File 268, by Halvorson of Clayton, Johnson of Linn, Tofte and Hanson of Delaware, a bill for an act relating to the deferred compensation program for governmental employees.

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

House File 269, by Harbor and Groth, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

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

House File 270, by Schroeder and Harbor, a bill for an act appropriating funds to the state board of regents to be used for remodeling and building an addition to the agronomy building at Iowa state university of science and technology.

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

House File 271, by Pavich and Jay, a bill for an act relating to the minimum benefits paid to survivors of a member of the peace officers' retirement system or a member of a local police or fire retirement system.

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

House File 272, by Spear, Clements, Maulsby, Anderson of Jasper and Connors, a bill for an act relating to the use of bodily restraints in taking a child into custody.

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

House File 273, by Carpenter, a bill for an act providing that a mechanic's lien is not enforceable against property used or to be used as a single-family or two-family dwelling and improved or unimproved contiguous land used or to be used in connection with the dwelling, except to the extent of the contract price.

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

House File 274, by Jochum, a bill for an act establishing a statute of limitations of one year for the adjustment of charges for public utility service.

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

House File 275, by Hall, a bill for an act to allow cities to make contributions to a retirement system other than the Iowa public employees' retirement system for certain city employees.

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

House File 276, by Harbor and Schroeder, a bill for an act providing for the exemption from the sales, services, and use tax of the gross receipts from the sale of property for or the rendering of services for air and water pollution control or for the treatment, storage, or disposal of hazardous waste.

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

House File 277, by Harbor and Schroeder, a bill for an act exempting certain occupational safety and health property from property taxation and exempting the gross receipts from the sale of certain occupational safety and health property from the sales, services and use tax and providing a January 1 effective date.

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

House File 278, by Smalley, a bill for an act regulating contracts by certain cemeteries, for the sale of personal property or services in connection with the interment of a dead human body, and providing penalties and a January 1 effective date.

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

House File 279, by Horn, a bill for an act relating to the off-premises sale of alcoholic liquor by class "B" and "C" liquor control licensees.

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

House File 280, by Hall, a bill for an act relating to possession, or consumption of alcoholic liquor or beer by a person under legal age.

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

House File 281, by Horn, a bill for an act to establish a supplementary retirement income program under applicable sections of the Internal Revenue Code.

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

House File 282, by committee on judiciary and law enforcement, a bill for an act authorizing the performance of marriage ceremonies by court of appeals judges.

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

House File 283, by committee on state government, a bill for an act to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

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

House File 284, by Howell and Smalley, a bill for an act providing that a mechanic's lien for a subcontractor must be perfected by giving notice to the owner and has limited enforceability unless the subcontractor obtains prior written authority to extend credit to be effective January 1.

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

House File 285, by Woods, a bill for an act to repeal chapter 572 relating to the mechanic's lien.

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

House File 286, by Crabb and McKean, a bill for an act creating a department of corrections, prescribing its powers and duties, appropriating moneys, providing penalties, and providing a January 1 effective date.

Read first time and referred to committee on **human resources.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 4, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 10, providing for a joint convention to be held on February 4, 1981, at 11:45 a.m. to honor Kathryn Koob.

Also: That the Senate has on February 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 58, a bill for an act amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term.

Also: That the Senate has on February 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 80, a bill for an act relating to the administration of judicial district departments of correctional services.

Also: That the Senate has on February 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 86, a bill for an act relating to uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5.

Also: That the Senate has on February 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 87, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Also: That the Senate has on February 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

LINDA HOWARTH MACKAY, Secretary

On motion by Pope of Polk, the House was recessed at 9:21 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

The House stood at ease at 11:50 a.m., until the fall of the gavel.

The House resumed session at 11:55 a.m., Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Krewson of Polk, Chair; Mann of Greene and Arnould of Scott.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 10, duly adopted, the joint convention was called to order, President Branstad presiding.

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

Senator Hultman moved that a committee of six, consisting of three members from the Senate and three members from the House be appointed to notify Governor Robert D. Ray and Miss Kathryn L. Koob that the joint convention was ready to receive them.

The motion prevailed and the President appointed as such committee Senators Gallagher of Black Hawk, Jensen of Bremer and

Taylor of Hardin, on the part of the Senate, and Representatives Hummel of Benton, Renken of Grundy and Miller of Buchanan, on the part of the House.

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

Harold and Elsie Koob of Jesup, Iowa, parents of Kathryn Koob; Vivian Hohmeyer and Micki Zeller, sisters of Ms. Koob; Mrs. Billie Ray, Mrs. Chris Branstad, Mayor and Mrs. Pete Crivaro and Bishop David Brown were escorted into the House chamber.

The committee waited upon Governor Robert D. Ray and Kathryn Koob and escorted them to the Speaker's station as the Drake Brass Ensemble from Drake University played the song "Tie a Yellow Ribbon."

The joint convention rose and joined in the singing of our national anthem, accompanied by the Drake Brass Ensemble, under the direction of Professor Robert Weast.

President Branstad presented Governor Robert D. Ray, preceded with the following remarks:

Today we have a special guest. A native daughter of our state. One who has returned from over fourteen months of captivity in a foreign land. We welcome her home. We all give thanks that she is here — safe, healthy and free.

During these difficult economic times, the gentleman I am about to introduce has a responsibility that has not always been pleasant or enjoyable — but I know that he is delighted with this next responsibility, to introduce our honored guest. The good governor of the great state of Iowa, the Honorable Robert D. Ray.

Governor Robert D. Ray addressed the joint convention as follows:

Mr. President, Mr. Speaker, Mayor Crivaro, members of the Legislature, state officials, Justices and Judges, Mr. and Mrs. Koob, Vivian Hohmeyer, Micki Zeller and Bishop Brown:

Katy, there is no better way to say it than to say welcome home to Iowa!!

You are finally back home where you belong, among people who know you and love you. Not even the snow and icy cold weather can dampen the warmth Iowans feel in their hearts now that you are with us again. We are delighted that you came to Des Moines, our capital city, to let us join with you in celebrating your freedom.

This is truly a day for celebration.

I might tell those of you who were not along the motorcade, as we came in from the airport, that Katy is a good sport. She sat on the top of a convertible — to say the least it was a little bit chilly. She did in one place indicate to me that even at the worst, the Iranian militants never did that to her.

Your arduous ordeal is over, Katy. The 444 long days and longer nights you endured in Iranian captivity are in the past. But we wouldn't want you to leave here today without knowing that, from the very beginning after the Embassy was seized, you have been in our thoughts and in our prayers. We worried about you while you were gone. We did not know how your captors were treating you. We were depressed when a long period of time passed with very little news. But we were exhilarated when we finally saw you on T.V. and knew that you were okay.

Through the miracle of television, we observed Easter and two Christmases with you, and there was hardly a dry eye in the state when we watched and listened to you sing "Away in the Manger" last December. You helped us remember the true meaning of Christmas — love, home, family — and how lucky we are to have them.

Sometimes we forget just how long 444 days can be, and how much can happen in that period of time. We conducted the Iowa SHARES relief drive, the Iowa caucuses kicked off a spirited year long political campaign, the Iowa Hawkeye basketball team went to the final four in the NCAA Tournament, we planted and harvested another bin busting grain crop, and Des Moines got a new 33 story hotel — all in the time between when you were taken prisoner and when you were given your freedom.

You were away from us far too long, but on that day when you were released, all of our pent-up anxiety and frustration came gushing out in one of the most memorable outpourings of emotion this country has seen. Over the past 15 years, there has been much that has pulled us apart as a people. But finally, here was something that brought us together.

I hope the crowds and the cheering have helped to heal the wounds you suffered in Iran. I wonder if you realize just how much you and the other hostages have helped heal the wounds our country has been suffering for so long.

From watching and listening to you on T.V. since your release, it has been clear that your Iowa roots served you well during your captivity.

Your religious faith and your belief in God sustained you through the darkest hours. We now know that your faith also helped your friend, Ann Swift, bear up under the threats of death which she received.

Katy, you exhibited the best qualities that Iowans have to offer, and we just couldn't be more proud of you. That is why I have declared this a day of special recognition for you throughout our state, and that is why I want to present you to this Special Joint Convention of the Iowa General Assembly.

Ladies and gentlemen, a very special Iowan, Kathryn L. Koob.

Ms. Koob, a native of Jesup, Iowa, and the only Iowan among the fifty-two Americans held hostage in Iran for 444 days from November 4, 1979, to January 20, 1981, addressed the joint convention as follows:

I would like to present two even more special Iowans, my Mom and my Dad.

I said at the airport I didn't think I had any more tears but I do. We are a bit of a "waterworks" family sometimes. We love each other very much. And the separation, of course, was hard on us. But we knew that even if we were apart and couldn't reach out and touch each other that the love for each other was there and that the care was there and that we would be reunited if not here, in eternity.

It is this knowledge, that I learned as a child in my parents' home that kept me going. It is this thing that made it possible for me to walk each day with my Lord. I didn't learn it as an adult, I learned it as a child. And I learned it because my parents cared. Cared enough to take me to church, cared enough to teach me about our faith. It is my prayer that every parent in this nation would care enough to teach their children to believe. To believe in God and his power and what he can do for them.

I want to say thank you again because I can never say thank you often enough to all the people here that supported me in their prayers, their letters, and who supported my family by visiting them; the press by respecting their wish for privacy; by writing to them, by talking to them, by reaching out to touch them.

I want to thank you for the support you gave all the rest of the hostages while we were being held in Tehran. There is no way we can say thank you often enough or deeply enough because without your support which we knew was there even though the students were telling us that the United States didn't care, that the United States government was stopping our mail to drive us crazy, that the story had been forgotten, that the election couldn't matter with our release. We knew you were out here, but let me tell you, we had no idea how firmly you were behind us. This has been a revelation coming back to this country to see everyone, black, white, old, young, men, women united. United to stand up for America with dignity and with pride.

Newsmen, when they asked me what I was going to talk about today, asked if I was going to talk about freedom. I told them I didn't know. I've been a little busy, but I made some notes on the plane this morning and I decided the thing I wanted to talk about was responsibility.

Responsibility is tremendously important and during this past fourteen months, I had an opportunity to see a nation try and function where no one was willing to accept individual responsibility. People tried, even before I was taken when they were talking with me, to dodge responsibilities because they weren't sure of what was going to happen next week. Thank God, I grew up in a country where, as a child, I was taught responsibility. Where I was taught to make a choice and accept what happened as a result of a decision that I made. Now, responsibility is not an easy thing to learn. It is not easy to develop responsibility. It is much more fun immediately to go along with the crowd. I will never forget my Dad telling me when I said "But everybody is doing it", "I suppose if everybody jumped off the Cedar River bridge, you would jump too?"

Well, at the time I thought that was sort of a silly answer. I see the wisdom of it now. I would also urge everyone that is in a responsible position — there is that word again, responsible — to make the most of every opportunity to teach responsibility to our junior citizens. To help them learn the decision-making process so that when they are faced with a choice they will think and respond responsibly.

It is not easy to make a decision and sometimes it is even less easy to live with the results of that decision. But if you have had a chance to exercise decision in small areas, it is not quite as difficult when it comes to making a decision when you are older. It is from the strength of this assumption of responsibility that freedom comes.

It is not freedom, as was the case in Iran, when after the revolution people would drive down one-way streets the wrong way shouting "Ahzahdi, Ahzahdi" which is Iranian for freedom. It is not freedom when it infringes on others' rights and there is an element of responsibility that comes there when one makes the decision to act in a responsible way so that it does not infringe on the rights of others. Only with responsible action, can freedom come — the real freedom. The freedom that lets us know we can make a decision because our colleagues will make a decision that will support our responsible decision. I had to make a decision. I didn't realize it was going to mean that I was going to spend fourteen months sitting in one room but when the time came, I didn't have to think about it. I had a job to do and I did my job. The people at the embassy, who sat there for fourteen months and who with me told our Iranian captors that we would be willing to sit there for ten years or fifteen years because the United States could not be held up for blackmail, made that same decision. It was a responsible decision not to fire, to order the marine guards to hold their fire, to use only tear gas. But because of early training, these decisions came naturally.

It is great to live in a country where responsibility is a way of life. And where responsibility leads to freedom of choice that means the best life for a great number of people. It means active in love and concern and care. How many times have I heard the word "concern" during the past fourteen months. We are concerned about you. Let people know that our concern is for you. Our love is for you. These things come with the acceptance of responsibility. Our strength in this situation as a nation came from our resilience, from our adaptability, from our inner resources — not from the number of planes we could put in the air, not from the arms that we have. It had to come from within and even though we have been torn apart over many issues over the past fifteen years, we showed once more that responsibility, love, and concern, when joined together, would make us a free nation and would bring us home free Americans.

Thank you.

Governor Robert D. Ray presented Kathryn Koob with the Governor's Medal of Valor, preceded with the following remarks:

Not all of you may know the exact circumstances that surrounded Katy Koob's capture by the Iranian militants. Unlike most of the American diplomats, Kate was not assigned inside the Embassy compound itself, but rather was stationed at the Iranian-American Culture Center. As a result, when the Iranian students stormed the Embassy, Kate was not immediately affected. She was able to stay in contact with the Embassy by phone relaying reports of the situation during those initial, critical hours,

to the State Department in Washington. When she was captured, she was in the process of making one of those reports and we now know that the Iranians held her prisoner when they released most of the women hostages because of those important phone calls. Kathryn Koob had a choice between the time the Embassy was attacked and the time the militants seized her. She could have abandoned her comrades and sought to save herself but she did not. At the critical moment, she decided to place herself in jeopardy in order to try to help her colleagues and fellow Americans. We now know that it was this action that resulted in her isolation. Such sacrifice, we believe, should not go unrecognized. So, therefore, I am presenting today to Kathryn Koob, the Governor's Medal of Valor. Your willingness, Kate, to endanger yourself in order to aid your friends, is in the highest traditions of this state and our people. You are indeed a woman to be admired.

A 22k gold charm of the Iowa State Capitol, inscribed "Freedom, 1981, 69th G.A." was presented to Kathryn by President Branstad, on behalf of the Sixty-ninth General Assembly. He also presented a "welcome message" from the Senate Pages.

Speaker Stromer presented a framed enrolled copy of House Concurrent Resolution 10, adopted by the General Assembly, which called for the joint convention to greet and honor Kathryn Koob. He commended her for her courage, asked God's blessings and welcomed her home.

Senators Carney and Hester led the joint convention in the singing of "America The Beautiful."

The benediction was offered by Bishop David Brown, Iowa Bishop of the American Lutheran Church.

Governor Robert D. Ray and Kathryn Koob were escorted from the House chamber by the committee previously appointed.

The House Pages serenaded Kathryn Koob with "K-K-K-Katy" as she was escorted from the House chamber.

Pope of Polk moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., February 3, 1981

Convened: 1:40 p.m.

Adjourned: 2:20 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Excused: Gross.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 26), relating to including energy conservation and solar access as objectives of city and county zoning regulations.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON RULES

Senate Concurrent Resolution 2, providing for the joint rules of the Senate and House of Representatives for the Sixty-ninth General Assembly.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 86), relating to the licensing of real estate salespersons, associate brokers and brokers.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3042	H.F. 232	Davitt of Warren
H—3043	H.F. 232	Davitt of Warren
H—3044	H.F. 217	Tofte of Winneshiek
Hanson of Delaware		Johnson of Howard
Egenes of Story		Stueland of Clinton
Halvorson of Clayton		Holt of Clay
Anderson of Jasper		Halvorson of Webster
Avenson of Fayette		Branstad of Winnebago
Running of Linn		
H—3045	H.F. 234	Spear of Lee
H—3046	H.F. 234	Spear of Lee
H—3047	H.F. 155	Hanson of Delaware
		Shimanek of Jones
		Crawford of Story
		Connolly of Dubuque
H—3048	H.F. 234	Spear of Lee
H—3049	H.F. 234	Spear of Lee

On motion by Pope of Polk, the House adjourned at 1:03 p.m., until 9:00 a.m., Thursday, February 5, 1981.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 5, 1981

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

Prayer was offered by the Reverend Michael Hess, President of Dowling High School, West Des Moines.

The Journal of Wednesday, February 4, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Clark of Cerro Gordo, from twenty-five bus drivers opposing the new law before the legislature which states that all AM-FM radios be banned from school buses.

INTRODUCTION OF BILLS

House Joint Resolution 14, by Spear, Hanson of Delaware, Dieleman, Sturgeon, Corey, Bruner, Lloyd-Jones and Sullivan, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the governor and lieutenant governor stand for election together on the ballot.

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

House File 287, by Horn, a bill for an act relating to the repair of consumer products and providing a penalty.

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

House File 288, by O'Kane, a bill for an act relating to the inspection of gas and electric meters.

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

House File 289, by Shimanek, a bill for an act removing the moratorium on the appointment of district judges and authorizing immediate appointments to fill the resulting vacancies.

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

House File 290, by Clements, a bill for an act relating to the penalties for assaulting a peace officer in the performance of the peace officer's duties.

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

House File 291, by Diemer, a bill for an act providing a tax exemption for property used to treat, store, or dispose of hazardous waste, effective January 1 following enactment.

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

House File 292, by Halvorson of Clayton, a bill for an act providing that domestic fire and casualty insurers may engage in certain options transactions.

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

House File 293, by McKean, a bill for an act creating a revolving farm fund for the department of social services, with a retroactive effective date.

Read first time and referred to committee on **human resources.**

House File 294, by Brandt and Lind, a bill for an act relating to rules regulating the use of tobacco, and the use or possession of alcoholic liquor or beer or a controlled substance in school buildings and grounds and to provide a penalty.

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

House File 295, by Menke, a bill for an act relating to minimum basic training requirements for law enforcement training requirements for certain marshals and policemen employed by cities.

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

House File 296, by Ritsema, a bill for an act relating to electric motor powered bicycles.

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

House File 297, by Anderson of Jasper, Chiodo, McKean, Welsh, Dieleman, Norland, Bruner, Binneboese, Howell, Horn, Connors, Carl, Lonergan, Brandt, Arnould, Renaud and Davitt, a bill for an act creating a business information division within the Iowa development commission and prescribing its powers and duties including the provision of a central licensing referral service for certain business licenses.

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

House File 298, by Anderson of Jasper, Chiodo, McKean, Welsh, Sturgeon, Dieleman, Norland, Bruner, Halvorson of Webster, Arnould, Binneboese, Howell, Horn, Connors, Lonergan, Brandt, Carl, Renaud and Davitt, a bill for an act providing for the promotion, encouragement and assistance of small businesses in this state, by establishing a small business division within the Iowa development commission, and providing for the reservation of certain state purchase contracts for small businesses, and making an appropriation.

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

House File 299, by Brandt, Shimanek, Krewson, Mullins, Carpenter, Renaud and Running, a bill for an act relating to the additional property tax relief for the elderly and disabled.

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

House File 300, by Rapp, Bruner, Chiodo, Jochum, Pavich, Lloyd-Jones, Brandt, O'Kane, Howell, Connolly, Arnould, Cochran, Binneboese, Horn, Anderson of Jasper, Avenson, Cusack and Connors, a bill for an act providing standards for rate schedules of electric and natural gas utilities subject to approval by the Iowa state commerce commission.

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

House File 301, by Jochum, a bill for an act relating to unfair discrimination in automobile insurance rates.

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

House File 302, by Jochum, a bill for an act to authorize collective bargaining by employees of the Iowa commission for the blind.

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

House File 303, by committee on human resources, a bill for an act relating to the registration of group day care home providers.

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

House File 304, by committee on energy, a bill for an act including energy conservation and solar access as objectives of city and county zoning regulations.

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

SENATE MESSAGES CONSIDERED

Senate File 58, by Priebe, a bill for an act amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term.

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

Senate File 80, by Rush and Murray, a bill for an act relating to the administration of judicial district departments of correctional services.

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

Senate File 86, by Gratias, a bill for an act relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981, and providing that the Act takes effect upon publication.

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

Senate File 106, by committee on rules and administration, a bill for an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

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

On motion by Pope of Polk, the House was recessed at 9:21 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

HOUSE RESOLUTION 6
By Committee on Appropriations

Whereas, section 2.12, Code 1981, provides an unlimited appropriation of funds from the general fund of the state for the operation and expenses of the General Assembly; and

Whereas, the General Assembly is the largest agency of state government which has an unlimited operating budget; and

Whereas, it appears advisable that the House of Representatives adopt guidelines in the expenditure of funds for its operation; *Now Therefore*,

Be It Resolved by the House of Representatives of the State of Iowa:

Section 1. The House of Representatives adopts the following guidelines on the expenditure of funds under section 2.12, Code 1981, for the Sixty-ninth General Assembly:

Session	1981	1982
Members' compensation	$1,450,000	$1,552,000
Members' expense of office and travel	439,000	367,000
Officers' and employees' compensation	955,500	946,000
Current and miscellaneous expenses	135,000	119,000
Printing	190,000	209,000
Equipment	40,000	20,000
Legislative Interim		
Members' compensation	50,000	35,000
Members' expenses and travel	75,000	55,000
Officers' and employees' compensation	335,000	357,000
Renovation and remodeling	5,000	20,000

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Current and miscellaneous expenses	60,000	55,000

Sec. 2. If expenditures exceed the maximum amount allocated to any category of these guidelines but are authorized by section 2.12, Code 1981, the Chief Clerk of the House shall provide written notice to the majority and minority leaders of the House and to the chair and ranking minority member of the House Committee on Appropriations of the excess amount and the reasons for exceeding the guideline.

Laid over under Rule 30.

SPONSOR ADDED
(House File 163)

Clements of Scott requested to be added as a sponsor of House File 163.

PRESENTATION OF VISITORS

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

Eight members of the Iowa Board of Student F.F.A. Officers. By Crawford of Story.

ADDITIONAL APPOINTMENT OF COMMITTEE ON WAYS AND MEANS STANDING SUBCOMMITTEE

Schnekloth of Scott, chair of the committee on ways and means, announced the appointment of the following additional standing subcommittee of the committee on ways and means:

Inheritance Tax

Hanson of Delaware, Chair
Daggett, Dieleman

ADDITIONAL ASSIGNMENT OF SEAT IN PRESS GALLERY

The following named person is an accredited member of the press and entitled to a seat in the West Press Gallery:

Iowa Legislative News Service ..... Margaret Gappa

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 97 State Government

Relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

S.B. 98 State Government

Relating to the licensing and examining boards, including the board of medical examiners, and providing a penalty.

S.B. 99 State Government

Relating to the right of employees of the department of revenue to engage in the preparation of tax returns.

S.B. 100 State Government

To allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits.

S.B. 101 State Government

Relating to the provision and administration of various veterans benefits.

S.B. 102 State Government

To exempt certain plans, programs, and grants of the department of public instruction from the Iowa Administrative Procedure Act.

S.B. 103 State Government

Relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections and providing penalties.

S.B. 104 State Government

Relating to the state board of engineering examiners.

S.B. 105 State Government

Relating to the operations of the citizens' aide office.

S.B. 106 State Government

Relating to the penalty to be imposed on licensees who tender the department of beer and liquor control more than three insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

S.B. 107 State Government

To establish and license special liquor retailers and special retail liquor establishments and make corresponding amendments to the Code, including penalty provisions.

S.B. 108 State Government

To forbid the issuance of liquor control licenses or beer permits to a school which provides teaching for any grade from kindergarten through twelve.

S.B. 109 State Government

Relating to special permits issued pursuant to section 123.29.

S.B. 110 State Government

Relating to conditions for issuance of liquor control licenses and retail beer permits.

S.B. 111 State Government

Relating to fourteen-day liquor licenses and beer permits.

S.B. 112 State Government

Relating to licensing manufacturers of fuel alcohol.

S.B. 113 State Government

Making surety companies which issue bonds liable when beer and liquor licensees fail to redeem insufficient checks tendered for purchase of alcoholic beverages.

S.B. 114 State Government

Relating to the sale of alcoholic beverages or beer on credit.

S.B. 115 State Government

Relating to the number of times a liquor control license or a beer permit can be transferred within a twelve-month period.

S.B. 116 State Government

Relating to paying members of the department's council on a per diem basis plus necessary travel expenses.

S.B. 117 State Government

Permitting the Iowa beer and liquor control department to purchase real property and construct state liquor stores on the real property.

S.B. 118 Ways and Means

Relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes effective January 1 following enactment for returns due on or after January 1 following enactment.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House Resolution, relating to guidelines in the expenditure of funds for the operation of the House of Representatives.

Fiscal note is not required.

Recommended **Do Pass.**

Senate File 113, a bill for an act relating to the payment of claims by counties for military service tax credits to be effective upon publication.

Fiscal note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 107), to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more districts are under the management and control of that board, and to authorize a one-time assessment on land in the districts for the purpose of establishing the fund.

Fiscal note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 57), relating to the computation of interest on overpayments made under the individual and corporate income and franchise taxes.

Fiscal note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3050	H.F. 193	Halvorson of Clayton
H—3051	H.F. 232	Jochum of Dubuque Smalley of Polk Carl of Poweshiek Arnould of Scott Brandt of Black Hawk Anderson of Jasper
H—3052	H.F. 232	Jochum of Dubuque Carl of Poweshiek Arnould of Scott Brandt of Black Hawk

H—3053	H.F. 232	Jochum of Dubuque Carl of Poweshiek Arnould of Scott Brandt of Black Hawk
H—3054	H.F. 232	Jochum of Dubuque Carl of Poweshiek Arnould of Scott Brandt of Black Hawk

On motion by Pope of Polk, the House adjourned at 12:15 p.m., until 9:00 a.m., Friday, February 6, 1981.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day—Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 6, 1981

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

Prayer was offered by the Honorable Kenneth De Groot, State Representative from Lyon County.

The Journal of Thursday, February 5, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Miller of Buchanan; Byerly of Polk on request of Woods of Polk; Krewson of Polk and Pelton of Clinton on request of Shimanek of Jones; Connors of Polk on request of Avenson of Fayette; Norland of Worth, for a portion of the morning session, on request of Avenson of Fayette; Groth of Buena Vista, for a portion of the morning session, on request of Halvorson of Webster.

CONSIDERATION OF BILLS
Regular Calendar

House File 211, a bill for an act relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 211)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Carpenter	Chiodo	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Cook

Corey	Crabb	Crawford	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	Menke	Miller
Mullins	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Brandt	Byerly	Carl	Clark, J. H.
Connors	Cusack	Daggett	Groth
Jochum	Krewson	McKean	Norland
Pelton	Smalley	Welsh	

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

House File 233, a bill for an act relating to joint meetings of members of boards of an area education agency and its corresponding merged area, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 233)

The ayes were, 87:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Branstad	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Crawford

Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Anderson, R.	Brandt	Byerly	Connors
Cusack	Daggett	Groth	Krewson
Norland	Pelton	Schroeder	Smalley
Welsh			

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

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 9:48 a.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor, for a portion of the morning session, on request of Van Maanen of Mahaska.

ADOPTION OF THE REPORT OF THE ELECTION CONTEST COMMITTEE (Dinger vs. Johnson)

Schroeder of Pottawattamie called up for consideration the Report of the Election Contest Committee in the matter of Dinger

vs. Johnson, filed on January 29, 1981 and found on pages 248 and 249 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent that the rules be suspended to allow the minority party to have a court reporter present in the House chamber during consideration of the Election Contest Committee Report.

Schroeder of Pottawattamie moved the adoption of the Report of the Election Contest Committee.

Rapp of Black Hawk moved as a substitute motion that the Minority Report of the Election Contest Committee, filed on February 2, 1981 and found on pages 262 through 271 of the House Journal, be substituted and adopted.

Roll call was requested by Rapp of Black Hawk and Welsh of Dubuque.

On the question "Shall the motion prevail to substitute and adopt the minority report?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connolly	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett

Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Byerly	Connors	Cusack	Johnson, J.
Krewson	Pelton		

The substitute motion lost.

On the motion by Schroeder of Pottawattamie to adopt the Report of the Election Contest Committee, roll call was requested by Anderson of Jasper and Davitt of Warren.

On the question "Shall the Report of the Election Contest Committee be adopted?"

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 39:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connolly	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

Absent or not voting, 6:

Byerly	Connors	Cusack	Johnson, J.
Krewson	Pelton		

The motion prevailed and the Report of the Election Contest Committee was adopted.

Schroeder of Pottawattamie moved to reconsider the vote by which the motion to adopt the Report of the Election Contest Committee prevailed and to table the motion to reconsider.

Avenson of Fayette rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Pope of Polk moved to reconsider the vote by which the motion to adopt the Report of the Election Contest Committee Report prevailed and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 55, nays 39.

The motion to table prevailed.

SPONSORS ADDED
(House File 163)

Van Maanen of Mahaska requested to be added as a sponsor of House File 163.

(House File 64)

Ritsema of Sioux requested to be added as a sponsor of House File 64.

PRESENTATION OF VISITORS

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

Fifty first grade students from Sawyer Elementary School, Ames, accompanied by Mrs. Mengeling and Mrs. Bath. By Crawford of Story.

APPOINTMENTS TO TEMPORARY REDISTRICTING ADVISORY COMMISSION

Pope of Polk, House Majority Leader, announced the appointment of Wiley Mayne to the Temporary Redistricting Advisory Commission, pursuant to Chapter 1021, Acts of the Sixty-eighth General Assembly.

Avenson of Fayette, House Minority Leader, announced the appointment of Lorne Worthington to the Temporary Redistricting Advisory Commission, pursuant to Chapter 1021, Acts of the Sixty-eighth General Assembly.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

The 1980 Iowa Railroad Analysis Update report has been filed by the Department of Transportation as required by the U.S. Code of Federal Regulations.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 119 Ways and Means

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

S.B. 120 Ways and Means

Providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954 and providing for a January 1 effective date.

S.B. 121 Ways and Means

Relating to the statute of limitations on assessment of the income and franchise taxes.

S.B. 122 Ways and Means

Removing the requirement that assessors itemize individual names

and legal descriptions in their annual reports of exempt property to the department of revenue.

S.B. 123 Ways and Means

Relating to the audit and certification of claims for the personal property tax credit.

S.B. 124 Ways and Means

Relating to the enforcement of distress warrants issued by the director of revenue.

S.B. 125 Ways and Means

Relating to the state sales, services and use tax.

S.B. 126 Ways and Means

Authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

S.B. 127 Ways and Means

Providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

S.B. 128 Ways and Means

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

S.B. 129 Ways and Means

Relating to interest earned on funds in the life membership trust fund of the state historical department.

S.B. 130 Ways and Means

Updating references to the internal revenue code for purposes of computing individual and corporate income taxes and franchise taxes and making certain provisions of the Act retroactive.

S.B. 131 County Government

Relating to state mandates imposed on political subdivisions of the state.

S.B. 132 County Government

Relating to the township clerks and township trustees.

S.B. 133 County Government

Relating to the duties of the board of review.

S.B. 134 County Government

Relating to the examination and appointment of deputy assessors.

S.B. 135 County Government

Relating to the calendar of prisoners in the county jail or detention facility.

S.B. 136 Labor and Industrial Relations

Making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

S.B. 137 Education

Relating to continuance of special education beyond a person's twenty-first birthday.

S.B. 138 Education

Relating to the cost of contracts with public or private agencies located outside the state for special education programs.

S.B. 139 Education

Allowing area education agencies to initiate appeal procedures for certain special education children.

S.B. 140 Education

Relating to the categories for the special education programs under the department of public instruction.

S.B. 141 Education

Relating to educational financial assistance administered by the college aid commission of the state of Iowa.

S.B. 142 Education

Relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981.

S.B. 143 Education

Relating to the election of the board of directors of a reorganized school district.

S.B. 144 Education

Authorizing merged areas to acquire and operate student residence halls and dormitories, including dining and other incidental facilities, and to finance the cost with revenue bonds.

S.B. 145 Judiciary and Law Enforcement

Relating to the office of appellate defender.

S.B. 146 Judiciary and Law Enforcement

Providing for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire.

S.B. 147 Judiciary and Law Enforcement

Prohibiting operating a motor vehicle while having a certain percentage of alcohol in the blood, and to apply penalties.

S.B. 148 Judiciary and Law Enforcement

Relating to the possession or consumption of beer or alcoholic beverages in a motor vehicle, upon a public street or highway, and providing a penalty.

S.B. 149 Judiciary and Law Enforcement

Relating to financial responsibility for boating accidents and providing a penalty.

S.B. 150 Judiciary and Law Enforcement

Repealing the authorization of fieldmen, auditors and other employees of the department of revenue to administer oaths in matters pertaining to the income and sales taxes.

S.B. 151 Judiciary and Law Enforcement

Staying proceedings against the state, a state agency, or a state employee when an appeal has been taken from judgment in favor of a claimant under the Iowa tort claims Act.

S.B. 152 Judiciary and Law Enforcement

Prohibiting the use of deferred judgments for defendants convicted of violating the provisions of chapter 321.

S.B. 153 Judiciary and Law Enforcement

Allowing tort claim actions against the state to be tried before a jury.

S.B. 154 Judiciary and Law Enforcement

Relating to mileage expense for witnesses and jurors.

S.B. 155 Judiciary and Law Enforcement

Allowing gifts of insurance policies and annuity contracts under the Iowa uniform gifts to minors Act allowing testamentary gifts and gifts by fiduciaries under the Act.

S.B. 156 Judiciary and Law Enforcement

Requiring sentencing judge and prosecuting attorney to provide parole board with certain information.

S.B. 157 Agriculture

Relating to the preparation of the farm unit soil conservation folder and plan.

S.B. 158 Agriculture

Relating to the creation of conservancy district wards.

S.B. 159 Human Resources

Relating to the procedures for involuntary commitment or treatment of substance abusers.

S.B. 160 Commerce

Relating to discrimination by utilities against customers who use renewable energy sources.

S.B. 161 Commerce

Relating to the funding of the operations of the utilities division of the Iowa state commerce commission.

S.B. 162 Commerce

Relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

S.B. 163 Judiciary and Law Enforcement

Permitting a separate writing to identify bequests of certain tangible personal property in wills.

S.B. 164 Commerce

Relating to exemptions from the Iowa uniform securities Act for

cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 7

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 8

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 9

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House File 103

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 135

Agriculture: Crabb, Chair; Chiodo and Cook.

House File 145

State Government: Hanson of Delaware, Chair; Tofte and Lloyd-Jones.

House File 152

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 158

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 159

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 160

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

House File 162

State Government: Lageschulte, Chair; Smith and Woods.

House File 163

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 165

Ways and Means: Diemer, Chair; Maulsby and Brandt.

House File 166

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Connolly, Chiodo and Rapp.

House File 167

Ways and Means: Daggett, Chair; Diemer and Oxley.

House File 171

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 172

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 173

Labor and Industrial Relations: Conlon, Chair; Hummel and Pavich.

House File 174

Labor and Industrial Relations: Johnson of Linn, Chair; Renaud and Smalley.

House File 175

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 178

Ways and Means: Shull, Chair; Diemer, Bennett, Miller and Hall.

House File 179

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 180

Labor and Industrial Relations: Conlon, Chair; Hummel and Pavich.

House File 181

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 183

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 184

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 185

State Government: Swearingen, Chair; Anderson of Audubon and Arnould.

House File 189

Ways and Means: Maulsby, Chair; Diemer and Norland.

House File 190

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 193

State Government: Anderson of Audubon, Chair; Lageschulte and Anderson of Jasper.

House File 194

Natural Resources: Stueland, Chair; Anderson of Audubon and Lloyd-Jones.

House File 195

Ways and Means: Krewson, Chair; McKean and Pavich.

House File 198

Ways and Means: Schnekloth, Chair; Maulsby and Oxley.

House File 203

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 209

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 212

Transportation: Schnekloth, Chair; Pellett and Woods.

House File 213

Education: Johnson of Howard, Chair; Mann and Groth.

House File 214

Ways and Means: Branstad, Chair; Poffenberger and Brandt.

House File 215

Judiciary and Law Enforcement: Corey, Chair; Halvorson of Clayton and Rapp.

House File 216

Transportation: Schroeder, Chair; Branstad and Oxley.

House File 218

Agriculture: Stueland, Chair; Miller and Tyrrell.

House File 219

Judiciary and Law Enforcement: Ritsema, Chair; Halvorson of Clayton, Pelton, Welsh and Swartz.

House File 220

Labor and Industrial Relations: Conlon, Chair; Johnson of Linn and Sturgeon.

House File 221

Ways and Means: Daggett, Chair; Diemer and Cochran.

House File 222

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Connolly, Chiodo and Rapp.

House File 223

Ways and Means: Maulsby, Chair; Branstad and Brandt.

House File 224

Judiciary and Law Enforcement: Ritsema, Chair; Gross and Welsh.

House File 225

Agriculture: Hummel, Chair; Byerly and McKean.

House File 227

Judiciary and Law Enforcement: Poffenberger, Chair; Johnson of Howard, Gross, Sturgeon and Rapp.

House File 231

Agriculture: Hummel, Chair; Byerly and McKean.

House File 237

Education: Menke, Chair; Johnson of Howard and Carl.

House File 240

Judiciary and Law Enforcement: Gross, Chair; Egenes and Jay.

House File 241

Transportation: Lind, Chair; Mann and Anderson of Jasper.

House File 242

Labor and Industrial Relations: Welden, Chair; Horn and Kirkenslager.

House File 245

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

House File 247

Education: Holt, Chair; Mann and Spear.

House File 248

Transportation: Kirkenslager, Chair; Johnson of Woodbury and Groth.

House File 250

Cities: Shull, Chair; Crawford and Spear.

House File 253

Commerce: Schnekloth, Chair; Hoffmann and Jochum.

House File 254

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Shull and Swearingen.

House File 255

Judiciary and Law Enforcement: Egenes, Chair; Swartz and Rapp.

House File 257

Education: Swearingen, Chair; Maulsby and Groth.

House File 258

Judiciary and Law Enforcement: Ritsema, Chair; Halvorson of Clayton, Pelton, Welsh and Swartz.

House File 260

Labor and Industrial Relations: Smalley, Chair; Gettings and Crabb.

House File 261

Human Resources: De Groot, Chair; Spear, Poffenberger and Trucano.

House File 262

Commerce: Shull, Chair; Smith and Jochum.

House File 272

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 273

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 274

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Shull and Swearingen.

House File 278

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Jochum.

House File 280

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 284

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 285

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 286

Human Resources: De Groot, Chair; Spear, Poffenberger and Trucano.

House File 287

Commerce: Hummel, Chair; Renken and Sturgeon.

House File 288

Commerce: Hummel, Chair; Renken and Sturgeon.

House File 291

Energy: Ritsema, Chair; Carl, Cook, Howell and Poffenberger.

House File 292

Commerce: Renken, Chair; Smith and Welsh.

House File 293

Human Resources: De Groot, Chair; Spear, Poffenberger and Trucano.

House File 296

Transportation: Johnson of Woodbury, Chair; Lind and Binneboese.

House File 298

Commerce: Halvorson of Clayton, Chair; Hansen of O'Brien and Halvorson of Webster.

House File 300

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Shull and Swearingen.

House File 301

Commerce: Halvorson of Clayton, Chair; Hansen of O'Brien and Halvorson of Webster.

House File 302

Labor and Industrial Relations: Johnson of Linn, Chair; Mann and Running.

Senate File 58

Commerce: Egenes, Chair; Hummel and Swartz.

Senate File 112

Appropriations: Shull, Chair; Harbor and Miller.

Senate File 114

Appropriations: Shull, Chair; Harbor and Miller.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 35

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 36

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 59

State Government: Tofte, Chair; Smith and Woods.

Study Bill 60

State Government: Carpenter, Chair; Crawford and Lloyd-Jones.

Study Bill 65

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 80

Ways and Means: Hanson of Delaware, Chair; Poffenberger and O'Kane.

Study Bill 82

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Study Bill 83

Agriculture: Mullins, Chair; Halvorson of Webster and Corey.

Study Bill 84

Agriculture: Corey, Chair; Welsh and Crabb.

Study Bill 85

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Smalley and Jochum.

Study Bill 118

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

Study Bill 121

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

Study Bill 122

Ways and Means: Schnekloth, Chair; Maulsby and Norland.

Study Bill 123

Ways and Means: Schnekloth, Chair; Diemer and Norland.

Study Bill 124

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

Study Bill 129

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

Study Bill 136

Labor and Industrial Relations: Conlon, Chair; Johnson of Linn and Sturgeon.

Study Bill 145

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Clark of Cerro Gordo and Jay.

Study Bill 146

Judiciary and Law Enforcement: Conlon, Chair; Clark of Cerro Gordo and Sturgeon.

Study Bill 147

Judiciary and Law Enforcement: Shimanek, Chair; Smalley, Pelton, Jay and Welsh.

Study Bill 148

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard and Doderer.

Study Bill 149

Judiciary and Law Enforcement: Trucano, Chair; Halvorson of Clayton and Jay.

Study Bill 150

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Corey and Arnould.

Study Bill 151

Judiciary and Law Enforcement: Pelton, Chair; Poffenberger and Jochum.

Study Bill 152

Judiciary and Law Enforcement: Shimanek, Chair; Smalley, Pelton, Jay and Welsh.

Study Bill 153

Judiciary and Law Enforcement: Pelton, Chair; Poffenberger and Jochum.

Study Bill 154

Judiciary and Law Enforcement: Corey, Chair; Conlon and Arnould.

Study Bill 155

Judiciary and Law Enforcement: Smalley, Chair; Doderer and Rapp.

Study Bill 156

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Sturgeon.

Study Bill 157

Agriculture: Cook, Chair; Cochran and Anderson of Audubon.

Study Bill 158

Agriculture: Cook, Chair; Cochran and Anderson of Audubon.

Study Bill 159

Human Resources: Krewson, Chair; Poffenberger, Carl, Cusack, De Groot and Lonergan.

Study Bill 160

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

Study Bill 161

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

Study Bill 162

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 163

Judiciary and Law Enforcement: Trucano, Chair; Ritsema and Brandt.

Study Bill 164

Commerce: Hoffmann, Chair; Halvorson of Clayton and Swartz.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 2:30 p.m., February 5, 1981

Convened: 2:35 p.m.

Adjourned: 3:25 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Pelton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 161), relating to the funding of the operations of the utilities division of the Iowa state commerce commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the commerce commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 5), to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties.

Recommended **Amend and Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 84, a bill for an act relating to the definition of surviving spouse for the firemen's and policemen's pension funds.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 65), relating to the allowances granted wholesalers and distributors under the motor fuel and cigarette and tobacco taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

House File 55, a bill for an act relating to the duties and privileges of emergency volunteers and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3055.**

AMENDMENTS FILED

H—3055	H.F. 55	Committee on Transportation
H—3056	H.F. 282	Miller of Buchanan
H—3057	H.F. 157	Spear of Lee

On motion by Pope of Polk, the House adjourned at 11:56 a.m., until 10:00 a.m., Monday, February 9, 1981.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day—Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 9, 1981

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

Prayer was offered by the Reverend Lloyd McDonald, pastor of the Honey Creek-New Providence Friends Church, New Providence.

The Journal of Friday, February 6, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Kelly Bast, Resident, Iowa Lutheran Hospital, Des Moines.

The House stood at ease at 10:07 a.m., until the fall of the gavel.

The House resumed session at 10:33 a.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Howard, for the morning session, on request of Renken of Grundy; Smalley of Polk on request of Renken of Grundy; Lageschulte of Bremer on request of Pellett of Cass; Carl of Poweshiek on request of Arnould of Scott; Krewson of Polk and Pelton of Clinton, both for the morning session, on request of Shimanek of Jones; Cusack of Scott on request of Miller of Buchanan; Jay of Appanoose, for the morning session, on request of Groth of Buena Vista; Connors of Polk on request of Anderson of Jasper.

CONSIDERATION OF BILLS
Regular Calendar

House File 282, a bill for an act authorizing the performance of marriage ceremonies by court of appeals judges, was taken up for consideration.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—3056 filed by him on February 6, 1981.

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

On the question "Shall the bill pass?" (H.F. 282)

The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Binneboese	Brandt	Bruner	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Conlon
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poncy	Pope	Renaud
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Swartz	Swearingen
Tofte	Trucano	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 9:

Branstad	Clements	De Groot	Dieleman
Lind	Maulsby	Renken	Tyrrell
Van Maanen			

Absent or not voting, 16:

Bennett	Byerly	Carl	Cochran
Connors	Cusack	Davitt	Jay
Johnson, J.	Krewson	Lageschulte	Pelton
Poffenberger	Rapp	Smalley	Sullivan

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

Appropriations Calendar

Senate File 113, a bill for an act relating to the payment of claims by counties for military service tax credits to be effective upon publication, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 113)

The ayes were, 59:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Bruner	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Doderer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Jochum	Johnson, W.
Kirkenslager	Lloyd-Jones	Mann	McKean
Menke	Miller	Mullins	Pellett
Petrick	Poffenberger	Pope	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Van Maanen	Welden	Mr. Speaker	

The nays were, 31:

Binneboese	Branstad	Byerly	Chiodo
Cochran	Connolly	Davitt	Dieleman
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Lind	Lonergan
Maulsby	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Renken	Running	Sturgeon	Tyrrell
Walter	Welsh	Woods	

Absent or not voting, 10:

Carl	Connors	Cusack	Jay
Johnson, J.	Johnson, R.	Krewson	Lageschulte
Pelton	Smalley		

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

Regular Calendar

House File 73, a bill for an act relating to repairs and improvements in drainage and levee districts, with report of com-

mittee recommending amendment and passage was taken up for consideration.

Hummel of Benton offered the following amendment H–3029 filed by the committee on agriculture and moved its adoption:

H–3029

Amend House File 73 as follows:
1. Page 2, line 2, by inserting after the word "report" the words "or a report from the soil conservation district conservationist".

The committee amendment H–3029 was adopted.

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

On the question "Shall the bill pass?" (H.F. 73)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Connors	Cusack	Jay
Johnson, J.	Krewson	Lageschulte	Pelton
Smalley			

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

House File 235, a bill for an act to replace the salaries of the members of the Iowa beer and liquor control council with a per diem compensation, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 235)

The ayes were, 71:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gross	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann	Holt
Howell	Hummel	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Pellett	Petrick	Poffenberger	Pope
Rapp	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Mr. Speaker	

The nays were, 20:

Arnould	Avenson	Binneboese	Byerly
Conlon	Doderer	Gettings	Hall
Hanson, D.	Horn	Lonergan	O'Kane
Pavich	Poncy	Renaud	Ritsema
Running	Sullivan	Walter	Woods

Absent or not voting, 9:

Carl	Connors	Cusack	Jay
Johnson, J.	Krewson	Lageschulte	Pelton
Smalley			

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

House File 236, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 236)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Connors	Cusack	Jay
Johnson, J.	Krewson	Lageschulte	Pelton
Smalley			

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

House File 157, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3057 filed by him and moved its adoption:

H—3057

Amend House File 157 as follows:

1. Page 1, by inserting after line 23 the following section:

"Sec. . Section 297.22, unnumbered paragraph 6, Code 1981, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

The board of directors of a school corporation may sell, lease, or dispose of a student-constructed building and the property on which the student-constructed building is located, and may purchase sites for the erection of additional structures, by any procedure which is adopted by the board."

2. By numbering and renumbering sections as necessary to comply with this section.

Amendment H—3057 was adopted.

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

On the question "Shall the bill pass?" (H.F. 157)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo

Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Carl	Connors	Cusack	Jay
Johnson, J.	Krewson	Lageschulte	Pelton
Smalley			

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

OBJECTION TO UNANIMOUS CONSENT TO VOTE

Byerly of Polk asked for unanimous consent to record Byerly of Polk, Cochran of Webster and Davitt of Warren as voting "aye" on House File 282.

Objection was raised.

INTRODUCTION OF BILLS

House File 305, by Rapp, a bill for an act relating to time-of-day rate schedules for electric utilities.

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

House File 306, by Hall, a bill for an act exempting units of local government from liability for certain claims.

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

House File 307, by Hall, a bill for an act to make employment applications confidential records and allow them to be discussed in closed session.

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

House File 308, by Walter, a bill for an act to provide for the use of outside mirrors on pickups subject to a penalty provided by law.

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

House File 309, by Rapp, a bill for an act relating to the method of adopting rules of procedure in probate.

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

House File 310, by Cochran, Sullivan, Cusack, Dieleman, Howell, Arnould, Davitt, Bruner, Brandt, Jay, Connors, Lloyd-Jones, O'Kane, Lind, Doderer, Running, Groth, Anderson of Jasper, Avenson, Walter, Binneboese and Halvorson of Webster, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Read first time and referred to committee on **human resources.**

House File 311, by Halvorson of Clayton, a bill for an act relating to the location for hearings regarding proposed electric transmission lines.

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

House File 312, by Avenson, a bill for an act relating to regulation of rate increases by public utilities.

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

House File 313, by Clark of Cerro Gordo, a bill for an act relating to the sentence of offenders.

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

House File 314, by Avenson, a bill for an act relating to the destruction of weeds by spraying.

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

House File 315, by Spear, a bill for an act relating to authority for appointments and promotions of employees under city civil service in certain cities.

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

House File 316, by Brandt, a bill for an act relating to the county attorney's responsibility to present evidence at substance abuse commitment hearings.

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

House File 317, by Spear, a bill for an act relating to the providing of general assistance to needy persons, indicating broadly the relationship of general assistance to other public assistance programs for which federal funds are available, specifying the powers and duties of county officers in connection with the general assistance program, prescribing the method for determining an individual's county of legal settlement, and redesignating the poor fund as the county human resources fund without changing the fund's levy limitations, effective July 1, 1982.

Read first time and referred to committee on **human resources.**

House File 318, by Cochran, a bill for an act relating to the financial responsibility requirements for the operation and registration of motor vehicles in this state, and providing a penalty and a January 1 effective date.

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

House File 319, by Halvorson of Clayton, a bill for an act relating to the location for hearings regarding a proposed gas line or gas storage facility.

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

House File 320, by Welsh, a bill for an act providing for appointment by the board of supervisors of the trustees of a county public hospital.

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

House File 321, by Diemer, a bill for an act creating a voluntary licensing program for persons engaging in certain plumbing works.

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

House File 322, by Hanson of Delaware and Shimanek, a bill for an act to allow the area education agency administrators to change school district boundary lines upon the written request of certain property owners.

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

House File 323, by Branstad, a bill for an act relating to the use of force, violence, or threats to impede a person from engaging in lawful employment or economic or educational pursuits and providing penalties.

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

House File 324, by Welsh, a bill for an act to delete from the list of features required of electronic voting systems approved for use in Iowa the requirement that the voting punch device be constructed so as to notify an elector who makes an error in marking the ballot.

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

House File 325, by Welsh, a bill for an act to increase from five thousand dollars to ten thousand dollars the maximum allowable

value of the merchandise prize awarded once each year in a raffle conducted by a fair or qualified organization.

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

House File 326, by Crabb, a bill for an act exempting real estate transfers pursuant to a dissolution of marriage decree from the real estate transfer tax.

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

House File 327, by Ritsema and Connors, a bill for an act requiring the issuance of handguns to enforcement employees of the department of transportation.

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

MOTION TO RECONSIDER
(Senate File 113)

I move to reconsider the vote by which Senate File 113 passed the House on February 9, 1981.

HOFFMANN of Muscatine

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the morning of February 9, 1981. Had I been present, I would have voted "aye" on House File 282.

SULLIVAN of Van Buren

PRESENTATION OF VISITORS

Harbor of Mills presented to the House Ibrahim Mohammed and Bashir A. Ibrahim from Nigeria, legislative staff persons observing the Iowa Legislature.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that certificates of recognition have been issued as follows:

1981-4	Professor Bonnie Helen Litwiller, University of Northern Iowa
1981-5	1980 Newton Senior High Cardinals Football Team
1981-6	Lake Manawa Task Force

PAT H. HARPER
Chief Clerk of the House

REREFERRED TO NATURAL RESOURCES
(House File 310)

The Speaker announced that House File 310, previously referred to the committee on **human resources**, was rereferred to the committee on **natural resources.**

SPONSOR ADDED
(House File 76)

Connolly of Dubuque requested to be added as a sponsor of House File 76.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 9, 1981, he approved and transmitted to the Secretary of State the following bill:

Senate File 93, an act relating to the definition of the Higher Education Act of 1965 and providing that the Act will take effect upon its publication.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON ETHICS

House File 238, a bill for an act to exclude the receipt of gifts by spouses and unemancipated minor children of a member of the general assembly from the reporting and gift limitation requirements of chapter 68B.

Fiscal Note is not required.

Committee Action: **Indefinitely Postponed.**

AMENDMENT FILED

H—3058 H.F. 232 Bruner of Story

On motion by Pope of Polk, the House adjourned at 11:58 a.m., until 9:00 a.m., Tuesday, February 10, 1981.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day—Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 10, 1981

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

Prayer was offered by the Reverend Charles E. Klink, pastor of the United Methodist Church, Bussey.

The Journal of Monday, February 9, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kirkenslager of Des Moines, for the morning session, on request of Smith of Scott; Lonergan of Boone on request of Crabb of Crawford.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 11

Pope of Polk called up for consideration House Concurrent Resolution 11, relating to a joint convention to be held February 11, inviting the Chief Justice Reynoldson to present his Condition of the Judicial Department message, filed on February 2, 1981 and found on page 262 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 11)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 11 be immediately messaged to the Senate.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Connolly of Dubuque offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, The Honorable Alfred P. Breitbach, Sr. of Dubuque

County, Iowa, who was a member of the Sixtieth, Sixty-first, and Sixty-second General Assemblies, passed away January 20, 1981; *Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Connolly of Dubuque, Jochum of Dubuque and Welsh of Dubuque.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Pellett of Cass offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable G. T. Kuester of Cass County, who was a member of eleven General Assemblies from 1935 through 1956, and Speaker of the House for the Fifty-second and Fifty-third General Assemblies, passed away on December 21, 1980, *Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Pellett of Cass, Harbor of Mills and Crabb of Crawford.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

O'Kane of Woodbury offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable John P. Shannahan of Woodbury County, who was a member of the Sixty-first General Assembly passed away on July 7, 1980, *Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee O'Kane of Woodbury, Sturgeon of Woodbury and Johnson of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Hummel of Benton offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Fred L. Wright of Benton County, who was a member of the Sixtieth General Assembly, passed away on December 27, 1979, *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Hummel of Benton, Tyrrell of Iowa and Carl of Poweshiek.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Shull of Warren offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable Carl Hirsch of Warren County, who was a member of the Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth General Assemblies, passed away December 29, 1979; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Shull of Warren, Swearingen of Keokuk and Johnson of Linn.

INTRODUCTION OF BILLS

House File 328, by O'Kane, a bill for an act relating to a local fuel tax, providing for state administration, and providing penalties.

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

House File 329, by Rapp, a bill for an act relating to the publication of opinions of the court of appeals.

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

House File 330, by Rapp, a bill for an act relating to the administration of small estates of decedents.

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

House File 331, by Rapp, a bill for an act requiring certain public utilities to offer interest free loans to customers for insulating residential dwellings and allowing depreciation of the annual costs of the program by the public utility.

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

House File 332, by Hansen of O'Brien and Mullins, a bill for an act authorizing a tax levy by a school district for a cash reserve, to be effective upon publication.

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

House File 333, by Poncy, a bill for an act relating to the regulation of public utilities.

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

House File 334, by Menke, a bill for an act relating to a court order requiring soil and water conservation practices to bring the farm unit into compliance with a farm unit soil conservation plan and providing a penalty.

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

House File 335, by Horn, a bill for an act to establish county school districts with component high school districts and to prescribe their governance.

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

House File 336, by Horn, a bill for an act making a standing appropriation to the office for planning and programming to provide for grants to assist in the weatherization of residential, commercial,

and industrial buildings and allocating sales and use tax revenues from the sale of gas, electricity, and heat to a separate fund.

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

House File 337, by Horn, a bill for an act prohibiting adding a gratuity to a bill of a customer of a restaurant or hotel, or withholding a portion of an employee's gratuities, and providing penalties.

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

House File 338, by Pavich and Woods, a bill for an act to permit pari-mutuel betting in Iowa by creating a state racing commission and prescribing its powers and duties, by providing for licensing of certain organizations for the purpose of conducting dog races and racing meets, by imposing taxes and fees and providing for their use and disbursement, and by declaring certain acts to be unlawful and prescribing penalties.

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

House File 339, by Crabb and O'Kane, a bill for an act to provide that collective bargaining agreements with political subdivisions of the state shall have a duration of at least two years.

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

House File 340, by Lloyd-Jones, a bill for an act requiring fees for the use of parking facilities in the capitol complex.

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

House File 341, by Davitt, a bill for an act providing for the inclusion of certain valuation information on valuation notices issued by the assessor, with a January 1 effective date.

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

House File 342, by Davitt, a bill for an act requiring acknowledgment of the satisfaction of obligations which result in liens against

real property, and creating a right of action for enforcement, with a January 1 effective date.

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

House File 343, by Davitt, a bill for an act limiting the amount of premium that insurers who issue life insurance policies or annuity contracts may collect for the year during which the death of the insured or the annuitant occurs.

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

House File 344, by Davitt, a bill for an act requiring that the county commissioner of registration designate the principal of each high school in the county, or the principal's designee, as a deputy commissioner of registration.

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

House File 345, by Davitt, a bill for an act providing that a mechanic's lien does not exist for a subcontractor unless the subcontractor obtains prior written authority to extend credit.

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

House File 346, by Davitt, a bill for an act providing an income tax credit for purchasing or constructing an alcohol fuel production facility which produces from agricultural products grain alcohol for fuel and making it effective upon publication, retroactive to January 1, 1981.

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

House File 347, by Pavich and Lloyd-Jones, a bill for an act to allow the use of railroad assistance funds for the restoration and improvement of rail switching yards.

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

House File 348, by committee on state government, a bill for an

act relating to the licensing of real estate salespersons, associate brokers and brokers.

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

House File 349, by committee on ways and means, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more districts are under the management and control of that board, and to authorize a one-time assessment on land in the districts for the purpose of establishing the fund.

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

House File 350, by committee on ways and means, a bill for an act relating to the computation of interest on overpayments made under the individual income, corporate income and franchise taxes and providing for its effect upon publication for overpayments resulting from returns due on or after April 30, 1981.

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

HOUSE RESOLUTION 7

By Anderson of Jasper, Cochran, Doderer, Davitt, Lonergan, Lloyd-Jones, Brandt, Avenson, Clark of Cerro Gordo, Sturgeon, O'Kane, Halvorson of Webster, Dieleman, Egenes, Welden, Carl, Smith, Shimanek, Spear, Mullins, Bruner, McKean, Johnson of Woodbury, Corey, Norland, Poncy, Renaud, Running, Poffenberger, Chiodo, Horn, Howell, Tofte, Hoffmann, Pavich, Conlon, Woods, Arnould, Oxley, Petrick, Groth, Hall, Harbor and Jay

Whereas, former Connecticut Governor Ella Grasso was the first woman in the history of the United States to be elected Governor of one of the fifty states without following her husband into office; and

Whereas, Mrs. Grasso lived out the American dream as the daughter of an Italian immigrant who rose to become one of the nation's leading public servants; and

Whereas, Mrs. Grasso earned the support and respect of her constituents with the honesty, integrity, intelligence and compassion she displayed during her public career which spanned nearly thirty years; and

Whereas, Mrs. Grasso was able to successfully navigate the treacherous political channel which many times separates family from career; and

Whereas, Mrs. Grasso signaled the dawn of a new generation of political thought by mixing conservative

economic principles with invigorating, progressive social views; and

Whereas, Mrs. Grasso made one of the most courageous and painful decisions any public servant must make in resigning from her high office when she could no longer devote what she believed to be the proper number of hours and energy to her job; and

Whereas, Mrs. Grasso earned the admiration of the entire nation by her courageous struggle against terminal illness; *Now Therefore*,

Be It Resolved by the House of Representatives, That the individual members of the House of Representatives of the State of Iowa commemorate Mrs. Grasso's untimely death by redoubling our efforts to serve our public as well

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as she served hers;

Be It Further Resolved, That a copy of this resolution be forwarded to Mrs. Grasso's husband Thomas and their family.

Laid over under Rule 30.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 58, a bill for an act amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term.

Fiscal note is not required.

Recommended **Amend and Do Pass with amendment H–3059.**

COMMITTEE ON EDUCATION

House File 247, a bill for an act relating to the purchase of school band and choir uniforms.

Fiscal note is not required.

Recommendation **Failed to Pass.**

AMENDMENTS FILED

H—3059	S.F. 58	Committee on Commerce
H—3060	H.F. 304	Conlon of Muscatine

On motion by Pope of Polk, the House adjourned at 9:20 a.m., until 9:00 a.m., Wednesday, February 11, 1981.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day—Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 11, 1981

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

Prayer was offered by the Reverend Myron Brockmeyer, pastor of the United Methodist Church, Atlantic.

The Journal of Tuesday, February 10, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Codington, Humboldt.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kirkenslager of Des Moines on request of Smith of Scott; Lonergan of Boone on request of Crabb of Crawford.

INTRODUCTION OF BILLS

House File 351, by McKean, Brandt, Krewson, Clark of Cerro Gordo and Lloyd-Jones, a bill for an act prescribing certain rights for residents of health care facilities and providing penalties for violations.

Read first time and referred to committee on **human resources.**

House File 352, by Lloyd-Jones, a bill for an act relating to the county commissions of veteran affairs.

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

House File 353, by Cochran, a bill for an act to provide for a study on forestry and making an appropriation.

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

House File 354, by Mann, a bill for an act to void rules adopted by the state board of public instruction relating to courses in human relations for teacher certification.

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

House File 355, by Smalley, a bill for an act to provide for an income tax deduction for tuition with a January 1 effective date.

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

House File 356, by Conlon, a bill for an act relating to the regulation of rates and charges for electricity distributed by a person other than the producer of the electricity.

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

House File 357, by Poncy, a bill for an act relating to the training of a coonhound at night thirty days prior to the hunting season on raccoons.

Read first time and referred to committee on **natural resources.**

House File 358, by Davitt, a bill for an act making an appropriation for the program evaluation of major state agencies.

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

House File 359, by Spear, Brandt, Howell, Arnould, Anderson of Jasper, Connors and Carl, a bill for an act relating to the informal probate of estates.

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

House File 360, by Clements, a bill for an act relating to furloughs for class "A" felons.

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

House File 361, by Clements, a bill for an act relating to penalties for assault related crimes.

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

House File 362, by Clements, a bill for an act relating to immunity from liability for the use of reasonable force to defend against aggressors.

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

House File 363, by Lageschulte, a bill for an act relating to trapping restrictions.

Read first time and referred to committee on **natural resources.**

House File 364, by Horn, a bill for an act relating to qualifications for area education agency administrators.

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

House File 365, by Clements, a bill for an act relating to certain actions of the board of parole.

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

House File 366, by Rapp, a bill for an act relating to the appointment of chief judges of judicial districts of the district court.

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

House File 367, by Schnekloth, a bill for an act relating to the publication of financial transactions of school districts.

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

House File 368, by Gettings, Dieleman, Sullivan, Jay, Davitt, O'Kane, Binneboese and Walter, a bill for an act prohibiting an insurer from charging a person under the age of twenty-five an automobile insurance rate greater than the minimum charged a person over the age of twenty-five when the younger person has not

been convicted of a moving vehicle violation, and making penalties applicable.

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

House File 369, by Shimanek, a bill for an act to increase salaries of judicial officers.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 50, a bill for an act to advance the date required for the filing of nomination papers for a special election to fill a vacancy on a school board.

Also: That the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 147, a bill for an act to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

Also: That the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 148, a bill for an act to allow monthly refunding of motor vehicle registration reciprocity fees.

Also: That the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 158, a bill for an act relating to the disposition of unused highway right of way.

Also: That the Senate has on February 11, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 11, providing for a joint convention of the legislature on Wednesday, February 11, 1981, at 11:00 a.m. and inviting Chief Justice Reynoldson to present his message of the condition of the judicial department.

LINDA HOWARTH MACKAY, Secretary

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 10:50 a.m., Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Schnekloth of Scott, Chair; Stueland of Clinton and Horn of Linn.

The House stood at ease at 10:53 a.m., until the fall of the gavel.

The House resumed session at 10:57 a.m., Speaker Stromer in the chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

Schnekloth of Scott, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that it had performed its duty. The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 11, duly adopted, the joint convention was called to order, President Branstad presiding.

Senator Hultman of Montgomery moved that the roll call be

dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

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

Senator Ramsey of Clark moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Chief Justice W. W. Reynoldson that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Ramsey of Clark, Doyle of Woodbury and Readinger of Polk, on the part of the Senate, and Representatives Halvorson of Clayton, Trucano of Polk, and Doderer of Johnson, on the part of the House.

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

The committee waited upon Chief Justice W. W. Reynoldson and escorted him to the Speaker's station.

President Branstad then presented Chief Justice W. W. Reynoldson who delivered the following State of the Judiciary Message:

Mr. President, Mr. Speaker, Senators, Representatives, State Officials, and Fellow Iowans:

A statute you adopted in 1978 calls for the chief justice to report the condition of the judicial branch of government. Iowans must appreciate your concern, thus evidenced, for the operation of their courts, and we welcome this third occasion to consider with you ways and means to deliver justice to Iowa's citizens. In a world where basic freedoms and justice are frequently nonexistent, we are fortunate that here our efforts may be limited only by our own will to undertake the task.

You doubtlessly have been watching events in Poland with the same fear we feel for the Solidarity union members who seek for the Polish people some of those freedoms we take for granted. Recently the Solidarity leader, Lech Walesa, stood in the city of Gdansk before a monument erected to honor Polish workers gunned down in confrontation with their Communist masters. Ignoring the presence of the Communist leaders, defying fifty-five Soviet divisions poised on the borders, he said:

"This monument was erected for those who were killed, as an admonition to those in power. It embodies the right of human beings to their dignity, to order and to justice."

Human dignity. Order. Justice. From time to time we need the Lech Walesas, relaying down the halls of history the call of generations of persecuted people, to bring us to a reexamination of our priorities.

Over in Southeast Asia, thousands of boat people in leaky vessels, launched into shark and pirate infested waters for an unknown destination, remind us that they are willing to risk death for what we merely need to preserve and perfect.

And so this morning let us briefly look at the problems of preserving and perfecting Iowa's judicial system, with the goals of justice, and order, and human dignity.

JUSTICE

In a broad context, Iowans may obtain justice through legislation enacted by your branch of government, and through effective administration of those laws by the executive branch. But ordinarily and in a more personal sense, people think the delivery of justice is the business of the courts. They want it delivered with all deliberate speed, efficiently and fairly. Of course, the ability of the judicial branch of government to satisfy these expectations is controlled by our case load and by the resources you provide to cope with it.

1. Case Load.

We report first on case load. There were 5,498 juvenile petitions filed and 27,732 probate cases opened in the Iowa district court in 1980. Our judges and magistrates of limited jurisdiction, together with the clerks of the district court, disposed of over three-quarters of a million simple misdemeanors and scheduled violations and more than 80,000 small claims. In addition, they handled many preliminary hearings, search warrant applications, and emergency hospitalization hearings. Altogether, the judicial department processed approximately 1,000,000 legal matters in 1980.

Focusing on the district court, filings have soared 176 percent from 1960, when 34,027 civil and criminal proceedings were filed, until 1980, when 93,915 were filed. This burden is reflected graphically on Appendix A. During the same period the average number of civil and criminal case dispositions per Iowa district court judge has increased from 428 in 1960 to 761 per Iowa court judge in 1980, as shown by Appendix B.

While this production increase results in part from procedural improvements and administrative assistance, in large measure it reflects the long hours and dedicated efforts of Iowa's trial judges. These officers have been sprinting — not merely running — since your 1977 amendment freezing the operation of code section 602.18, designed to add district judges under a formula based on increased case load and population. This sustained sprinting necessarily has reduced the concentration a judge can give to each decision. And it has taken a toll on the morale of those who serve in the courts.

Despite the hard work of district court judges, there were 6,274 more civil and criminal cases pending at the end of 1980 than there were at the beginning. Of the

pending cases, 12,323 were more than one and one-half years old, an increase of 65 percent over January 1980. Thousands of Iowans are frustrated by delayed justice caused by the burgeoning backlog of pending cases in their trial courts.

A break in the logjam at district court level would bring a flood of appeals. Even with this unfortunate obstruction, appeals are rising steadily, as shown by Appendix D, which is before you. Just ten years ago, in 1970, only 617 cases were appealed, about 69 per appellate judge. In 1980, 1,620 appeals were filed. Taking into account Iowa Court of Appeals members, this volume averages 116 appeals per appellate judge. Despite the enormous assistance you provided in creating the court of appeals, and despite the best efforts of both courts, pending appeals have mounted at each year's end and reached 1,168 as we closed out 1980. Although for about three years the appellate docket has been largely free of backlog and delay in cases ready for decision, the number of cases ready for disposition increased over 17 percent during 1980.

2. **Resources.**

The sole product of the judicial branch of government is the adjudication of disputes. That product is generated from the services of judicial officers and support personnel. The quality of that end product can rise no higher than the quality of person you can attract to, and retain in, the system. Of course the attractiveness of positions in the system is directly affected by compensation. I have addressed this situation for two years and will not dwell on it now. Appendix F which is before you illustrates the erosion of the real purchasing power of Iowa district court judges from July 1977, projected to July 1981 at the present 12.5 percent inflation rate. Measured in terms of 1977 dollars, compensation of these judges will fall 36 percent to an annual rate of $25,568 by July of this year.

Everyone understands the issues you confront because the increase in state revenues has fallen below expectations. But certain studies and steps could be continued or undertaken that may ultimately aid in stretching judicial department resources while costing little or nothing at this time.

I suggest that you continue your consideration and study of the plan to finance Iowa's state court system from the state level, even though you may elect not to implement it financially now. In 1979 your Legislative Council wisely adopted a resolution resulting in the Court Study Joint Subcommittee, comprised of five members each from the Senate Judiciary Committee and the House Judiciary and Law Enforcement Committee. The joint subcommittee, aided by a private contractor paid with federal funds, undertook a study with the following objectives:

First, to determine how much Iowa's court system costs, how much the counties pay for it, and how many people work for or with the courts.

Second, after comparing Iowa's court system with those of three other states, to design a model for a statewide judicial department with one budget and one overall personnel policy.

Third, to provide a plan to gradually implement the proposed model.

With its work completed, the joint subcommittee has recommended a bill draft to the Legislative Council. The bill has been assigned to subcommittees of the judiciary committees in both houses.

All of this activity has resulted in some interesting and useful information.

In fiscal year 1979, the total cost of Iowa's state court system was $38.3 million. The state paid approximately 25 percent of that expense in the form of salaries and travel expenses of the judges and magistrates, and for appellate court operations. This comprised about one-half of one percent of total state appropriated funds, as shown by Appendix G, which you have in the pack on your desk. Seventy-five percent of the cost of court operations was paid by the 99 counties. Of course, only persons who own tangible property and pay property taxes directly bear this burden.

The study disclosed that about 1,700 persons serve the judicial department. Yet there are no statutes permitting us to devise a logical, overall, cohesive personnel policy.

A good illustration relates to juvenile probation officers. We ask you to examine code section 231.8, creating an administrative maze that beclouds the authority and leadership of juvenile judges and chief probation officers. It is the product of nine amendments to one code section over a thirty-year period!

The district court clerks fulfill important court duties. They have large responsibilities of a highly technical nature in managing case flow in the trial courts. They record and index all relevant court papers. They have no policy making function. Nonetheless, these clerks are not directly responsible to the judges with whom they work. Every four years they must campaign in a partisan election to retain their positions. This anomaly interferes with the long-term training and supervision of these key managers. It results in the loss of skilled and experienced persons through the sweep of broad political tides unrelated to their duty performance. We strongly suggest district court judges should be permitted to appoint their clerks of court, just as the supreme court appoints its clerk and you in the legislature appoint the key persons who assist you with your work. By resolution, the district court clerks' association has endorsed this concept, as well as the overall design for centralized funding and personnel responsibility.

Your continued study might lead you to provide for appointment of district court clerks without assuming the payroll obligation this year. This would be no different from the case of court reporters and juvenile probation officers, who now are appointed by and responsible to the state's judicial department although paid by the counties.

Your Court Study Joint Subcommittee recommended that all personnel serving the judicial branch be brought into the judicial department. This does not mean that these people would be hired and directly supervised from Des Moines. The supreme court is committed to the concept of utilizing judicial districts in fulfilling its constitutional responsibility under article V, section 4, to "exercise a supervisory and administrative control over all . . . judicial tribunals throughout the State."

Your committee study showed that an integrated judicial department, with a centralized budget and personnel system, would increase accountability for tax dollars,

work loads and productivity. It would make it possible to pool resources and apply them in areas of need. It would lead to uniform operating and management procedures and allow for planning. The overall concept has been endorsed and approved by resolutions of the Iowa Clerks of the District Court Association, the Iowa Juvenile Probation Officers Association, the Iowa County Supervisors Association and the Judicial Council. Certainly a temporary fiscal reversal should not derail your further consideration and study of this reform, which after all is a continuum of your past accomplishments and reforms. These include: the integration of Iowa's trial courts into one "Iowa District Court"; Iowa's modern procedure for judicial selection and tenure; the Iowa Court of Appeals; and the Commission on Judicial Qualifications to initiate the discipline of judges.

In this fiscally "lean" year you might find time to consider unaddressed recommendations contained in our 1979 message, and in the report of the court's 1979 Litigation Costs Study Committee. Two of these recommendations, not yet adopted, relate to the Uniform Arbitration Act and the taxation of court costs.

The committee recommended, and the court endorsed, adoption of the federal method of taxing court costs under which a single or "flat" docket fee is collected. Court costs, of course, are a small portion of the cost of litigation and relate to minor charges for court services. Care must be taken that the fees are not fixed so high that people are denied access to the courts, thus creating serious constitutional issues. Provision must be made for indigents, protected today only by our decision in Hightower v. Peterson.

No one would suggest the judicial branch be self-supporting any more than the executive or legislative branch. Like police and fire protection, the court system functions as a public service and should not be financed by the users. It must be available to all Iowans. However, one set, reasonable filing fee has obvious advantages over the present system. A great deal of time could be saved that is now spent in laboriously entering numerous statutory charges ranging from twenty cents to five dollars, and ultimately accounting for and distributing the money. In addition, these statutory costs have not been increased to keep pace with recent inflation.

In best utilizing this department's resources for the benefit of all Iowans, perhaps you will analyze the trial court case load to determine whether there is any way to reduce it.

The Litigation Costs Study Committee's recommendation to adopt the Uniform Arbitration Act was endorsed by the supreme court except for cases involving adhesion (consumer-type) contracts, and I believe I heard the other day, that this was reported out of the House Judiciary and Law Enforcement Committee. This merits your attention.

Soon you will have before you a bill permitting childless married couples with limited property and indebtedness to jointly file for "Summary Dissolution of Marriage." The marriage then terminates, without a court appearance, upon an automatic court order. The wisdom of that measure, of course, will be in your hands where it properly belongs.

The proposal is mentioned here because it would extend "no fault" marital

dissolutions, or divorces. In your study you might review, as a part of your continuing effort to control the case load for Iowa's courts, the present status of "no fault" marriage dissolutions.

Since "no fault" dissolutions were allowed there has been an explosive increase in dissolution filings. In 1980 they comprised one-third, one-third of all civil cases filed. Coupled with the often-related uniform support and domestic abuse cases, they amount to 48.1 percent, nearly one-half, of our civil case load.

In allocating our judicial resources, these are traumatic and time-consuming cases. Many involve children and demand the finest judicial efforts to decide custody and the related and continuing struggles over visitation and support.

Few would suggest turning back the clock to the abuses that prevailed under the old law. On the other hand, you might consider a reexamination of these statutes to determine if they are functioning as you intended them. Your consideration might extend to questions whether human suffering and hidden costs sometimes attend effortless dissolutions, including delinquency, school academic and disciplinary problems, and resolution of attendant financial crises by the taxpayers through aid to families with dependent children.

Your study might find that the pendulum has swung too far and that ways could be devised to retain what is best in the no fault concept while at the same time slowing the stampede of married couples to the courthouse.

In both 1980 and 1981-83 judicial department planning, we adopted our Judicial Coordinating Committee's program to establish dispute settlement centers, using federal funds. We hoped these centers might divert disputes from the courts through the use of mediation, a device claimed to be effective where the conflicting parties have an ongoing relationship, such as husband and wife, landlord and tenant, or adjoining neighbors. It was an exciting and promising idea. Our pilot program in the sixth judicial district terminated with the demise of federal funding. The concept remains a means for exploring whether some of those disputes might be satisfactorily resolved outside the courthouse.

We briefly turn now to another objective of enlightened and effective government that Walesa identified: order.

ORDER

The fundamental civil right of people to be secure in their persons and property was addressed by Governor Ray in his report. It is of grave concern. This ancient and continuing problem was reported by Ezekiel about 2,500 years ago when he wrote, "The land is full of bloody crimes, and the city is full of violence." It surfaced as the quaintly expressed goal of "Domestic Tranquility" in the preamble to the United States Constitution.

The rising crime wave dramatically and adversely impacts the judicial branch in two ways.

First, the respect that we work to achieve for the courts, and consequently for law, is eroded when unthinking persons blame the courts for the lawbreakers. It ought to be clear that crime is not created by the judicial law process. Its roots are deep in sociological, psychological and economic causes, including the breakdown of restraints formerly imposed by the family, the neighborhood, and organized religion. This disease is societal, and we can no more control it in the courts alone than we can eliminate biological disease in the operating rooms. We are investigating the dimensions of disparate sentencing. We are devising tight schedules to move the thin line of trial judges through the counties to satisfy code and constitutional speedy trial requirements. But the judicial branch cannot single-handedly restore safety to the streets, no matter how we may fine tune our criminal judicial processes to be just, fair and speedy.

The second adverse blow to the judicial branch comes with the accelerating landslide of criminal case filings, while the same number of judges, magistrates and support personnel struggle to stay on top and process them.

We enthusiastically commend proposed legislation to apprehend more lawbreakers. Judges, like other people, have families, homes and concerns for safety and property. But in any plans to increase arrest rates — say, from the present rate of 171 per 1,000 reported crimes to 300 per 1,000 reported crimes — we hope you will accept the offer we extended last year to furnish, at your request, studies relating to the impact of new legislation in terms of judge time, and additional judges. We must have the means to fulfill the judiciary's role in a concerted attack on crime, in order to restore and preserve order, to bring safety to our streets and security to our homes.

Finally, we examine our justice system in light of Walesa's third right for free people: human dignity.

HUMAN DIGNITY

An overview of this country's history reveals a relationship between Walesa's demand and our own requirements. Through explosive technological advances, we have created the greatest industrial machine on earth. It has been superimposed upon legal concepts and social values grounded in the frontier individualism of an agrarian society. The mass migration of people to cities fractured the old, smaller neighborhoods. It diminished each person's role in community relations and government.

In 1840 about 75 percent of our citizens were self-employed. By the 1970 census only 7 percent of the people in this country were self-employed, and the 1980 census probably will show fewer still. We have become a nation of employees — all of us, assembly-line workers, justices, teachers, store clerks, corporate executives — a status that often invokes a sense of powerlessness to control one's own destiny.

The complexity of our economic, social and political structures finds us dependent upon others, including those beyond our national boundaries, for every basic necessity. We are frustrated by scarcities, inflation, and our inability to control our environment. We suddenly are vulnerable to emotional and economic blackmail by irrational persons halfway around the world. Our society is characterized by the movie episode in which the people shout in unison, "I'm mad—and I'm not going to take it anymore!"

It is not the function of this report to classify the conflicts resulting from all this, or to analyze the confrontations which often seem primarily aimed at attracting the attention of mass news media. We need only recognize, with Walesa, the hope in every human heart to be viewed as a person — not as just another social security number, a statistic in a computer, an unknown lever-puller in a polling place.

It is vital that a person in crisis be viewed and treated as an individual by the judicial branch — the last refuge that a democratic, civilized society provides against oppression, even by the government itself. But there is a barrier, which we jointly ought to study, created by a case load that calls for assembly-line production when human dignity demands handcrafted justice and respect for individual litigants. Together we should provide the vision and resources required to preserve Iowa's system of justice, and thereby give to every Iowan the justice, the order, and the dignity that Lech Walesa identified as the right of every human being.

Thank you.

Chief Justice W. W. Reynoldson was escorted from the House chamber by the committee previously appointed.

Pope of Polk moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 12
By Crabb

Whereas, it has been the custom to hold a biennial memorial session in recognition of the public services of departed members of the General Assembly; and

Whereas, both Houses desire to participate in such an observance; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That an evening session of the Sixty-ninth General Assembly be held in the House chamber Tuesday evening, March 31, 1981 at 7:30 p.m.

Be It Further Resolved, That a joint committee of eight members be appointed, four from the Senate to be appointed by the President of the Senate, and four from the House to be appointed by the Speaker of the House, to make suitable arrangements for a joint memorial session.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 13
By Tyrrell

Whereas, trees are the largest plants in the world; and

Whereas, trees purify and supply oxygen to the Earth's atmosphere; and

Whereas, trees are regulators and purifiers of water in the hydrologic cycle; and

Whereas, trees protect the Earth's soil resources from the erosive forces of nature; and

Whereas, trees provide habitat in which wildlife may live and flourish; and

Whereas, trees provide humans with useful products such as, rosins, lumber, pulpwood, maple syrup, fruit and nuts; and

Whereas, trees enhance and improve the environments in which humans live in both the physical and aesthetic sense; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Governor of this state is directed to designate July 1, 1981 to June 30, 1982, as the Year of the Tree, and to urge that the residents of this state observe the year by devoting a portion of it to the study and appreciation of trees including their benefits to humans and the best means of assuring their preservation.

Laid over under Rule 30.

SPONSORS ADDED
(House File 290)

Stueland of Clinton requested to be added as a sponsor of House File 290.

(House File 318)

Walter of Pottawattamie requested to be added as a sponsor of House File 318.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 165 Education

Relating to the determination of state aid under the state school foundation formula for the school year beginning July 1, 1981 and providing that the Act takes effect upon its publication.

S.B. 166 Ways and Means

Relating to boiler inspections.

S.B. 167 State Government

Relating to the fee collected for copies of records by the department of health.

S.B. 168 Commerce

Limiting refunds of the state insurance retaliatory tax.

S.B. 169 Commerce

Relating to the licensure of insurance agents and providing a civil penalty.

S.B. 170 County Government

Relating to honoring county warrants.

S.B. 171 Commerce

Relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

S.B. 172 Commerce

Relating to laws which restrict the receipt of gifts by employees of the department of banking.

S.B. 173 Commerce

Relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

S.B. 174 Ways and Means

To increase the interest penalty on delinquent property taxes to one and one-half percent per month.

S.B. 175 Judiciary and Law Enforcement

Relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

S.B. 176 Judiciary and Law Enforcement

Relating to the reduction of sentences of inmates committed to the

custody of the director of the division of adult corrections of the department of social services.

S.B. 177 Judiciary and Law Enforcement

Relating to review by the board of parole of certain offenders.

S.B. 178 Judiciary and Law Enforcement

Exempting certain security information of adult correctional institutions from public disclosure.

S.B. 179 Judiciary and Law Enforcement

Repealing a requirement for transference of certain male prisoners.

S.B. 180 Judiciary and Law Enforcement

Relating to the annual inspection of the state adult penal and correctional facilities and the state juvenile facilities.

S.B. 181 Judiciary and Law Enforcement

To authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

S.B. 182 Judiciary and Law Enforcement

Requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

S.B. 183 Judiciary and Law Enforcement

Relating to pre-trial and post-trial criminal procedures.

S.B. 184 Judiciary and Law Enforcement

Relating to a system for settlement of personal property claims of inmates in certain adult correctional facilities.

S.B. 185 Judiciary and Law Enforcement

Relating to the payment of costs in certain civil and administrative actions to which the state is a party.

S.B. 186 Judiciary and Law Enforcement

Relating to hospitalization of mentally ill persons.

S.B. 187 Cities

Relating to the number of years city records are required to be kept.

S.B. 188 Cities

Repealing the prohibition against a municipality, county or other governmental unit within the state making a law, ordinance, or regulation relating to the availability of obscene materials.

AMENDMENTS FILED

H–3061	H.F. 232	Bruner of Story
H–3062	H.F. 59	Spear of Lee
H–3063	H.F. 349	Conlon of Muscatine Hummel of Benton
H–3064	H.F. 304	Bruner of Story Howell of Floyd
H–3065	H.F. 348	Johnson of Linn
H–3066	H.F. 154	Conlon of Muscatine
H–3067	H.F. 155	Davitt of Warren Schnekloth of Scott
H–3068	H.F. 232	Crawford of Story Clark of Cerro Gordo

On motion by Pope of Polk, the House adjourned at 11:46 a.m., until 9:00 a.m., Thursday, February 12, 1981.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 12, 1981

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

Prayer was offered by the Reverend Darrel Gerrietts, pastor of the St. Paul American Lutheran Church, Rockwell City.

The Journal of Wednesday, February 11, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Sperry, Harlan.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Jasper on request of Cochran of Webster.

INTRODUCTION OF BILLS

House File 370, by Pellett, a bill for an act permitting fox or coyote to be taken with the aid of artificial light.

Read first time and referred to committee on **natural resources.**

House File 371, by Anderson of Audubon, a bill for an act relating to the prohibition of open burning under certain conditions and providing a penalty.

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

House File 372, by Van Maanen, a bill for an act relating to the amount of the surety bond required of mobile home dealers.

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

House File 373, by Daggett, a bill for an act repealing a requirement for transference of certain male prisoners.

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

House File 374, by Tyrrell, Johnson of Howard, Maulsby, Smalley, Conlon, Mann and Trucano, a bill for an act relating to the use of educational funds under designated circumstances.

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

House File 375, by Anderson of Audubon and Tyrrell, a bill for an act allowing the operation of golf carts on the streets of cities of less than five thousand population.

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

House File 376, by Welden, a bill for an act relating to the payment of salary and expenses of members of the state functional classification review board.

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

House File 377, by Oxley and Petrick, a bill for an act relating to the control or eradication of the multiflora rose and making appropriations.

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

House File 378, by Halvorson of Webster, Egenes, Branstad, Binneboese, Danker, Jay, Diemer, Lind, Dieleman, Howell, Anderson of Jasper, Connolly, Cochran, Poncy, Holt, Lloyd-Jones, Spear, Sullivan, Groth and Hanson of Delaware, a bill for an act relating to the licensing and operation of games of skill, chance, and raffles.

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

House File 379, by Schnekloth, a bill for an act relating to the definition of special truck.

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

House File 380, by Connolly, a bill for an act relating to reseeding the topsoil of open ditches with prairie grass seed.

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

House File 381, by Connolly, a bill for an act providing for the creation, management, and administration of a protected water area system in this state.

Read first time and referred to committee on **natural resources.**

House File 382, by Woods, Pavich and Chiodo, a bill for an act to permit pari-mutuel betting in Iowa by creating a state racing commission and prescribing its powers and duties, by providing for licensing of certain organizations for the purpose of conducting horse races and racing meets, by imposing taxes and fees and providing for their use and disbursement, and by declaring certain acts to be unlawful and prescribing penalties.

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

House File 383, by McKean and Shimanek, a bill for an act relating to the use of flashing warning lamps and the stop arm on a school bus.

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

House File 384, by Hall, a bill for an act to allow a governmental body of a political subdivision to deliberate in closed session when acting in a quasi-judicial capacity.

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

House File 385, by Cusack, a bill for an act providing for an additional property tax credit for the elderly and disabled with incomes of eight thousand dollars or less and providing for an appropriation.

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

House File 386, by committee on judiciary and law enforcement, a bill for an act to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties.

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

House File 387, by committee on natural resources, a bill for an act prohibiting hunting with any rifle, other than a twenty-two hundredths caliber rimfire or any shot larger than number BB in an area of the state during open deer hunting season.

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

House File 388, by Connolly, a bill for an act relating to the release of physical and medical information to an employee relative to an alleged or future workers' compensation claim.

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

House File 389, by Rapp and Doderer, a bill for an act relating to employer-employee contracts entered into between doctors and hospitals in the provision of pathology and radiology services.

Read first time and referred to committee on **human resources.**

House File 390, by Hall, a bill for an act repealing the dram shop laws.

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

House File 391, by Horn, a bill for an act to allow boards of directors of school districts to levy the enrichment tax.

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

House File 392, by Schnekloth, a bill for an act relating to the person to whom notice of garnishment is served in a school district.

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

House File 393, by Poffenberger, Hall, McKean, Krewson, Renaud, Hanson of Delaware and Spear, a bill for an act to require that certain vacancies in elective city offices be filled by appointment for only the period until the next city election.

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

House File 394, by Tyrrell, Maulsby, Smalley, Trucano and Mann, a bill for an act abolishing the office of citizens' aide.

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

House File 395, by Hall, a bill for an act prohibiting the sale or attempted sale of tickets to entertainment events for more than the authorized purchase price and providing a penalty.

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

House File 396, by committee on natural resources, a bill for an act relating to an income tax checkoff for the state fish and game protection fund.

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

House File 397, by committee on state government, a bill for an act relating to the allowances granted wholesalers and distributors under the motor fuel and cigarette and tobacco taxes.

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

House File 398, by committee on commerce, a bill for an act relating to the funding of the operations of the utilities division of the Iowa state commerce commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the commerce commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication.

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

SENATE MESSAGES CONSIDERED

Senate File 50, by Hulse, a bill for an act to advance the date required for the filing of nomination papers for a special election to fill a vacancy on a school board.

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

Senate File 147, by committee on state government, a bill for an act to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

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

Senate File 148, by committee on transportation, a bill for an act to allow monthly refunding of motor vehicle registration reciprocity fees.

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

Senate File 158, by committee on county government, a bill for an act relating to the disposition of unused highway right of way.

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

HOUSE CONCURRENT RESOLUTION 14
By Harbor, Welsh, Hall, Binneboese, Johnson of Linn, Hansen of O'Brien, Holt, Lloyd-Jones, Ritsema, Swearingen, Gettings, Running, Tyrrell, Trucano, Van Maanen, Conlon, Sturgeon, Dieleman, Connolly and Davitt

Whereas, federal laws and regulations governing the administration of the federal Food Stamp Program by the Secretary of Agriculture allow the purchase of non-nutritional foods with food coupons; and

Whereas, there is abundant and voluminous scientific evidence to support the consumption of foods of high nutritional value; and

Whereas, providing nutritional menus and encouraging food coupon recipients to eat more nutritionally would more efficiently meet the goal of adequately feeding and safeguarding the health and well-being of the nation's population; and

Whereas, the elimination of payment under the Food Stamp Program for non-nutritional foods would likely reduce expenditures for medical, dental, and pharmaceutical services; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Congress of the United States is urged to take prompt action to adopt legislation to prohibit the purchase of non-nutritional foods with coupons under the Food Stamp Program; and

Be It Further Resolved, That a copy of this resolution be sent to the presiding officers of the Senate of the United States, to the Speaker of the House of Representatives

of the United States, to the Secretary of Agriculture of the United States, and to each member of Congress from Iowa.

Laid over under Rule 30.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 189 Natural Resources

Relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

S.B. 190 Natural Resources

Relating to the regulation and management of water resources by revising the penalties for violations of chapter 455A and the conditions under which the Iowa natural resources council may seek abatement of an unauthorized project in a flood plain or floodway.

S.B. 191 Natural Resources

To revise the water permit program administered by the Iowa natural resources council by increasing the amount of water which can be diverted or withdrawn without a permit, increasing the application fee, revising the procedures for granting water permits, and revising the conditions under which irrigation permits may be granted.

SPONSORS ADDED

(House File 375)

McKean of Jones requested to be added as a sponsor of House File 375.

(House File 12)

Poffenberger of Dallas requested to be added as a sponsor of House File 12.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 112, a bill for an act relating to the accounting for pay periods, effective upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3069.**

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 162), relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 168), limiting refunds of the state insurance retaliatory tax.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 172), relating to laws which restrict the receipt of gifts by employees of the department of banking.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Committee Bill (Formerly Study Bill 31), to remove the maximum rate of interest to be paid on investments of public funds other than those invested by the secretary of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON HUMAN RESOURCES

House File 293, a bill for an act creating a revolving farm fund for the department of social services, with a retroactive effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3070.**

COMMITTEE ON WAYS AND MEANS

House File 175, a bill for an act relating to fourteen-day liquor licenses and beer permits.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 121), relating to the statute of limitation on assessment of the income and franchise taxes.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 123), relating to the audit and certification of claims for the personal property tax credit.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3069	S.F. 112	Committee on Appropriations
H–3070	H.F. 293	Committee on Human Resources
H–3071	H.F. 59	Spear of Lee
H–3072	H.F. 303	Mann of Greene Clark of Cerro Gordo Diemer of Black Hawk Cusack of Scott Miller of Buchanan
H–3073	H.F. 256	Diemer of Black Hawk
H–3074	H.F. 321	Diemer of Black Hawk
H–3075	H.F. 218	Stueland of Clinton
H–3076	H.F. 349	Conlon of Muscatine Hummel of Benton
H–3077	H.F. 304	Johnson of Linn

On motion by Pope of Polk, the House adjourned at 9:25 a.m., until 9:00 a.m., Friday, February 13, 1981.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day—Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 13, 1981

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

Prayer was offered by the Reverend Gerald Menk, pastor of the Galva Lutheran Church, Galva.

The Journal of Thursday, February 12, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story on request of Clark of Lee; Oxley of Linn on request of Petrick of Linn; Connors of Polk on request of Avenson of Fayette; Johnson of Linn on request of Lloyd-Jones of Johnson; Menke of O'Brien on request of De Groot of Lyon.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 12

Crabb of Crawford called up for consideration House Concurrent Resolution 12, calling for a joint memorial session on March 31, 1981 at 7:30 p.m., filed on February 11, 1981 and found on page 366 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 154, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property, was taken up for consideration.

Sturgeon of Woodbury offered the following amendment H—3027 filed by him and moved its adoption:

H—3027

Amend House File 154 as follows:

1. Page 1, by inserting before line 1, the following:

"Section 1. Section 562A.27, subsection 2, Code 1981, is amended to read as follows:

2. If rent is unpaid when due and the tenant fails to pay rent within ~~three~~ six days after written notice by the landlord of nonpayment and the landlord's intention to terminate the rental agreement if the rent is not paid within that period of time, the landlord may terminate the rental agreement.

Sec. 2. Section 562B.25, subsection 2, Code 1981, is amended to read as follows:

2. If rent is unpaid when due and the tenant fails to pay rent within ~~three~~ six days after written notice by the landlord of nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid within that period of time, the landlord may terminate the rental agreement."

2. Page 1, line 6, by striking the word "three" and inserting in lieu thereof the word "six".

3. By renumbering the sections to conform with this amendment.

Roll call was requested by Sturgeon of Woodbury and Gettings of Wapello.

On the question "Shall amendment H—3027 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Clark, B. J.	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Johnson, W.
Lloyd-Jones	Lonergan	McKean	Miller
Mullins	Norland	O'Kane	Pavich
Poffenberger	Poncy	Rapp	Renaud
Running	Spear	Sturgeon	Sullivan
Welsh			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Chiodo	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford

Daggett	De Groot	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Lageschulte	Mann	Maulsby	Pellett
Pelton	Petrick	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

Absent or not voting, 9:

Connors	Danker	Egenes	Johnson, R.
Kirkenslager	Krewson	Lind	Menke
Oxley			

Amendment H—3027 lost.

Miller of Buchanan offered the following amendment H—3040 filed by him:

H—3040

Amend House File 154 as follows:

1. Page 1, line 9, by inserting after the figure "2," the words "if the tenant is renting the mobile home from the landlord".

2. Page 1, by inserting after line 10 the following:

"Sec. 2. Section 648.22, Code 1981, is amended to read as follows:

648.22 JUDGMENT. If the defendant is found guilty, judgment shall be entered that ~~he~~ the defendant be removed from the premises, and that the plaintiff be put in possession ~~thereof~~, and an execution for ~~his~~ the defendant's removal shall issue accordingly, to which shall be added a clause commanding the officer to collect the costs as in ordinary cases. If the defendant is an owner of a mobile home renting a mobile home space from the plaintiff, the court may provide a reasonable time for the defendant to secure towing services and another mobile home space."

3. Page 1, by inserting after line 10 the following:

"Sec. 3. Section 562B.29, Code 1981, is repealed."

Conlon of Muscatine offered the following amendment H—3066, to amendment H—3040, filed by him and moved its adoption:

H—3066

Amend the amendment, H—3040, to House File 154 as follows:

1. Page 1, by striking line 9, and by inserting in lieu thereof the words "648.22 JUDGMENT. If the ~~defendant is found guilty~~ plaintiff's case is established by a preponderance of the evidence".

Amendment H—3066 was adopted.

On motion by Miller of Buchanan, amendment H—3040, as amended, was adopted.

The following amendment, H—3078 filed by Conlon of Muscatine from the floor, was adopted by unanimous consent:

H—3078

Amend House File 154 as follows:

1. Title, line 2, by inserting after the word "property" the following: "and mobile homes and to judgments resulting therefrom".

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

On the question "Shall the bill pass?" (H.F. 154)

The ayes were, 86:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Norland
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud

Renken	Ritsema	Running	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 7:

Arnould	Bruner	Cusack	Doderer
O'Kane	Rapp	Sturgeon	

Absent or not voting, 7:

Connors	Egenes	Johnson, R.	Lageschulte
Menke	Oxley	Schroeder	

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

Ways and Means Calendar

House File 155, a bill for an act to provide for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the Act retroactive to January 1, 1981, was taken up for consideration.

Davitt of Warren offered the following amendment H–3067 filed by him and Schnekloth of Scott and moved its adoption:

H–3067

Amend House File 155 as follows:

1. Page 1, line 10, by inserting after the period the words "A claim filed in 1980 and each succeeding even-numbered year shall be applicable for that year and the succeeding odd-numbered year."

2. Page 1, by inserting after line 10 the following new sections:

"Sec. . Section 427A.4, Code 1981, is amended by inserting after unnumbered paragraph 2 the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In any odd-numbered year, a taxpayer who did not file an application in an even-numbered year shall deliver to the assessor an application for personal property tax credit and state by the affidavit filed in each county where the taxpayer's personal property is situated, that

the taxpayer has not claimed a total personal property tax credit in all counties in excess of a total of ten thousand dollars assessed valuation.

Sec. . Section 428.4, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. An assessor shall not be required to contact a taxpayer in odd-numbered years for the purpose of listing personal property but each taxpayer shall be required to file a revised listing of personal property with the assessor itemizing any additions or deletions to the listing if the valuation of the taxpayer's personal property will affect the taxpayer's exemption."

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Amendment H—3067 was adopted.

Hanson of Delaware offered the following amendment H—3047 filed by Hanson, et al.:

H—3047

Amend House File 155 as follows:

1. Page 1, by inserting after line 10 the following new section:

"Sec. . Section 427A.12, subsection 5, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

5. For each state fiscal year ending with or before the year in which the ninth increase in the additional personal property tax credit under this division becomes effective each taxing district shall be reimbursed from the personal property tax replacement fund in an amount equal to the statement filed under section 427A.6."

2. Page 1, line 11, by striking the word "This" and inserting in lieu thereof the words "Section 1 of this".

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Schnekloth of Scott rose on a point of order that amendment H—3047 was not germane.

The Speaker ruled the point well taken and amendment H—3047 not germane.

Connolly of Dubuque moved that the rules be suspended to adopt amendment H—3047.

A non-record roll call was requested.

The ayes were 41, nays 52.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 155)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Miller
Mullins	Pavich	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, 7:

Avenson	Connolly	Cusack	Norland
O'Kane	Poncy	Welsh	

Absent or not voting, 5:

Connors	Egenes	Johnson, R.	Menke
Oxley			

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

Appropriations Calendar

House File 232, a bill for an act relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates, was taken up for consideration.

Jochum of Dubuque offered the following amendment H–3054 filed by Jochum, et al., and moved its adoption:

H–3054

Amend House File 232 as follows:

1. Page 1, by striking lines 4 through 12 and inserting in lieu thereof the following:

"1. ~~It is the intent of the general assembly that the~~ The schedule of living costs and the payment for persons on the aid to dependent children program shall be increased for all family sizes by six percent commencing October 1, 1979 and by an additional ~~six~~ three percent commencing ~~October 1, 1980~~ April 1, 1981.

Roll call was requested by Arnould of Scott and Cusack of Scott.

On the question "Shall amendment H–3054 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Pavich	Poffenberger	Poncy	Rapp
Renaud	Ritsema	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Welsh	Woods	

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter

Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Mullins	Pellett	Pelton
Petrick	Pope	Renken	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 5:

Connors	Egenes	Johnson, R.	Menke
Oxley			

Amendment H—3054 lost.

Jochum of Dubuque offered the following amendment H—3053 filed by Jochum, et al., and moved its adoption:

H—3053

Amend House File 232 as follows:

1. Page 1, by striking lines 25 through 29 and inserting in lieu thereof the words "~~regulations.~~ The special needs program of the aid to dependent children program shall be continued."

2. Page 2, by striking lines 21 through 23 and inserting in lieu thereof the figures "1, 1980."

Roll call was requested by Jochum of Dubuque and Lonergan of Boone.

On the question "Shall amendment H—3053 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Mullins	Norland	O'Kane
Pavich	Poffenberger	Poncy	Rapp
Renaud	Running	Spear	Sturgeon

Sullivan	Swartz	Trucano	Walter
Welsh			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Miller	Pellett	Pelton
Petrick	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 6:

Connors	Egenes	Johnson, R.	Menke
Oxley	Woods		

Amendment H—3053 lost.

Crawford of Story offered the following amendment H—3068 filed by him and Clark of Cerro Gordo and moved its adoption:

H—3068

Amend House File 232 as follows:

1. Page 1 by striking lines 29 through 33 and inserting in lieu thereof the following: "be ~~continued~~ eliminated effective April 1, 1981. By April 1, 1981, the department shall delete Iowa administrative code 770-41.8(2)a and implement a rule that the needs of a child in a non-parental home when the relative is not in the eligible group shall be computed on the same basis as if the child were in the home of a parent."

2. Page 2, by striking lines 21 and 22 and inserting in lieu thereof the following: "1, 1980, except that the portions of section 2 of this Act which relate to the special needs program and to Iowa administrative code 770-41.8(2)a are effective April".

3. By renumbering as necessary.

Roll call was requested by Avenson of Fayette and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H—3068 be adopted?"

The ayes were, 62:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Crawford	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Howell
Jay	Jochum	Johnson, J.	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	Mann
McKean	Miller	Mullins	Norland
O'Kane	Pavich	Petrick	Poffenberger
Poncy	Rapp	Renaud	Running
Schroeder	Shimanek	Shull	Smalley
Spear	Stueland	Sturgeon	Sullivan
Swartz	Tofte	Trucano	Walter
Welsh	Woods		

The nays were, 33:

Anderson, J.	Bennett	Branstad	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Gross	Halvorson, R. A.
Hansen, I.	Harbor	Hoffmann	Holt
Hummel	Johnson, W.	Lageschulte	Lind
Maulsby	Pellett	Pelton	Pope
Renken	Ritsema	Schnekloth	Smith
Swearingen	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 5:

Connors	Egenes	Johnson, R.	Menke
Oxley			

Amendment H—3068 was adopted placing out of order amendment H—3051 filed by Jochum, et al., on February 5, 1981.

Bruner of Story offered amendment H—3061 filed by him and requested division as follows:

H–3061

Amend House File 232 as follows:

H–3061A

1. Page 1, by striking lines 30 through 33.

H–3061B

2. Page 2, by inserting after line 32 the following:

"Sec. . Section 85.26, subsection 4, Code 1981, is amended to read as follows:

4. No claim or proceedings for benefits shall be maintained by any person other than the injured employee, his or her dependent or his or her legal representative if entitled to benefits. However, the department of social services may maintain a subrogation claim for medical assistance under chapter 249A paid to or on behalf of the injured employee.

Sec. . Section 222.86, Code 1981, is amended to read as follows:

222.86 PAYMENT FOR CARE FROM FUND. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount ~~in the account of any patient~~ in the patients' personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital-school or special unit may apply any amount of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. . Section 226.45, Code 1981, is amended to read as follows:

226.45 REIMBURSEMENT TO COUNTY OR STATE. ~~Whenever~~ If a patient is not receiving medical assistance under chapter 249A and the amount ~~to the account of any patient~~ in the ~~patients'~~ patient's personal deposit fund exceeds ~~the sum of~~ two hundred dollars, the business manager of the hospital may apply any of the excess to reimburse the county of legal settlement or the state in a case where no legal settlement exists for liability incurred by ~~such~~ the county or the state for the payment of care, support, and maintenance of the patient, when billed ~~therefor~~ by the county of legal settlement or by the director for a patient having no legal settlement.

Sec. . Section 249A.6, subsection 5, Code 1981, is amended to read as follows:

5. For purposes of this section the term "third party" includes any individual, institution, corporation, employer or employer's workers' compensation liability insurer, or public or private agency which is or may be liable to pay part or all

Page 2

of the medical costs incurred as a result of injury, disease or disability by or on behalf of an applicant for or recipient of assistance under the medical assistance program.

Sec. . It is the intent of the general assembly that the department of social services, in determining the eligibility of an individual and the individual's spouse for medical assistance under chapter 249A, include, as resources still available to the individual and the individual's spouse, those non-exempt resources or interests in resources owned by the individual or the individual's spouse within the preceding twenty-four months, which the individual or spouse gave away or sold at less than fair market value for the purpose of establishing eligibility for medical assistance under chapter 249A. The department shall implement these resource eligibility requirements by rule. The rules shall be as similar to the rules which had previously been in effect in Iowa as federal law allows."

Amendment H—3061A was out of order with the adoption of amendment H—3068.

Van Maanen of Mahaska rose on a point of order that amendment H—3061B was not germane.

The Speaker ruled the point well taken and amendment H—3061B not germane.

Bruner of Story moved that the rules be suspended to consider amendment H—3061B.

Roll call was requested by Bruner of Story and Anderson of Jasper.

On the question "Shall the rules be suspended to consider amendment H—3061B?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Mann	Maulsby	McKean
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 7:

Connors	Egenes	Howell	Johnson, R.
Lind	Menke	Oxley	

The motion lost.

Davitt of Warren offered the following amendment H–3042 filed by him and moved its adoption:

H–3042

Amend House File 232 as follows:

1. Page 2, by striking lines 2 through 6 and inserting in lieu thereof the words and figures "1979 Session, chapter 8, section 8, subsection 14, and chapter 8, section 18, and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1007, section 21, according to monthly gross income and family size, at a percent of the federal median income established

for the Title XX program under the federal Social Security Act by reducing eligibility uniformly below fifty-six percent of the federal median income for homemaker and child day care services and below forty-five percent of the federal median income for chore services and all other Title XX services necessary to reduce the demands on the appropriation items by four point six (4.6) percent."

Roll call was requested by Davitt of Warren and Carl of Poweshiek.

Rule 80 was invoked.

On the question "Shall amendment H—3042 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Corey
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	McKean	Miller
Norland	O'Kane	Pavich	Petrick
Poffenberger	Poncy	Rapp	Renaud
Ritsema	Running	Shull	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 48:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Crawford	Daggett	Danker
De Groot	Diemer	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	Mullins	Pellett
Pelton	Pope	Renken	Schnekloth
Schroeder	Shimanek	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 6:

Connors	Crabb	Egenes	Johnson, R.
Menke	Oxley		

Amendment H—3042 lost.

Davitt of Warren asked and received unanimous consent to withdraw amendment H—3043 filed by him on February 4, 1981.

Jochum of Dubuque offered the following amendment H—3052 filed by Jochum, et al., and moved its adoption:

H—3052

Amend House File 232 as follows:
1. Page 2, by striking lines 7 through 19.

Roll call was requested by Jochum of Dubuque and Sturgeon of Woodbury.

On the question "Shall amendment H—3052 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	McKean	Miller	Mullins
Norland	O'Kane	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Welsh	Woods	

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Mann	Maulsby	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Connors	Egenes	Johnson, R.	Lind
Menke	Oxley		

Amendment H—3052 lost.

Bruner of Story offered the following amendment H—3058 filed by him and moved its adoption:

H—3058

Amend House File 232 as follows:

1. Page 2, by inserting before line 33 the following:

"Sec. . Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 67, is amended to read as follows:

SEC. 67. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), is amended by adding the following new sections:

NEW SECTION. Notwithstanding sections two hundred eighteen point seventy-eight (218.78) and two hundred eighteen point one hundred one (218.101) of the Code, all receipts of the Glenwood state hospital-school attributable to billings for laundry services furnished the Iowa school for the deaf shall be available to the hospital-school.

NEW SECTION. The department of social services shall arrange for a study of alternative methods of cost reimbursement for skilled, intermediate and residential care facilities and congregate housing and independent group residents. The study shall be conducted by an independent consulting firm which shall be employed by the department of social services after consultation with the governor, and the joint appropriations subcommittee on social services. The co-chairpersons of the joint appropriations subcommittee on social services shall select three members of that subcommittee to sit on a committee organized by the department of social services to set study parameters, receive consultant study proposals, select the consultant, and receive periodic progress reports. Progress reports shall be given to the governor, the commissioner of social services, and the joint appropriations subcommittee on social services at least twice prior to the final report which shall be submitted to the governor, the department of social services, and the joint appropriations subcommittee on social services no later than January 15, 1981. The department may use not more than ~~seventy-five~~ twenty thousand dollars of the appropriation made by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter eight (8), section eight (8), subsection four (4), as amended

by this Act, for the fiscal year beginning July 1, 1980 and ending June 30, 1981, to pay the costs of the study mandated by this section."

Amendment H—3058 lost.

Hansen of O'Brien in the chair at 12:03 p.m.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 232)

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Mann	Maulsby	McKean	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stromer	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker (Hansen of O'Brien)		

The nays were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lind
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

Absent or not voting, 5:

Connors	Egenes	Johnson, R.	Menke
Oxley			

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

Speaker Stromer in the chair at 12:28 p.m.

IMMEDIATE MESSAGE
(House File 232)

Welden of Hardin asked for unanimous consent to immediately message House File 232 to the Senate.

Objection was raised.

Welden of Hardin moved that House File 232 be immediately messaged to the Senate.

A non-record roll call was requested.

The ayes were 51, nays 40.

The motion prevailed.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 13, a bill for an act relating to the maximum rate of interest on investments of public funds in banks.

Also: That the Senate has on February 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 130, a bill for an act to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government.

Also: That the Senate has on February 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 177, a bill for an act relating to liability of the industrial loan guaranty fund for acts and omissions of the auditor of state.

LINDA HOWARTH MACKAY, Secretary

INTRODUCTION OF BILLS

House File 399, by Anderson of Audubon, a bill for an act providing that persons who buy bulk popcorn from the farmers who produce it are subject to licensure as grain dealers, and incorporating penalties.

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

House File 400, by Connolly, a bill for an act relating to the reimbursement of each taxing district from the personal property tax replacement fund.

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

House File 401, by Sturgeon, Brandt, Howell, O'Kane, Arnould, Carl, Dieleman and Lloyd-Jones, a bill for an act requiring lobbyists to report the amount and source of their income.

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

House File 402, by Bruner, a bill for an act relating to a report of the energy efficiency of residences offered for sale.

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

House File 403, by Schroeder and Walter, a bill for an act to require that the department of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

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

House File 404, by McKean, a bill for an act to impose a tax on chain stores, providing for the administration of the tax, and providing penalties for violations.

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

House File 405, by Cusack, a bill for an act to provide limited tax incentives for the improvement, repair, and maintenance of residential property by allowing a five-year tax moratorium for certain

improvements to buildings and by requiring that real estate be assessed as if repairs and maintenance had been performed, with certain exceptions, with a January 1 effective date.

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

House File 406, by Sturgeon, Brandt, Binneboese, Howell, O'Kane, Arnould, Carl, Lloyd-Jones and Groth, a bill for an act authorizing the Iowa state commerce commission to assess a monetary penalty against a public utility for a violation of the laws or rules governing the public utility.

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

House File 407, by Welsh, a bill for an act permitting the issuance of temporary restricted driving licenses and permits for persons whose privilege to drive has been revoked for refusing to submit to chemical testing for determining the alcohol content of their blood and providing penalties.

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

House File 408, by Connolly, a bill for an act relating to public gas and electric company meters, with a January 1, 1982, effective date.

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

House File 409, by Connolly, a bill for an act to impose maximum limits on the amount an individual or a committee, except a statutory political committee, may contribute to one candidate.

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

House File 410, by Connolly, a bill for an act relating to annual educational requirements for individuals licensed as child foster care providers.

Read first time and referred to committee on **human resources.**

House File 411, by Lloyd-Jones, Doderer and Crabb, a bill for an act relating to assault with intent to commit sexual abuse and providing a penalty.

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

House File 412, by Schroeder, a bill for an act prohibiting the department of health from establishing rules regulating nonpublic water wells, effective upon publication.

Read first time and referred to committee on **human resources.**

House File 413, by committee on state government, a bill for an act relating to the fee collected for copies of records by the department of health.

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

House File 414, by committee on education, a bill for an act relating to funds available to school districts, including authorizing the levy of a tax for cash reserve and including the computation of state school foundation aid, and providing that the Act takes effect upon its publication.

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

SENATE MESSAGES CONSIDERED

Senate File 87, by committee on transportation, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Read first time and referred to committee on **human resources.**

Senate File 130, by committee on county government, a bill for an act to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government and the powers and duties of the board of supervisors and other county officers and employees, making corresponding amendments, and providing penalties.

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

Anderson of Jasper rose on a point of order and invoked Rules 21, 32 and 35 on House File 414.

Pope of Polk moved that the House adjourn until 10:00 a.m., Monday, February 16, 1981.

A non-record roll call was requested.

The ayes were 45, nays 32.

The motion prevailed.

(The point of order to invoke Rules 21, 32 and 35 pending at adjournment.)

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 192 Commerce

Authorizing foreign casualty insurance corporations to reincorporate as Iowa corporations.

S.B. 193 State Government

To amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

S.B. 194 Transportation

To prohibit the use of pneumatic tires with inserted ice grips or tire studs.

S.B. 195 Transportation

To allow the operator of a motorized bicycle to transport another person if the motorized bicycle is designed and constructed for carrying another person.

S.B. 196 Transportation

Prohibiting the use of devices to detect the presence of operational radar equipment or to interfere with its reception, and providing a penalty.

S.B. 197 Transportation

Relating to the movement of mobile homes by permit.

S.B. 198 Transportation

Relating to nonresident exemptions from the state motor vehicle licensing requirements.

S.B. 199 Transportation

To allow monthly refunding of motor vehicle registration reciprocity fees.

S.B. 200 Transportation

To extend the temporary operating authority to forty-five days for commercial vehicles.

S.B. 201 Transportation

To increase the fee for a duplicate registration card, plate, or pair of plates.

S.B. 202 Transportation

Providing that fines and forfeited bail collected for weight, registration, and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation.

S.B. 203 Transportation

To provide that implements of husbandry shall be subject to maximum axle and gross vehicle weight limitations.

S.B. 204 Transportation

To require drivers of certain school buses to wear seat belts when the school bus is in motion.

S.B. 205 Transportation

Authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, terminals, switching yards, and sidings.

S.B. 206 Transportation

To increase the property damage insurance requirements of motor vehicle lessors and permitting the denial of a license to a person who has acted as a lessor without a license.

S.B. 207 Transportation

To prohibit soliciting funds from occupants of vehicles on primary highways subject to a penalty provided by law.

S.B. 208 Transportation

To abolish the vehicle inspection review board and transfer its duties relating to appeal hearings on suspension or revocation of inspection station permits to the transportation regulation board.

S.B. 209 Transportation

To provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

S.B. 210 Transportation

To require protective headgear to be worn by any person riding upon or operating a motorcycle or operating a motorized bicycle subject to penalties provided by law with a January 1 effective date.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 14

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House File 243

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 251

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 259

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 265

Ways and Means: Ritsema, Chair; Hanson of Delaware, Conlon, McKean, Bennett, Rapp, Hall, Miller and Connolly.

House File 266

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 267

State Government: Tofte, Chair; Hanson of Delaware and Doderer.

House File 268

State Government: Swearingen, Chair; Lageschulte and Brandt.

House File 269

Education: Maulsby, Chair; Johnson of Howard and Poncy.

House File 271

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 275

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 276

Ways and Means: Clark of Lee, Chair; Hummel, Bennett, Krewson, Hall, Pavich and Howell.

House File 277

Ways and Means: Maulsby, Chair; Branstad and Brandt.

House File 279

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 281

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 289

Judiciary and Law Enforcement: Poffenberger, Chair; Trucano, Johnson of Howard, Sturgeon and Jay.

House File 290

Judiciary and Law Enforcement: Ritsema, Chair; Gross and Welsh.

House File 294

Education: Krewson, Chair; Johnson of Howard and Anderson of Jasper.

House File 297

State Government: Tofte, Chair; Smith and Chiodo.

House File 299

Ways and Means: Daggett, Chair; Diemer and Oxley.

House File 305

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 306

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton and Jochum.

House File 308

Transportation: Mann, Chair; Danker and Bruner.

House File 309

Judiciary and Law Enforcement: Poffenberger, Chair; Smalley and Doderer.

House File 310

Natural Resources: Smalley, Chair; Van Maanen, Cochran, Lloyd-Jones and Pellett.

House File 311

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 312

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 313

Judiciary and Law Enforcement: Ritsema, Chair; Shimanek, Halvorson of Clayton, Welsh and Sturgeon.

House File 315

Cities: Hoffmann, Chair; Smith and O'Kane.

House File 316

Judiciary and Law Enforcement: Conlon, Chair; Gross and Doderer.

House File 317

Human Resources: Poffenberger, Chair; Connors and Krewson.

House File 318

Transportation: Kirkenslager, Chair; Schnekloth and Lloyd-Jones.

House File 319

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 323

Labor and Industrial Relations: Corey, Chair; Horn and Smalley.

House File 326

Ways and Means: Schnekloth, Chair; Daggett and Cochran.

House File 327

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo and Swartz.

House File 328

Cities: Shull, Chair; Diemer, Crawford, Hall, Spear, Johnson of Linn and Renaud.

House File 329

Judiciary and Law Enforcement: Poffenberger, Chair; Clark of Cerro Gordo and Arnould.

House File 330

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton, Corey, Doderer and Jay.

House File 331

Energy: Mullins, Chair; Davitt, Bruner, Clark of Lee and Lonergan.

House File 333

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 336

Energy: Mullins, Chair; Davitt, Bruner, Clark of Lee and Lonergan.

House File 337

Labor and Industrial Relations: Mann, Chair; Stueland and Pavich.

House File 339

Labor and Industrial Relations: Corey, Chair; Kirkenslager and Renaud.

House File 340

Energy: Petrick, Chair; Binneboese and Lonergan.

House File 341

Ways and Means: Diemer, Chair; Maulsby and Norland.

House File 342

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 343

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 345

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 346

Energy: Van Maanen, Chair; Johnson of Woodbury, Davitt, Sullivan and Bennett.

House File 347

Transportation: Pellett, Chair; Schnekloth and Lloyd-Jones.

House File 351

Human Resources: McKean, Chair; Carl, Cusack, Daggett, Maulsby, Running and Trucano.

House File 356

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 359

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton, Corey, Doderer and Jay.

House File 360

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Conlon and Rapp.

House File 361

Judiciary and Law Enforcement: Ritsema, Chair; Conlon and Jochum.

House File 362

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Jay.

House File 365

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

House File 366

Judiciary and Law Enforcement: Shimanek, Chair; Pelton, Johnson of Howard, Sturgeon and Jay.

House File 368

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 388

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

Senate File 80

Judiciary and Law Enforcement: Pelton, Chair; Conlon and Doderer.

Senate File 86

Education: Carpenter, Chair; Clements and Horn.

Senate File 106

State Government: Hanson of Delaware, Chair; Tofte and Doderer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 86

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 97

State Government: Anderson of Audubon, Chair; Carpenter and Chiodo.

Study Bill 98

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

Study Bill 99

State Government: Hanson of Delaware, Chair; Smith and Woods.

Study Bill 100

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

Study Bill 101

State Government: Swearingen, Chair; Hoffmann and Dieleman.

Study Bill 102

State Government: Shimanek, Chair; Carpenter and Doderer.

Study Bill 103

State Government: Trucano, Chair; Clark of Cerro Gordo and Anderson of Jasper.

Study Bill 104

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

Study Bill 105

State Government: Harbor, Chair; Carpenter and Halvorson of Webster.

Study Bill 106

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 107

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 108

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 109

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 110

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 111

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 112

State Government: Harbor, Chair; Smith and Arnould.

Study Bill 113

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 114

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 115

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 116

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 117

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 130

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

Study Bill 137

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 138

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 139

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 140

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 141

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

Study Bill 143

Education: Maulsby, Chair; Swearingen and Jay.

Study Bill 144

Education: Holt, Chair; Maulsby and Poncy.

Study Bill 165

Education: Daggett, Chair; Johnson of Woodbury, Lind, Menke, Groth, Horn and Norland.

Study Bill 166

Ways and Means: McKean, Chair; Hanson of Delaware and Rapp.

Study Bill 168

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 169

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 171

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 172

Commerce: Smith, Chair; Hummel and Woods.

Study Bill 173

Commerce: Smith, Chair; Hummel and Woods.

Study Bill 174

Ways and Means: Branstad, Chair; Diemer and Cochran.

Study Bill 175

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 176

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 177

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 178

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 179

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 180

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 181

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 182

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 183

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 184

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Study Bill 185

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Johnson of Howard, Smalley, Brandt and Arnould.

Study Bill 186

Judiciary and Law Enforcement: Ritsema, Chair; Conlon and Brandt.

Study Bill 187

Cities: Swearingen, Chair; Crabb and Spear.

Study Bill 188

Cities: Shull, Chair; Johnson of Linn and Walter.

Study Bill 189

Natural Resources: Diemer, Chair; Connolly and Tyrrell.

Study Bill 190

Natural Resources: Stueland, Chair; Pellett and Jay.

Study Bill 191

Natural Resources: Stueland, Chair; Pellett and Jay.

Study Bill 192

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., February 12, 1981

Convened: 1:30 p.m.

Adjourned: 2:30 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 398, a bill for an act relating to the funding of the operations of the utilities division of the Iowa state commerce commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the commerce commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication.

Recommended **Do Pass**.

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 165), relating to the determination of state aid under the state school foundation formula for the school year beginning July 1, 1981, and providing that the Act takes effect upon its publication.

Fiscal Note is required.

Recommended **Do Pass**.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 141), relating to the fencing of railroad rights of way and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass**.

Committee Bill (Formerly Study Bill 78), eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 36, a bill for an act making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 36), providing that the issuance of property tax receipts is optional.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 167), relating to the fee collected for copies of records by the department of health.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3079	H.F. 396	Diemer of Black Hawk
H–3080	H.F. 303	Carpenter of Polk Shimanek of Jones Bruner of Story
H–3081	H.F. 55	Spear of Lee
H–3082	H.F. 55	Spear of Lee
H–3083	H.F. 387	Spear of Lee
H–3084	H.F. 84	Spear of Lee
H–3085	H.F. 84	Spear of Lee
H–3086	H.F. 348	Ritsema of Sioux
H–3087	H.F. 348	Ritsema of Sioux
H–3088	H.F. 84	Spear of Lee

On previous motion by Pope of Polk, the House adjourned at 1:06 p.m., until 10:00 a.m., Monday, February 16, 1981.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day—Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 16, 1981

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

Prayer was offered by Rabbi Barry Cytron, Rabbi of the Tifereth Israel Synagogue, Des Moines.

The Journal of Friday, February 13, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy on request of Johnson of Howard; Menke of O'Brien, for the duration of his illness, on request of Johnson of Woodbury; Cusack of Scott on request of Arnould of Scott.

SENATE MESSAGE CONSIDERED

Senate File 177, by committee on commerce, a bill for an act relating to the liability of the industrial loan guaranty fund for acts and omissions of the auditor of state.

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

QUORUM CALL

Roll call was requested by Hansen of O'Brien and Harbor of Mills to determine that a quorum was present.

Rule 80 was invoked.

Present: 89

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot

Dieleman	Diemer	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

Absent: 11

Avenson	Brandt	Chiodo	Clark, J. H.
Cusack	Egenes	Jochum	Menke
Rapp	Renken	Welsh	

HOUSE RULES 21, 32, 35 and 37 SUSPENDED

Pope of Polk moved to suspend House Rules 21, 32, 35 and 37 on House File 414.

Roll call was requested by Anderson of Jasper and Groth of Buena Vista.

On the question "Shall House Rules 21, 32, 35 and 37 be suspended on House File 414?"

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland

Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 38:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Cochran	Connolly	Connors	Davitt
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Woods		

Absent or not voting, 7:

Chiodo	Clark, J. H.	Cusack	Jochum
Menke	Renken	Welsh	

The motion prevailed and the rules were suspended.

RULE 25 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 25 to allow Ibrahim Mohammed and Bashir Ibrahim, visitors from Nigeria, to be present in the well of the House during session.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 9

Danker of Pottawattamie called up for consideration House Concurrent Resolution 9, relating to the transfer of various highways and streets among the three governmental jurisdictions, filed on January 29, 1981 and found on pages 242 and 243 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE FILE 303 DEFERRED

Pope of Polk asked and received unanimous consent that House File 303 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 112, a bill for an act relating to the accounting for pay periods, effective upon publication, with report of committee recommending amendment and passage was taken up for consideration.

Shull of Warren offered the following amendment H–3069 filed by the committee on appropriations and moved its adoption:

H–3069

Amend Senate File 112, as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following: "shall commence with the first day of a pay period as specified by the general assembly."

The committee amendment H–3069 was adopted.

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

On the question "Shall the bill pass?" (S.F. 112)

The ayes were, 54:

Anderson, J.	Bennett	Carpenter	Clark, B. J.
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Mann	Maulsby	McKean
Miller	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Swearingen	Tofte	Trucano	Van Maanen
Welden	Mr. Speaker		

The nays were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Lageschulte
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Sturgeon	Sullivan
Swartz	Tyrrell	Walter	Welsh
Woods			

Absent or not voting, 5:

Clark, J. H.	Cusack	Jochum	Menke
Renken			

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

SENATE FILE 177 SUBSTITUTED FOR HOUSE FILE 249

Conlon of Muscatine asked and received unanimous consent to substitute Senate File 177 for House File 249.

Senate File 177, a bill for an act relating to the liability of the industrial loan guaranty fund for acts and omissions of the auditor of state, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 177)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross

Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Clark, J. H.	Cusack	Jochum
Menke	Renken		

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

HOUSE FILE 249 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 249 from further consideration by the House.

Regular Calendar

House File 304, a bill for an act including energy conservation and solar access as objectives of city and county zoning regulations, was taken up for consideration.

Johnson of Linn offered amendment H–3077 filed by him. Division was requested as follows:

H–3077

Amend House File 304 as follows:

H–3077A

1. Page 1, line 4, by striking the words "~~and~~

which is" and inserting in lieu thereof the word "and".

H—3077B

2. Page 1, line 11, by striking the word "assure" and inserting in lieu thereof the word "promote".

H—3077A

3. Page 1, line 17, by striking the words "~~and~~ which is" and inserting in lieu thereof the word "and".

H—3077B

4. Page 1, line 23, by striking the word "assure" and inserting in lieu thereof the word "promote".

Johnson of Linn moved the adoption of amendment H—3077A.

A non-record roll call was requested.

The ayes were 53, nays 39.

Amendment H—3077A was adopted.

Johnson of Linn moved the adoption of amendment H—3077B.

A non-record roll call was requested.

The ayes were 46, nays 48.

Amendment H—3077B lost.

Bruner of Story offered the following amendment H—3064 filed by him:

H—3064

Amend House File 304 as follows:

1. Page 1, line 13, by inserting after the word "requirements." the words "The regulations shall render unenforceable any covenant, restriction, or condition contained in a deed, contract, security instrument, or other instrument affecting the transfer, sale, or interest in real property which effectively

prohibits or restricts the installation or use of a solar energy system. This paragraph does not apply to provisions which impose reasonable restrictions on solar energy systems. Reasonable restrictions on a solar energy system are those restrictions which do not significantly increase the cost of the system or significantly decrease its efficiency, or which allow for an alternative system of comparable cost and efficiency. As used in this paragraph, "solar energy system" means a solar energy system as defined in section 93.22, subsection 3."

2. Page 1, line 26, by inserting after the word "requirements." the words "The regulations shall render unenforceable any covenant, restriction, or condition contained in a deed, contract, security instrument, or other instrument affecting the transfer, sale, or interest in real property which effectively prohibits or restricts the installation or use of a solar energy system. This paragraph does not apply to provisions which impose reasonable restrictions on solar energy systems. Reasonable restrictions on a solar energy system are those restrictions which do not significantly increase the cost of the system or significantly decrease its efficiency, or which allow for an alternative system of comparable cost and efficiency. As used in this paragraph, "solar energy system" means a solar energy system as defined in section 93.22, subsection 3."

Johnson of Woodbury rose on a point of order that amendment H—3064 was not germane.

The Speaker ruled the point well taken and amendment H—3064 not germane.

Conlon of Muscatine offered the following amendment H—3060 filed by him:

H—3060

Amend House File 304 as follows:

1. Page 1, by inserting after line 13 the following:

"Sec. . Section 358A.15 is amended by adding the following new subsection:

NEW SUBSECTION. To authorize variances from the terms of the ordinance where the board finds that the variance under consideration will not result in a nuisance or a danger to the health, safety, and welfare of the community, but will result in a better conservation

of energy resources, including petroleum products, fossil fuels, and other natural resources, or in helping assure reasonable access to solar energy."

2. Page 1, by inserting after line 26 the following:

"Sec. . Section 414.12 is amended by adding the following new subsection:

NEW SUBSECTION. To authorize variances from the terms of the ordinance where the board finds that the variance under consideration will not result in a nuisance or a danger to the health, safety, and welfare of the community, but will result in a better conservation of energy resources, including petroleum products, fossil fuels, and other natural resources, or in helping assure reasonable access to solar energy."

3. By renumbering the sections as necessary to conform with this amendment.

Johnson of Woodbury rose on a point of order that amendment H—3060 was not germane.

The Speaker ruled the point well taken and amendment H—3060 not germane.

HOUSE FILE 304 DEFERRED

Harbor of Mills asked and received unanimous consent that House File 304 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER
(Amendment H—3077B to House File 304)

I move to reconsider the vote by which amendment H—3077B to House File 304 failed to be adopted by the House on February 16, 1981.

ANDERSON of Audubon

HOUSE CONCURRENT RESOLUTION 15
By Johnson of Linn, Tyrrell, Trucano, Mann, Clements, Smalley and Branstad

Whereas, the state board of regents is charged with the responsibility to account for more than $258,000,000 in state appropriations; and

Whereas, it is imperative for the General Assembly to account to the citizens of Iowa how said appropriations are utilized; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative fiscal bureau be directed to recommend to the General Assembly the most practical and cost effective way to conduct a complete audit and review of the state board of regents; and

Be It Further Resolved, That the General Assembly shall act to implement the legislative fiscal bureau recommendation.

Laid over under Rule 30.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, February 13, 1981. Had I been present, I would have voted "aye" on House Files 154, 155 and 232; "nay" on amendments H–3042, H–3052, H–3053, H–3054, H–3061, and H–3068 to House File 232.

JOHNSON of Linn

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-7	Queen of Apostles Catholic Church
1981-8	St. Paul's Lutheran Church
1981-9	Southeast Warren High School Warhawks Football Team

PAT H. HARPER
Chief Clerk of the House

APPOINTMENT OF COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS STANDING SUBCOMMITTEES

Egenes of Story, chair of the committee on labor and industrial relations, announced the appointment of the following standing subcommittees of the committee on labor and industrial relations:

UNEMPLOYMENT INSURANCE

Halvorson of Clayton, Chair
Diemer and Poncy

WORKER'S COMPENSATION STUDY

Hummel, Chair
Smalley and Jochum

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS
(Revised Committee Report)

House File 36, a bill for an act making a person who participates in, finances, or is directly interested in a labor dispute ineligible for certain welfare benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3002,** filed by Crabb of Crawford on January 20, 1981.

AMENDMENTS FILED

H–3089	H.F. 84	Spear of Lee
H–3090	H.F. 387	Hanson of Delaware Smalley of Polk Jay of Appanoose Lloyd-Jones of Johnson
H–3091	H.F. 413	Spear of Lee
H–3092	H.F. 304	Tyrrell of Iowa
H–3093	H.F. 413	Spear of Lee
H–3094	H.F. 348	Doderer of Johnson

On motion by Pope of Polk, the House adjourned at 12:13 p.m., until 9:00 a.m., Tuesday, February 17, 1981.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day—Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 17, 1981

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

Prayer was offered by the Reverend Rudolf Trusheim, District Superintendent, Iowa United Methodist Churches, Fort Dodge District, Fort Dodge.

The Journal of Monday, February 16, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Conlon of Muscatine.

ADOPTION OF HOUSE RESOLUTION 7

Anderson of Jasper called up for consideration House Resolution 7, commemorating the life of former Connecticut Governor Ella Grasso, filed on February 10, 1981 and found on pages 351 and 352 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

House File 415, by committee on commerce, a bill for an act relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

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

House File 416, by Clements, a bill for an act relating to the establishment of whether an act was done by force or against the will of another in determining whether sexual abuse was committed.

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

House File 417, by Davitt, Crabb, Harbor, Pellett, Danker, Welden, Tofte, Johnson of Woodbury, Branstad, Holt, Halvorson of Clayton, Bennett, Maulsby, Bruner, Dieleman, Swartz, Connors, Doderer, Welsh, Gettings, Arnould, Tyrrell, Carl, Norland, Jay, Halvorson of Webster, Howell, Groth, Brandt, Lloyd-Jones, Pavich, Poncy, Woods, Horn, Running, Spear, Krewson, Pelton, Oxley, Hall, Mullins, Corey, Binneboese, Avenson, Anderson of Jasper, Cusack, Sturgeon, Jochum, Cook, Sullivan, Gross, Diemer, Carpenter, O'Kane, Cochran, Chiodo, Stueland and Poffenberger, a bill for an act relating to the regulation by the commissioner of insurance of self-insured accident or health insurance plans or programs offered to employees.

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

House File 418, by Byerly, a bill for an act relating to retirement benefits for certain peace officers.

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

House File 419, by Byerly, a bill for an act enabling the Iowa housing finance authority to contract with low and middle income home buyers for mortgage-interest subsidies, and making an appropriation to finance these contracts.

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

House File 420, by Byerly, a bill for an act to provide that transfers of property or interests in property pursuant to a decree of dissolution of marriage are not subject to the real estate transfer tax and the requirements relating to the filing of a declaration of value.

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

House File 421, by Conlon, a bill for an act relating to the long-arm jurisdictional provisions in the Code.

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

House File 422, by Swartz, Dieleman, Spear, Jay, Branstad, Cochran, Renaud, Anderson of Jasper, Howell, Halvorson of Webster, Arnould, Carl and Lloyd-Jones, a bill for an act providing for a property tax credit for soil conservation on agricultural land, providing a standing appropriation, providing that only the excess appropriations to the soil conservation credit fund shall go to the agricultural land credit fund to provide agricultural land credits and providing a January 1 effective date.

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

House File 423, by Clements, a bill for an act relating to the review by the board of parole of a class "A" felon.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 1981, passed the following bill in which the concurrence of the House is asked:

House File 233, a bill for an act relating to joint meetings of members of boards of an area education agency and its corresponding merged area.

Also: That the Senate has on February 13, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 236, a bill for an act providing that the state comptroller shall approve the quarterly allotment of funds appropriated subject to the governor's review or modification.

Also: That the Senate has on February 9, 1981, passed the following bill in which the concurrence of the Senate was asked:

Senate File 159, a bill for an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

Also: That the Senate has on February 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 172, a bill for an act to establish short term liquor licenses and beer permits.

K. MARIE THAYER, Assistant Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 12, 1981 and is on file in the office of the Chief Clerk.

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

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

These include 12 claims of a general nature. This supplements our filing of December 22, 1980.

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

Very truly yours,

MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

PAT H. HARPER
Chief Clerk of the House

OFFICE OF STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
6683-69-25	Howard Bomgaars Maurice Transportation refund non-public schools	$ 160.00	Disapproved

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
6761-69-25	Mary Alice Whalen Dubuque Outdated Billing	$ 844.30	Disapproved
6812-69-25	Charles Peterson, M.D. Des Moines Title XIX Payment	225.00	Disapproved
6847-69-25	Americana Health Care Center Davenport Title XIX Payment	1,178.00	Disapproved
6868-69-25	Ronald M. Larson, M.D. Mason City Title XIX Payment	260.00	Disapproved
6895-69-25	Charles R. Peterson, M.D. Des Moines Title XIX Payment	82.00	Disapproved
6910-69-25	Clytie Chaney Malvern Back Wages	100.00	Disapproved
6913-69-25	Lawrence T. Kalmes St. Donatus Prorate Refund	933.83	Disapproved
9650-69-25	Dan S. Loukaitis Exira License Refund	201.15	Disapproved
9651-69-25	LaCrosse Lutheran Hospital LaCrosse, Wisconsin Title XIX Payment	1,566.75	Disapproved
9659-69-25	Danny Earl Gantenbein East Dubuque, Illinois License Refund	538.00	Disapproved
9771-69-25	Tamara Kay Schmidt Cedar Falls Refund Wrecker Bill	23.69	Disapproved

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 211 Judiciary and Law Enforcement

Relating to dissolution of marriage.

S.B. 212 Commerce

Relating to the payment of interest on deposits made by customers of public utilities.

S.B. 213 Judiciary and Law Enforcement

Relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

S.B. 214 Natural Resources

Relating to the permissive catch and size limits of fish.

S.B. 215 Judiciary and Law Enforcement

Proposed revisions to Iowa landlord-tenant statutes.

SPONSOR WITHDRAWN
(Amendment H—3072 to House File 303)

Clark of Cerro Gordo requested to be withdrawn as a sponsor of amendment H—3072 to House File 303.

SPONSORS ADDED
(Amendment H—3072 to House File 303)

The following members requested to be added as sponsors to amendment H—3072 to House File 303:

Clements of Scott
Van Maanen of Mahaska
Smalley of Polk
Johnson of Howard
Daggett of Taylor
Swearingen of Keokuk
Harbor of Mills
Danker of Pottawattamie
Halvorson of Clayton
Dieleman of Marion
Hansen of O'Brien
Petrick of Linn
Anderson of Audubon
Tofte of Winneshiek
Holt of Clay
Gross of Ringgold
Pavich of Pottawattamie
Crabb of Crawford
Welden of Hardin
Renken of Grundy
Poncy of Wapello
Oxley of Linn
Tyrrell of Iowa
Chiodo of Polk
Binneboese of Plymouth
Stueland of Clinton
Schnekloth of Scott
Gettings of Wapello
Lind of Black Hawk
Cook of Hardin
De Groot of Lyon
Pellett of Cass
Branstad of Winnebago
Johnson of Linn
Renaud of Polk
Ritsema of Sioux
Cochran of Webster
Jay of Appanoose
Woods of Polk
Pelton of Clinton
Corey of Louisa
Howell of Floyd

Maulsby of Calhoun
Welsh of Dubuque

Schroeder of Pottawattamie
Hanson of Delaware
Conlon of Muscatine

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 218, a bill for an act relating to the eligibility of drainage and levee district trustees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3075**, filed by Stueland of Clinton on February 12, 1981.

House File 225, a bill for an act to provide additional objectives for the adoption of zoning ordinances by cities and counties.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 56), exempting agricultural employers from the workers' compensation law if their total payroll to nonexempt employees is less than four thousand dollars, effective January 1.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 157), relating to the preparation of the farm unit soil conservation folder and plan.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 158), relating to the creation of conservancy district wards.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 212), relating to the payment of interest on deposits made by customers of public utilities.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

House File 186, a bill for an act relating to the permissible use of proceeds of property sold by a county board of hospital trustees.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 130, a bill for an act to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government and the powers and duties of the board of supervisors and other county officers and employees, making corresponding amendments, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3095.**

COMMITTEE ON EDUCATION

House File 143, a bill for an act relating to the authority of school districts to levy a tax for public educational and recreational purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3096.**

Committee Bill (Formerly Study Bill 42), to provide for redrawing director districts in a merged area.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 43), to strike the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Senate File 86, a bill for an act relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981, and providing that the Act takes effect upon publication.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

House File 114, a bill for an act requiring the state conservation commission to establish a rule to allow a handicapped individual to use a crossbow.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3095	S.F. 130	Committee on County Government
H–3096	H.F. 143	Committee on Education
H–3097	H.F. 387	Spear of Lee
H–3098	H.F. 348	Hoffmann of Muscatine
H–3099	H.F. 225	Tyrrell of Iowa
H–3100	H.F. 413	Spear of Lee
H–3101	H.F. 396	Davitt of Warren Avenson of Fayette
H–3102	H.F. 387	Spear of Lee
H–3103	H.F. 21	Spear of Lee
H–3104	H.F. 303	Mann of Greene

On motion by Pope of Polk, the House adjourned at 9:17 a.m., until 9:00 a.m., Wednesday, February 18, 1981.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day—Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 18, 1981

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

Prayer was offered by the Reverend Jim Morris, pastor of the Staves Memorial United Methodist Church, Des Moines.

The Journal of Tuesday, February 17, 1981 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 16, 1981, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 6, proposing an amendment to the Constitution of Iowa to allow the legislature to void a rule of a state agency.

Also: That the Senate has on February 16, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 200, a bill for an act relating to the calendar of prisoners in the county jail or detention facility.

Also: That the Senate has on February 16, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

K. MARIE THAYER, Assistant Secretary

REREFERRED TO COMMITTEE ON STATE GOVERNMENT
(House File 234)

Crawford of Story asked and received unanimous consent that House File 234, presently on the **regular calendar**, be rereferred to the committee on **state government**.

On motion by Pope of Polk, the House was recessed at 9:13 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 424, by Crabb, a bill for an act relating to rights in real estate acquired by adverse possession or prescription which provides that the rights run against the state and its political subdivisions and which creates a presumption of an easement.

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

House File 425, by Davitt, Dieleman and Woods, a bill for an act relating to the incorporation of territory within an urbanized area.

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

House File 426, by Daggett, a bill for an act relating to easements for certain sewer, water, or gas lines within a city.

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

House File 427, by Smalley, a bill for an act to increase the amount of the personal exemption credit allowed under the state individual income tax, with a January 1 effective date.

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

House File 428, by Danker, a bill for an act relating to obscenity, and providing criminal penalties to be effective January 1 following enactment.

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

House File 429, by Davitt, Cochran, Dieleman, Howell, Jay, Running and Woods, a bill for an act to require a board of review to specify reasons for its action on a protest when written notice of the action is provided to the property owner or aggrieved taxpayer, with a January 1 effective date.

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

House File 430, by committee on judiciary and law enforcement, a bill for an act eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

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

House File 431, by Johnson of Woodbury, a bill for an act relating to the percent required for approval of bond issues of school corporations and merged area schools.

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

House File 432, by Chiodo, a bill for an act relating to the contents of an application for an operator's license or instruction permit.

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

House File 433, by Tyrrell, a bill for an act to prohibit the use of public funds for lobbying and to provide a penalty.

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

House File 434, by Clements, a bill for an act relating to insanity as it relates to the commission of a crime.

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

House File 435, by Shimanek, Hanson of Delaware and McKean, a bill for an act relating to the landowner's rights when an easement is acquired for construction of a pipeline or electric transmission line upon agricultural land.

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

House File 436, by committee on state government, a bill for an act providing that the issuance of property tax receipts may be optional.

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

House File 437, by Smalley, Van Maanen, Maulsby, Danker, Daggett, Trucano, Corey, Gross, Cook, Petrick, Holt, De Groot, Branstad, Renken, Johnson of Howard, Johnson of Linn, Conlon and Tyrrell, a bill for an act to reduce the annual salaries of members of the general assembly and the lieutenant governor retroactive to January 12, 1981.

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

House File 438, by committee on commerce, a bill for an act relating to laws which restrict the receipt of gifts by employees of the department of banking.

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

House File 439, by Bruner, Rapp, Jochum, Chiodo, Sturgeon, Howell, Connolly, Lloyd-Jones, Binneboese, Pavich, Carl, Arnould, Horn, Cusack, Avenson, O'Kane, Halvorson of Webster, Woods and Anderson of Jasper, a bill for an act relating to energy conservation programs of the Iowa commerce commission, with part of the Act to be effective January 1.

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

SENATE MESSAGES CONSIDERED

Senate File 159, by committee on transportation, a bill for an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

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

Senate File 172, by committee on state government, a bill for an act to establish short term liquor licenses and beer permits.

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

On motion by Halvorson of Clayton, the House was recessed at 12:03 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

A non-record roll call was requested to determine that a quorum was present.

The vote revealed 80 members present, 20 absent.

PRESENTATION OF VISITOR

Mullins of Kossuth presented to the House the Honorable Sonja Larsen, former member of the House representing Wapello County.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 398, a bill for an act relating to the funding of the operations of the utilities division of the Iowa state commerce commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the commerce commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 398)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett

Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Mr. Speaker

The nays were, 1:

Ritsema

Absent or not voting, 7:

Byerly	Cook	Cusack	Jochum
Menke	Renken	Woods	

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

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 216 Human Resources

Relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., February 17, 1981

Convened: 1:35 p.m.

Adjourned: 2:05 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Corey, Doderer, Gross, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: Clark of Cerro Gordo, Egenes and Halvorson of Clayton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 77), exempting the gross receipts from the sale or rental of mining equipment to be used within the state from the state sales tax.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 8, a bill for an act to divide judicial district five into three judicial election districts.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 132), providing that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 154), relating to mileage expense for witnesses and jurors.

Fiscal Note is required.

Recommended **Do Pass**.

COMMITTEE ON STATE GOVERNMENT

Senate File 106, a bill for an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 59), relating to the rules of the fire marshal.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

House File 47, a bill for an act relating to the contents of a permit or license application.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3105**.

AMENDMENTS FILED

H–3105	H.F. 47	Committee on Transportation
H–3106	H.F. 396	Spear of Lee
H–3107	H.F. 186	Spear of Lee
H–3108	H.F. 218	Spear of Lee
H–3109	H.F. 218	Spear of Lee
H–3110	H.F. 55	Pavich of Pottawattamie
H–3111	H.F. 55	Bruner of Story
H–3112	H.F. 55	Pavich of Pottawattamie
H–3113	H.F. 55	Lloyd-Jones of Johnson
H–3114	H.F. 55	Lloyd-Jones of Johnson
H–3115	H.F. 303	Doderer of Johnson Rapp of Black Hawk
H–3116	H.F. 396	Schroekloth of Scott

On motion by Pope of Polk, the House adjourned at 2:43 p.m., until 9:00 a.m., Thursday, February 19, 1981.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day—Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 19, 1981

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

Prayer was offered by the Reverend Thomas Harlan, pastor of the Plainfield Baptist Church, Plainfield.

The Journal of Wednesday, February 18, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Nelson Chesney, Winterset.

PRESENTATION OF 1981 EASTER SEAL CHILD

Pellett of Cass escorted to the front of the Speaker's station and presented to the House Danny Lepley, 1981 Easter Seal Child, representing the State of Iowa for the Easter Seal Society.

Danny, who is eleven years old, was accompanied by his parents, Bill and Ginny Lepley of Atlantic, his sister Lori and Mary Jane Odell, Secretary of State and State Easter Seal Chair. Danny enjoys fishing, helping with Little League, shooting air rifles, and is a Cub Scout.

Mary Jane Odell stated that Danny represents almost 10,000 people that Easter Seals have helped in the past years. She added that Danny loves and is very concerned about people and loves animals. She called him an all-around, all-American child.

Danny stated that he loves Camp Sunnyside and hopes to attend camp again this year. The House responded with a warm welcome. Mary Jane Odell urged everyone to support Easter Seals.

INTRODUCTION OF BILLS

House File 440, by committee on education, a bill for an act to provide for redrawing director districts in a merged area.

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

House File 441, by committee on judiciary and law enforcement, a bill for an act relating to the fencing of railroad rights of way and providing penalties.

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

House File 442, by McKean, a bill for an act to provide medical assistance to the low-income elderly for certain medical examinations, prescription drugs, and corrective, orthopedic, and prosthetic devices.

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

House File 443, by Harbor, a bill for an act exempting certain parcels of land from the requirement of platting upon subdivision.

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

House File 444, by Lind, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school.

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

House File 445, by Lloyd-Jones, a bill for an act providing for the use of moneys from the railroad assistance fund to be used for purposes of instituting additional passenger service under a federal law.

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

House File 446, by Lloyd-Jones, a bill for an act relating to the selection of official county newspapers.

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

House File 447, by Connolly, a bill for an act relating to the use of public buildings for political caucuses.

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

House File 448, by Chiodo, a bill for an act relating to the licensing and operation of bingo and other games of skill, chance, and raffles.

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

House File 449, by Kirkenslager, Welsh and Halvorson of Clayton, a bill for an act to require a permit for barge fleeting sites from the Iowa state conservation commission and making it effective upon publication.

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

House File 450, by Diemer, Kirkenslager, Spear, Oxley, Tyrrell, Maulsby and Mann, a bill for an act relating to fees charged public offenders.

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

House File 451, by Davitt, Dieleman, Cochran, Howell, Sullivan, Jay and Running, a bill for an act relating to beginning farmers by authorizing the family farm development authority to establish a program for insuring or guaranteeing contracts of sale of farm land made to beginning farmers, increasing the bonding power of the authority, providing for an income tax deduction for capital gains and interest received on contracts of sale made to beginning farmers and providing for a January 1 effective date for certain sections.

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

House File 452, by Pelton, a bill for an act relating to the forfeiture of installment real estate contracts.

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

House File 453, by committee on commerce, a bill for an act relating to the payment of interest on deposits made by customers of public utilities.

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

House File 454, by committee on county government, a bill for an act relating to the maximum rate of interest on investments of public funds in banks.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 6, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

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

Senate File 13, by Holden, a bill for an act relating to the maximum rate of interest on investments of public funds in banks.

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

Senate File 200, by committee on county government, a bill for an act relating to the calendar of prisoners in the county jail or detention facility.

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

Senate File 201, by committee on commerce, a bill for an act relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 146, a bill for an act relating to procedures for construction, repair and improvement of public buildings.

K. MARIE THAYER, Assistant Secretary

HOUSE RESOLUTION 8

By Smalley, O'Kane, Avenson, Pellett, Binneboese, Crabb, Harbor, Johnson of Woodbury, Pavich, Schroeder, Sturgeon, and Walter

Whereas, the Missouri River Bank Stabilization and Navigation Project authorized by the United States Congress and implemented by the United States Army Corps of Engineers has resulted in massive land use changes in the Missouri River Valley, including the wholesale destruction of fish and wildlife habitat, and

Whereas, the Missouri River Bank Stabilization and Navigation Project has resulted in the drying of marshes, lakes and oxbows, the destruction of river bottom timber, the total disappearance of island and sand bars, and the loss of eighteen miles of river along Iowa's western border, and

Whereas, the Missouri River Stabilization and Navigation Project has caused alterations in the river becoming steeper, narrower and swifter, causing river bottom degradation and navigation problems, creating confusion over the boundary between Iowa and Nebraska, and eliminating recreational opportunity, and

Whereas, the United States Army Corps of Engineers' mitigation study estimates the total aquatic and terrestrial habitat destruction in Iowa to be more than 65,000 acres in a period of less than one hundred years, and

Whereas, the Fish and Wildlife Coordination Act of 1958 provides a mechanism for the United States Army Corps of Engineers to pursue mitigation of the fish and wildlife habitat losses, *Now Therefore*,

Be It Resolved by the House of Representatives, That the United States Army Corps of Engineers is urged to apply the same engineering expertise which has been brought to bear on the Missouri River to date, coupled with an environmental ethic and a legal public responsibility, to properly mitigate the fish and wildlife habitat losses

Page 2

which have been documented, and

Be It Further Resolved, That such mitigation of fish and wildlife habitat be permanent in nature, be distributed among the states in proportion to the habitat losses, be significant in extent to adequately replace fish and wildlife habitat losses and be implemented in the near future, and

Be It Further Resolved, That ongoing recreational losses be addressed immediately and solutions developed to correct losses to Iowa's recreating public, and

Be It Further Resolved, That copies of this resolution be sent to the United States Army Corps of Engineers, Missouri River Division, and the Iowa Congressional delegation.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 9:26 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed 82 members present, 18 absent.

SENATE FILE 201 PASSED ON FILE

Pope of Polk asked and received unanimous consent that Senate File 201, referred to the **committee on commerce,** be **passed on file.**

CONSIDERATION OF BILLS
Regular Calendar

House File 59, a bill for an act relating to the recording of agency agreements for joint or cooperative action, with report of committee recommending amendment and passage was taken up for consideration.

Carpenter of Polk offered the following amendment H–3033 filed by the committee on state government and moved its adoption:

H–3033

Amend House File 59 as follows:
1. Page 1, by inserting after line 6 the following:
"Sec. 2. County recorders may dispose of copies of agreements previously recorded and maintained under section 1 of this Act."

The committee amendment H–3033 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H–3062 filed by him on February 11, 1981.

Spear of Lee offered the following amendment H–3071 filed by him and moved its adoption:

H–3071

Amend House File 59 as follows:
1. Page 1, lines 3 and 4, by striking the words "Before entry into force, an" and inserting in lieu thereof the following: "~~Before entry into force, an~~ An".
2. Page 1, line 4, by striking the word "be" and inserting in lieu thereof the words "~~be~~ not be effective until".

Amendment H–3071 was adopted.

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

On the question "Shall the bill pass?" (H.F. 59)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Carl	Carpenter	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Cusack	Daggett
Davitt	De Groot	Dieleman	Diemer

Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Mann	McKean	Miller	Mullins
Norland	O'Kane	Pelton	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 19:

Branstad	Byerly	Chiodo	Connors
Danker	Harbor	Horn	Lonergan
Maulsby	Oxley	Pavich	Pellett
Petrick	Poncy	Renaud	Renken
Running	Schroeder	Van Maanen	

Absent or not voting, 4:

Clark, B. J.	Crawford	Menke	Woods

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

House File 396, a bill for an act relating to an income tax checkoff for the state fish and game protection fund, was taken up for consideration.

Davitt of Warren offered the following amendment H–3101 filed by him and Avenson of Fayette:

H–3101

Amend House File 396 as follows:

1. Page 1, line 17 by striking the word "shall" and inserting in lieu thereof the word "may".

2. Page 1, line 19 by inserting after the period the words "Not less than fifty percent of the funds derived from the checkoff shall be used for the purposes of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Nongame wildlife includes those animal

species which are endangered, threatened or not commonly pursued, killed or consumed either for sport or profit.".

Spear of Lee offered the following amendment H—3106, to amendment H—3101, filed by him and moved its adoption:

H—3106

Amend amendment H—3101 to page one of House File 396 as follows:

1. Page 1, line 12, by striking the words ", killed or consumed" and inserting in lieu thereof the words "or killed".

Amendment H—3106 was adopted.

On motion by Davitt of Warren, amendment H—3101, as amended, was adopted.

Diemer of Black Hawk offered the following amendment H—3079 filed by him and moved its adoption:

H—3079

Amend House File 396 as follows:

1. Page 1, line 25, by inserting after the word "areas" the words "and for research and management necessary to qualify for federal funds".

Amendment H—3079 was adopted.

Schnekloth of Scott offered the following amendment H—3116 filed by him and moved its adoption:

H—3116

Amend House File 396 as follows:

1. Page 1, by inserting after line 29, the following new section:

"Sec. . Section 422.21, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. There shall not be more than two spaces on the face of the tax return form which provide for designated contributions."

Amendment H—3116 was adopted.

Halvorson of Clayton in the chair at 2:18 p.m.

Diemer of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 396)

The ayes were, 81:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Cochran
Conlon	Connolly	Connors	Corey
Cusack	Daggett	Danker	Davitt
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker (Halvorson of Clayton)			

The nays were, 16:

Anderson, J.	Brandt	Branstad	Clark, J. H.
Clements	Cook	Crabb	Crawford
De Groot	Gross	Johnson, J.	Maulsby
Miller	Renken	Ritsema	Walter

Absent or not voting, 3:

Menke	Stromer	Woods

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

Senate File 58, a bill for an act amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term, with report of committee recommending amendment and passage was taken up for consideration.

Egenes of Story offered the following amendment H—3059 filed by the committee on commerce and moved its adoption:

H—3059

Amend Senate File 58 as follows:

1. Page 1, by striking lines 13 through 21, and inserting in lieu thereof the following: "is three hundred dollars or less. However, a lender may make a loan not pursuant to open end credit that is repayable in a single payment if the amount financed does not exceed one thousand dollars and if the finance charge does not exceed the rate permitted by section 537.2401, subsection 1, to be charged by a supervised financial organization."

The committee amendment H—3059 was adopted.

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

On the question "Shall the bill pass?" (S.F. 58)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett

Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Mr. Speaker (Halvorson of Clayton)		

The nays were, none.

Absent or not voting, 6:

Cochran	Davitt	Diemer	Menke
Stromer	Woods		

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

House File 387, a bill for an act prohibiting hunting with any rifle, other than a twenty-two hundredths caliber rimfire or any shot larger than number BB in an area of the state during open deer hunting season, was taken up for consideration.

Spear of Lee offered the following amendment H–3083 filed by him and moved its adoption:

H–3083

Amend House File 387 as follows:
1. Page 1, line 4, by striking the word "his" and inserting in lieu thereof the words "the person's".

Amendment H–3083 was adopted.

Hanson of Delaware offered amendment H–3090 filed by him and requested division as follows:

H–3090

Amend House File 387 as follows:

H—3090A

1. Page 1, line 4, by inserting after the word "his" the words: "or her".

H—3090B

2. Page 1, line 6, by inserting before the word "in" the following: "while outside his or her place of residence or business".

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—3090A.

Lloyd-Jones of Johnson asked for unanimous consent to amend amendment H—3090B by striking the words "his or her" on line 5 and inserting in lieu thereof the words "the person's".

Objection was raised.

Spear of Lee offered the following amendment H—3097, to amendment H—3090, filed by him and moved its adoption:

H—3097

Amend amendment H—3090 to page 1 of House File 387 as follows:

1. Page 1, line 5, by striking the words "his or her" and inserting in lieu thereof the words "the person's".

Amendment H—3097 was adopted.

Maulsby of Calhoun asked for unanimous consent to temporarily defer action on House File 387.

Objection was raised.

The House stood at ease at 2:58 p.m., until the fall of the gavel.

The House resumed session at 3:01 p.m., Halvorson of Clayton in the chair.

Hanson of Delaware moved the adoption of amendment H—3090B, as amended.

Amendment H—3090B, as amended, was adopted.

Spear of Lee offered the following amendment H—3102 filed by him and moved its adoption:

H—3102

Amend House File 387 as follows:
1. Page 1, line 8, by striking the words "of weapons" and inserting in lieu thereof the words "or possession of weapons or ammunition".

Amendment H—3102 was adopted.

Speaker Stromer in the chair at 3:08 p.m.

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

On the question "Shall the bill pass?" (H.F. 387)

The ayes were, 56:

Anderson, J.	Anderson, R.	Arnould	Bennett
Bruner	Carl	Carpenter	Clark, B. J.
Cochran	Conlon	Cook	Corey
Crawford	Cusack	Davitt	Dieleman
Diemer	Egenes	Groth	Hall
Halvorson, R. A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Jochum	Johnson, R.
Krewson	Lageschulte	Lloyd-Jones	Mann
McKean	Mullins	O'Kane	Pellett
Pelton	Poffenberger	Rapp	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Mr. Speaker

The nays were, 40:

Avenson	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, J. H.	Clements
Connolly	Connors	Crabb	Daggett
Danker	De Groot	Gettings	Gross
Halvorson, R. N.	Harbor	Horn	Howell
Johnson, J.	Johnson, W.	Kirkenslager	Lind
Lonergan	Maulsby	Miller	Oxley

Pavich	Petrick	Poncy	Pope
Renaud	Renken	Running	Schroeder
Sullivan	Swartz	Welsh	Woods

Absent or not voting, 4:

Doderer	Jay	Menke	Norland

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

REQUEST TO VOTE

Cochran of Webster asked for unanimous consent that Cochran of Webster and Davitt of Warren be recorded as voting "aye" on Senate File 58.

Objection was raised.

Cochran of Webster moved that Cochran of Webster and Davitt of Warren be recorded as voting "aye" on Senate File 58.

A non-record roll call was requested.

The ayes were 44, nays 50.

The motion lost.

Ways and Means Calendar

House File 349, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more districts are under the management and control of that board, and to authorize a one-time assessment on land in the districts for the purpose of establishing the fund, was taken up for consideration.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—3063 filed by him and Hummel of Benton on February 11, 1981.

Conlon of Muscatine offered the following amendment H—3076 filed by him and Hummel of Benton and moved its adoption:

H–3076

Amend House File 349 as follows:

1. Page 5, by inserting after line 31 the following:

"5. The board of supervisors may elect to abolish the drainage and levee district revolving fund established under subsection 1. Upon the abolition of the revolving fund, the board shall refund all assets of the revolving fund, at a uniform per-acre rate, to the current owners of the land against which the assessment to establish the fund was made under subsection 2 or against which an assessment was made under subsection 4."

Amendment H–3076 was adopted.

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

On the question "Shall the bill pass?" (H.F. 349)

The ayes were, 87:

Anderson, J.	Avenson	Bennett	Binneboese
Brandt	Branstad	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, J. H.
Clements	Cochran	Connolly	Connors
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 8:

Arnould	Conlon	Cook	Doderer
Maulsby	Renken	Smalley	Van Maanen

Absent or not voting, 5:

Anderson, R.	Clark, B. J.	Howell	Menke
Pelton			

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

Regular Calendar

House File 293, a bill for an act creating a revolving farm fund for the department of social services, with a retroactive effective date, with report of committee recommending amendment and passage was taken up for consideration.

De Groot of Lyon offered the following amendment H–3070 filed by the committee on human resources and moved its adoption:

H–3070

Amend House File 293 as follows:

1. Page 1, line 7, by inserting after the word "products," the words "nursery stock,".

2. Page 1, line 9, by inserting after the word "agricultural" the words "or nursery".

3. Page 1, line 17, by inserting after the word "except" the words "for receipts deposited in the revolving farm fund under section 218.74, and".

4. By striking page 1, line 27 through page 2, line 1, and inserting in lieu thereof the following:

"Sec. 5. This Act, being deemed of immediate importance, takes effect from and after its publication in The Anamosa Journal-Eureka, a newspaper published in Anamosa, Iowa, and in the Doon Press, a newspaper published in Doon, Iowa."

5. Title page, by striking line 2 and inserting in lieu thereof the words "social services, effective upon publication."

The committee amendment H–3070 was adopted.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 293)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Maulsby	McKean	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 3:

Schroeder	Smalley	Welden

Absent or not voting, 3:

Diemer	Mann	Menke

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

House File 413, a bill for an act relating to the fee collected for copies of records by the department of health, was taken up for consideration.

Spear of Lee offered the following amendment H—3100 filed by him and moved its adoption:

H—3100

Amend House File 413 as follows:
1. Page 2, line 12, by inserting after the word "department" the words "by rule".
2. Page 2, line 13, by striking the words "by rule".

Amendment H—3100 was adopted.

Spear of Lee offered the following amendment H—3091 filed by him and moved its adoption:

H—3091

Amend House File 413 as follows:
1. Page 2, line 18, by inserting after the word "state" the words "if the service is performed by the department or in the general fund of the county if the service is performed by the county or local registrar".

Amendment H—3091 was adopted.

Spear of Lee offered the following amendment H—3093 filed by him and moved its adoption:

H—3093

Amend House File 413 as follows:
1. Page 2, by inserting after line 18 the words "A fee shall not be collected from a political subdivision or agency of this state".

Amendment H—3093 was adopted.

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

On the question "Shall the bill pass?" (H.F. 413)

The ayes were, 80:

Anderson, J.	Anderson, R.	Bennett	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Diemer	Doderer	Egenes	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Mann	McKean	Mullins	Norland
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Welden	Woods	Mr. Speaker

The nays were, 19:

Arnould	Avenson	Binneboese	Branstad
Danker	De Groot	Gettings	Gross
Jay	Lonergan	Maulsby	Miller
O'Kane	Pavich	Schroeder	Sturgeon
Van Maanen	Walter	Welsh	

Absent or not voting, 1:

Menke

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

MOTIONS TO RECONSIDER
(House File 59)

I move to reconsider the vote by which House File 59 passed the House on February 19, 1981.

CARPENTER of Polk

(House File 59)

I move to reconsider the vote by which House File 59 passed the House on February 19, 1981.

NORLAND of Worth

(House File 387)

I move to reconsider the vote by which House File 387 passed the House on February 19, 1981.

HANSON of Delaware

(House File 387)

I move to reconsider the vote by which House File 387 passed the House on February 19, 1981.

DAVITT of Warren

(House File 349)

I move to reconsider the vote by which House File 349 passed the House on February 19, 1981.

BYERLY of Polk

HOUSE RESOLUTION 9
By Connolly, Welsh, Binneboese, Davitt, De Groot, Connors, Pavich, Howell, Chiodo, Poncy, Jochum, O'Kane, Sturgeon, Lind and Sullivan

Whereas, the Archdiocesan Council of Catholic Women of the Archdiocese of Dubuque annually observes a "Week of Prayer" for the members of the General Assembly; and

Whereas, the Week of Prayer for this year is being held from February fifteenth through February twenty-first, and

Whereas, many special services will be held throughout the Archdiocese; *Now Therefore,*

Be It Resolved by the House of Representatives, That the members of the House of Representatives express

their appreciation for the Week of Prayer and for the special Ecumenical Worship Services.

Laid over under Rule 30.

SPONSORS ADDED

Clements of Scott requested to be added as a sponsor of House Joint Resolutions 3, 4 and 8, and House Files 25, 110, 120, 219, 224, 230 and 394.

(House File 437)

Smith of Scott requested to be added as a sponsor of House File 437.

SPONSORS WITHDRAWN
(Amendment H—3072 to House File 303)

The following members requested to be withdrawn as sponsors of amendment H—3072 to House File 303.

PAVICH of Pottawattamie
GETTINGS of Wapello
PONCY of Wapello

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday afternoon, February 19, 1981. Had I been present, I would have voted "aye" on Senate File 58.

COCHRAN of Webster

PRESENTATION OF VISITORS

Van Maanen of Mahaska presented to the House two foreign exchange students: Minako Kono from Japan, presently attending Albia High School, Albia and Felipe Brandao from Brazil, presently attending Twin Cedars High School, Bussey.

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

Thirty-two sixth, seventh and eighth grade students from Peoria Christian Elementary School, Pella, accompanied by Mr. Robert De Jager. By Dieleman of Marion.

SUBCOMMITTEE ASSIGNMENTS

House File 239

Agriculture: Cook, Chair; Welsh and McKean.

House File 246

Agriculture: McKean, Chair; Dieleman and Corey.

House File 295

Cities: Crawford, Chair; Krewson and Horn.

House File 334

Agriculture: Cook, Chair; Welsh and McKean.

House File 371

Cities: Crabb, Chair; Swearingen and Connors.

House File 372

Commerce: Hansen of O'Brien, Chair; Swearingen and Rapp.

House File 373

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

House File 377

Agriculture: McKean, Chair; Dieleman and Stueland.

House File 389

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

House File 392

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard, Halvorson of Clayton, Jay and Swartz.

House File 399

Agriculture: Crabb, Chair; Halvorson of Webster and Anderson of Audubon.

House File 402

Energy: Danker, Chair; Binneboese and Cook.

House File 406

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 407

Judiciary and Law Enforcement: Shimanek, Chair; Smalley, Pelton, Jay and Welsh.

House File 408

Commerce: Johnson of Linn, Chair; Swearingen, Shull, Bruner and Chiodo.

House File 410

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Cusack, Maulsby and Walter.

House File 411

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Johnson of Howard and Jay.

House File 412

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Senate File 87

Human Resources: Trucano, Chair; Clements and Lonergan.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 211

Judiciary and Law Enforcement: Conlon, Chair; Gross, Pelton, Rapp and Sturgeon.

Study Bill 212

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

Study Bill 213

Judiciary and Law Enforcement: Ritsema, Chair; Clark of Cerro Gordo and Rapp.

Study Bill 215

Judiciary and Law Enforcement: Johnson of Howard, Chair; Egenes and Rapp.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 80), relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 122), to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 124), relating to the enforcement of distress warrants issued by the director of revenue.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 130), updating references to the internal revenue code, etc.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3117	H.F. 55	Hall of Linn
H—3118	H.F. 55	Hall of Linn
H—3119	H.F. 414	Brandt of Black Hawk
H—3120	S.F. 172	Johnson of Linn Horn of Linn

H—3121	H.F. 186	Welden of Hardin Hansen of O'Brien
H—3122	H.F. 225	Conlon of Muscatine
H—3123	H.F. 414	Daggett of Taylor Johnson of Woodbury
H—3124	H.F. 186	Spear of Lee
H—3125	S.F. 172	De Groot of Lyon Van Maanen of Mahaska Cochran of Webster
H—3126	S.F. 106	Spear of Lee

On motion by Pope of Polk, the House adjourned at 4:13 p.m., until 10:00 a.m., Monday, February 23, 1981.

JOURNAL OF THE HOUSE

Forty-third Calendar Day—Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 23, 1981

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

Prayer was offered by the Reverend Fred Lewis, pastor of the First United Methodist Church, Ankeny.

The Journal of Thursday, February 19, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Arnould of Scott; Rapp of Black Hawk on request of Poncy of Wapello; Lageschulte of Bremer on request of Pellett of Cass; Carl of Poweshiek, for a portion of the morning, on request of Avenson of Fayette.

INTRODUCTION OF BILLS

House File 455, by Rapp, a bill for an act to establish a housing court having jurisdiction over landlord and tenant disputes and actions under the housing law, to take effect January 1 following enactment.

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

House File 456, by Rapp and Brandt, a bill for an act relating to the composition of impact areas surrounding certain playground equipment and providing a penalty.

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

House File 457, by Davitt, Cochran, Dieleman, Howell, Sullivan, Jay and Running, a bill for an act relating to the rights and responsibilities of landowners concerning partition fences.

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

House File 458, by Davitt, Cochran, Dieleman, Howell and Jay, a bill for an act authorizing a county to provide property tax exemptions for residential property on which improvements have been made in a revitalization area of the unincorporated area of the county and authorizing the county to issue revenue bonds for the revitalization area.

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

House File 459, by Cochran, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs with a January 1 effective date.

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

House File 460, by Cochran, Connolly, Hall, Jochum and Halvorson of Webster, a bill for an act establishing and providing for an appropriation to, the administration of, and disbursements from the Iowa candidates' fund, and prescribing maximum amounts of and other conditions upon expenditures for campaign purposes by candidates who accept money from the Iowa candidates' fund, with a December 1 effective date.

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

House File 461, by Cochran, Dieleman, Howell, Lind, Arnould, Davitt, Groth, Anderson of Jasper, Jay, Mullins, Walter, Connors, Binneboese, Lloyd-Jones and Halvorson of Webster, a bill for an act prohibiting the revoking of an anatomical gift by a person other than the donor.

Read first time and referred to committee on **human resources.**

House File 462, by Corey, a bill for an act relating to the withdrawal of land from a benefited fire district.

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

House File 463, by Brandt, a bill for an act regulating the replacement of life insurance policies, and providing penalties.

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

House File 464, by Holt, a bill for an act authorizing merged areas to acquire and operate student residence halls and dormitories, including dining and other incidental facilities, and to finance the cost with revenue bonds.

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

House File 465, by committee on agriculture, a bill for an act relating to the preparation of the farm unit soil conservation folder and plan.

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

House File 466, by committee on agriculture, a bill for an act relating to the creation of conservancy district wards.

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

House File 467, by committee on state government, a bill for an act relating to rules of the fire marshal.

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

House File 468, by committee on ways and means, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

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

House File 469, by committee on ways and means, a bill for an act relating to the audit and certification of claims for the personal property tax credit.

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

House File 470, by committee on ways and means, a bill for an act relating to the statute of limitations on assessment of the income and franchise taxes.

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

House File 471, by Schnekloth, a bill for an act relating to the display of registration plates on motor vehicles.

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

House File 472, by Swearingen and Anderson of Audubon, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors.

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

House File 473, by Spear, a bill for an act relating to the requirements for school districts to maintain certain grades.

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

House File 474, by Branstad, a bill for an act establishing the legal age for the purpose of laws relating to beer and alcoholic beverages at twenty-one years.

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

House File 475, by McKean, a bill for an act increasing the cigarette and tobacco tax, the liquor tax, and the beer barrel tax and providing that the revenues from the increased tax be appropriated only for elderly programs of the state or political subdivisions.

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

House File 476, by Van Maanen, a bill for an act requiring the state department of transportation and county boards of supervisors to grant permission for the construction of water and gas mains, sidewalks, and cattleways.

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

House File 477, by Rapp, a bill for an act relating to the deductibility of federal income taxes for state corporate tax purposes.

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

House File 478, by Clements, a bill for an act establishing the legal age for the sale to and consumption of beer and alcoholic beverages at twenty-one years of age.

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

House File 479, by Diemer, Tyrrell, Hall, Lind and Johnson of Linn, a bill for an act relating to the time the lien for rates or charges for utility services attaches.

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

House File 480, by Anderson of Audubon, a bill for an act to exempt certain persons over age sixty-five from the requirements of continuing professional and occupational education.

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

House File 481, by Brandt, a bill for an act setting aside ten percent of state procurement contracts to be awarded to small businesses and including special set-aside provisions for businesses owned or operated by socially or economically disadvantaged persons.

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

SENATE MESSAGE CONSIDERED

Senate File 146, by committee on state government, a bill for an act relating to procedures for construction, repair and improvement of public buildings.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 152, a bill for an act providing that manufacturers and nonresident

vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance.

Also: That the Senate has on February 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 228, a bill for an act repealing a requirement for transference of certain male prisoners.

Also: That the Senate has on February 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 237, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

Also: That the Senate has on February 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 251, a bill for an act relating to the reciprocity of certain fish and game licenses for nonresidents.

Also: That the Senate has on February 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 252, a bill for an act exempting persons hunting on game breeding and shooting preserves from having a wildlife habitat stamp or a pheasant stamp.

LINDA HOWARTH MACKAY, Secretary

HOUSE FILE 175 DEFERRED

Pope of Polk asked and received unanimous consent that House File 175 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Regular Calendar

SENATE FILE 201 SUBSTITUTED FOR HOUSE FILE 415

Halvorson of Clayton asked and received unanimous consent to substitute Senate File 201 for House File 415.

Senate File 201, a bill for an act relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 201)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Brandt	Carl	Cusack	Daggett
Doderer	Jay	Jochum	Johnson, J.
Lageschulte	Lind	Lloyd-Jones	Rapp
Swartz	Welsh		

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

HOUSE FILE 415 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 415 from further consideration by the House.

House File 186, a bill for an act relating to the permissible use of proceeds of property sold by a county board of hospital trustees, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H–3107 filed by him on February 18, 1981.

Spear of Lee offered the following amendment H–3124 filed by him and moved its adoption:

H–3124

Amend House File 186 as follows:
1. Page 1, line 4, by inserting after the word "for" the words "the purchase or lease of".

Amendment H–3124 was adopted.

Welden of Hardin offered the following amendment H–3121 filed by him and Hansen of O'Brien and moved its adoption:

H–3121

Amend House File 186 as follows:
1. Page 1, by inserting after line 5 the following:
"Sec. 2. This Act, being deemed of immediate importance, takes effect from and after its publication in the Hampton Chronicle, a newspaper published in Hampton, Iowa, and in The Sheffield Press, a newspaper published in Sheffield, Iowa."

Amendment H–3121 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 186)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook

Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brandt	Cusack	Jay	Jochum
Johnson, J.	Lageschulte	Lind	Lloyd-Jones
Rapp			

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

House File 218, a bill for an act relating to the eligibility of drainage and levee district trustees, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3108 filed by him and moved its adoption:

H—3108

Amend House File 218 as follows:
1. Page 1, line 5, by inserting before the word "owner" the words "legal or equitable".
2. Page 1, line 16, by inserting before the word "owner" the words "legal or equitable".

Amendment H—3108 was adopted.

Spear of Lee offered the following amendment H—3109 filed by him and moved its adoption:

H–3109

Amend House File 218 as follows:

1. Page 1, line 6, by striking the words "he or she" and inserting in lieu thereof the words "the trustee".

2. Page 1, line 17, by striking the words "he or she" and inserting in lieu thereof the words "the trustee".

Amendment H–3109 was adopted.

Hummel of Benton offered the following amendment H–3075 filed by Stueland of Clinton and moved its adoption:

H–3075

Amend House File 218 as follows:

1. Page 1, line 11, by inserting after the word "corporation" the words "who is otherwise eligible".

2. Page 1, line 13, by striking the words "a natural person" and inserting in lieu thereof the words "if the person were a bona fide owner of agricultural land in the election district".

3. Page 1, line 21, by inserting after the word "partner," the words "who is otherwise eligible".

4. Page 1, line 22, by striking the words "a natural person" and inserting in lieu thereof the words "if the person were a bona fide owner of land in the district".

Amendment H–3075 was adopted.

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

On the question "Shall the bill pass?" (H.F. 218)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lonergan
Mann	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Tyrrell
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 6:

Corey	De Groot	Maulsby	Renaud
Trucano	Van Maanen		

Absent or not voting, 9:

Brandt	Cusack	Jay	Jochum
Johnson, J.	Lageschulte	Lind	Lloyd-Jones
Rapp			

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

House File 430, a bill for an act eliminating the requirement that spouses execute the same joint instrument to convey the homestead, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 430)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Davitt	De Groot	Dieleman	Diemer

Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lonergan	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 4:

Danker	Mann	Maulsby	Tyrrell

Absent or not voting, 9:

Brandt	Cusack	Jay	Jochum
Johnson, J.	Lageschulte	Lind	Lloyd-Jones
Rapp			

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

REREFERRED TO COMMITTEE ON COUNTY GOVERNMENT
(House File 443)

The Speaker announced that House File 443, previously referred to the **committee on cities,** was rereferred to the committee on **county government.**

SPONSORS ADDED
(House File 385)

Walter of Pottawattamie requested to be added as a sponsor of House File 385.

(House Files 427, 428 and 433)

Clements of Scott requested to be added as a sponsor of House Files 427, 428 and 433.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-10 Kathleen Lucas
1981-11 Catherine Williams

PAT H. HARPER
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 23, 1981. Had I been present, I would have voted "aye" on House Files 186, 218 and 430, and Senate File 201.

LIND of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 217 Commerce

Relating to the management of losses and loss exposures of state government, and establishing a state self-insurance fund for certain losses, charging the state risk manager with the duty to administer laws that provide for the payment of certain claims against state government, authorizing the use of blanket bonds and self-insurance in lieu of fidelity bonds for state officers and employees, and providing delayed effective dates.

AMENDMENTS FILED

H–3127	S.F. 172	Johnson of Linn
H–3128	H.F. 414	Groth of Buena Vista
H–3129	H.F. 84	Spear of Lee
H–3130	H.F. 55	Branstad of Winnebago Lloyd-Jones of Johnson Schroeder of Pottawattamie
H–3131	H.F. 414	Horn of Linn Norland of Worth Poncy of Wapello Brandt of Black Hawk Cochran of Webster Pavich of Pottawattamie Connolly of Dubuque Swartz of Marshall Renaud of Polk

Howell of Floyd
Dieleman of Marion
Jay of Appanoose
Davitt of Warren
Sullivan of Van Buren

H–3132 H.F. 414
Groth of Buena Vista
Davitt of Warren
Avenson of Fayette
Dieleman of Marion
Connors of Polk

H–3133 H.F. 414
Poncy of Wapello
Pavich of Pottawattamie
Davitt of Warren
Connors of Polk

H–3134 H.F. 414
Cochran of Webster
Davitt of Warren
Dieleman of Marion
Jay of Appanoose
Lonergan of Boone

H–3135 H.F. 414

H–3136 H.F. 414
Groth of Buena Vista
Connors of Polk
Dieleman of Marion
Connolly of Dubuque
Jay of Appanoose
Avenson of Fayette

H–3137 H.F. 414

H–3138 H.F. 262

H–3139 S.F. 130

H–3140 H.F. 414

Bruner of Story
Anderson of Jasper
Welsh of Dubuque
Avenson of Fayette
Connors of Polk
Carl of Poweshiek
Connolly of Dubuque
Jay of Appanoose
Pavich of Pottawattamie
Howell of Floyd
Sullivan of Van Buren
Carl of Poweshiek
Avenson of Fayette
Norland of Worth
Connolly of Dubuque
Howell of Floyd
Carl of Poweshiek
Groth of Buena Vista
Swartz of Marshall
Howell of Floyd
Welsh of Dubuque
Avenson of Fayette
Sullivan of Van Buren
Carl of Poweshiek
Krewson of Polk
Byerly of Polk
Brandt of Black Hawk
Renaud of Polk
Arnould of Scott
Davitt of Warren
Pavich of Pottawattamie
Howell of Floyd
Byerly of Polk
Pavich of Pottawattamie
Brandt of Black Hawk
Davitt of Warren
Jay of Appanoose
Howell of Floyd
Connors of Polk
Swartz of Marshall
Clements of Scott
Norland of Worth
Groth of Buena Vista
Byerly of Polk

H–3141	H.F. 414	Daggett of Taylor
H–3142	H.F. 414	Norland of Worth Byerly of Polk
H–3143	H.F. 414	Brandt of Black Hawk
H–3144	H.F. 414	Groth of Buena Vista
H–3145	H.F. 414	Brandt of Black Hawk
H–3146	H.F. 414	Connolly of Dubuque Cochran of Webster Welsh of Dubuque Jay of Appanoose Davitt of Warren Avenson of Fayette Lonergan of Boone Howell of Floyd Sullivan of Van Buren
H–3147	H.F. 414	O'Kane of Woodbury Pavich of Pottawattamie Sturgeon of Woodbury Howell of Floyd

On motion by Pope of Polk, the House adjourned at 10:47 a.m., until 9:00 a.m., Tuesday, February 24, 1981.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 24, 1981

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

Prayer was offered by the Reverend James E. Robertson, pastor of the Highland Park Christian Church, Des Moines.

The Journal of Monday, February 23, 1981 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Doderer of Johnson, from one hundred seventy-five constituents opposing House File 414, an act relating to funds available to school districts, including authorizing the levy of a tax for cash reserve and including the computation of state school foundation aid, and providing that the Act takes effect upon its publication.

By Poffenberger of Dallas, from ten members of the Perry Education Association, opposing House File 414 and urging the Legislature to honor the commitment made in September for school funding for 1981-1982.

By Spear of Lee, from two hundred forty-nine persons of Des Moines and Lee Counties favoring a study of job insurance laws from the view of the employee as well as manufacturers, retailers and wholesalers.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 8

Pellett of Cass called up for consideration House Concurrent Resolution 8, directing the Governor to designate March 21 of each year as Bird Day, filed on January 29, 1981 and found on pages 228 and 229 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Swartz of Marshall offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 6

Whereas, The Honorable Robert Earl Rider, Sr., of Marshall County, Iowa, who was a member of the Sixty-first General Assembly, passed away July 1, 1978; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Swartz of Marshall, Cook of Hardin and Cochran of Webster.

INTRODUCTION OF BILLS

House File 482, by Dieleman and Rapp, a bill for an act relating to affairs of decedents, missing persons, protected persons, minors, incapacitated persons, and certain others and constituting the Uniform Probate Code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons, and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts, and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; and repealing inconsistent legislation, to be effective January 1, 1982.

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

House File 483, by Carl, a bill for an act to allow certain Iowa residents sixty years of age and older to attend courses offered by certain state-supported institutions by paying certain costs.

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

House File 484, by Carl, a bill for an act relating to and making an appropriation to the department of public safety for the office of state medical examiner.

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

House File 485, by Cochran, Dieleman, Howell, Lind, Davitt, Avenson, Brandt, Jay, Connors, Binneboese and Halvorson of Webster, a bill for an act relating to indexing the individual exemptions for the state inheritance tax and providing a January 1 effective date.

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

House File 486, by Cochran, Davitt and Hall, a bill for an act to allow a transfer of membership service from a local fire or police retirement system to the Iowa public employees' retirement system.

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

House File 487, by Kirkenslager, a bill for an act relating to the sale of unnecessary state property to the political subdivisions of the state.

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

House File 488, by Tyrrell, a bill for an act to provide for the direct election of members of the state board of public instruction, prescribe their qualifications, and provide a method of financing for the department of public instruction.

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

House File 489, by Lonergan, a bill for an act permitting manufacturers of native wines to sell native wines in retail establishments owned by the manufacturers.

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

House File 490, by Rapp, a bill for an act relating to the number, composition, and jurisdiction of appellate courts, to take effect over a period of time commencing on publication of the Act.

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

House File 491, by Van Maanen, a bill for an act providing for the measuring of the gallonage of motor fuel, special fuel, and distillate fuels on gross volume basis.

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

House File 492, by Shimanek, a bill for an act authorizing an investment tax credit for purposes of the state individual and corporate income tax with a January 1 effective date.

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

House File 493, by Trucano, a bill for an act relating to the filing dates for a claim for credit for property taxes due on real property owned by the elderly or disabled.

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

House File 494, by Kirkenslager, Arnould, Krewson, O'Kane and Trucano, a bill for an act relating to health care coverage for treatment of mental and nervous disorders.

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

House File 495, by Davitt, Byerly, Renaud, Chiodo, Woods, Sullivan and Cochran, a bill for an act authorizing cities to levy a tax for the construction and repair of streets.

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

House File 496, by O'Kane, a bill for an act relating to the operation of emergency vehicles.

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

House File 497, by Swartz, Sullivan and Cochran, a bill for an act relating to the use of funds available for soil and water conservation practices to soil conservation districts and the department of soil conservation.

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

House File 498, by Johnson of Linn, a bill for an act relating to the maintenance of traffic accident reports by the department of transportation.

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

House File 499, by Johnson of Woodbury, a bill for an act relating to the issuance of revenue bonds by cities and counties for merged area schools.

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

House File 500, by Swartz, a bill for an act to remove violations of chapter 321B from the jurisdiction of the juvenile court.

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

On motion by Pope of Polk, the House was recessed at 9:15 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 116, a bill for an act relating to the state fair board convention.

LINDA HOWARTH MACKAY, Secretary

INTRODUCTION OF BILLS

House File 501, by Byerly, a bill for an act providing for temporary service by retired district associate judges and magistrates.

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

House File 502, by Byerly, a bill for an act authorizing the director of general services to invite bids for purchases from only small businesses on certain purchases.

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

House File 503, by committee on judiciary and law enforcement, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing.

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

House File 504, by committee on ways and means, a bill for an act relating to the enforcement of distress warrants issued by the director of revenue.

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

House File 505, by committee on ways and means, a bill for an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue.

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

House File 506, by committee on ways and means, a bill for an act updating references to the internal revenue code for purposes of computing individual and corporate income taxes and franchise taxes and making certain provisions of the Act retroactive.

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

House File 507, by committee on energy, a bill for an act exempting the gross receipts from the sale or rental of mining equipment to be used within the state from the state sales tax.

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

House File 508, by Hansen of O'Brien, a bill for an act relating to the support of a stepchild.

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

House File 509, by committee on commerce, a bill for an act limiting refunds of the state insurance retaliatory tax.

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

House File 510, by committee on judiciary and law enforcement, a bill for an act relating to mileage expense for witnesses and jurors.

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

SENATE MESSAGES CONSIDERED

Senate File 116, by Hester, a bill for an act relating to the state fair board convention.

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

Senate File 152, by Lura, a bill for an act providing that manufacturers and nonresident vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance.

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

Senate File 228, by committee on judiciary, a bill for an act repealing a requirement for transference of certain male prisoners.

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

Senate File 237, by committee on ways and means, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

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

Senate File 251, by committee on natural resources, a bill for an act relating to the reciprocity of certain fish and game licenses for nonresidents.

Read first time and referred to committee on **natural resources.**

Senate File 252, by committee on natural resources, a bill for an act exempting persons hunting on game breeding and shooting preserves from having a wildlife habitat stamp or a pheasant stamp.

Read first time and referred to committee on **natural resources.**

On motion by Pope of Polk, the House was recessed at 12:01 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

CONSIDERATION OF BILLS
Regular Calendar

House File 47, a bill for an act relating to the contents of a permit or license application, with report of committee recommending amendment and passage was taken up for consideration.

Schnekloth of Scott offered the following amendment H—3105 filed by the committee on transportation and moved its adoption:

H—3105

Amend House File 47 as follows:
1. Page 1, line 10, by striking the word "five" and inserting in lieu thereof the word "six".
2. Page 1, line 11, by striking the word "five" and inserting in lieu thereof the word "six".

The committee amendment H—3105 was adopted.

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

On the question "Shall the bill pass?" (H.F. 47)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon

Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Diemer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Byerly	Carl	Dieleman	Doderer
Egenes	Lind	Mann	

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

House File 414, a bill for an act relating to funds available to school districts, including authorizing the levy of a tax for cash reserve and including the computation of state school foundation aid, and providing that the Act takes effect upon its publication, was taken up for consideration.

Avenson of Fayette offered amendment H–3133 filed by Avenson, et al., and requested division as follows:

H–3133

Amend House File 414 as follows:

H–3133A

1. Page 1, by inserting before line 1 the following section:

"Section 1. Section 285.2, unnumbered paragraph 2, Code 1981, is amended to read as follows:

There is appropriated from the general fund of the state to the department of public instruction funds sufficient to pay the approved claims of public school districts for transportation services to nonpublic school pupils as provided in this section. Sections 8.30 and 8.31 as they relate to the power of the governor to modify allotments of appropriations to prevent an overdraft or deficit in a fiscal year do not apply to appropriations made under this section, and appropriations made under this section do not affect the requirement that the reductions in allotments be uniform and prorated on the basis of the respective appropriations."

H—3133B

2. Page 4, by inserting after line 15 the following section:

"Sec. . Section 442.26, unnumbered paragraph 1, Code 1981, is amended to read as follows:

There is hereby appropriated each year from the general fund of the state an amount necessary to pay the state school foundation aid. Sections 8.30 and 8.31 as they relate to the power of the governor to modify allotments of appropriations to prevent an overdraft or deficit in a fiscal year do not apply to appropriations made under this section, and appropriations made under this section do not affect the requirement that the reductions in allotments be uniform and prorated on the basis of the respective appropriations."

3. By numbering and renumbering sections and correcting internal references as necessary.

Avenson of Fayette moved the adoption of amendment H—3133A.

Roll call was requested by Avenson of Fayette and Groth of Buena Vista.

On the question "Shall amendment H—3133A be adopted?"

The ayes were, 38:

Anderson, R.	Avenson	Binneboese	Brandt
Byerly	Carl	Chiodo	Cochran
Connolly	Connors	Cusack	Davitt

Dieleman	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Howell
Jay	Jochum	Lonergan	Mann
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Renken
Running	Spear	Sturgeon	Walter
Welsh	Woods		

The nays were, 61:

Anderson, J.	Arnould	Bennett	Branstad
Bruner	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Doderer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 1:

Miller

Amendment H—3133A lost.

Norland of Worth offered the following amendment H—3142 filed by him and Byerly of Polk and moved its adoption:

H—3142

Amend House File 414 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter 280A, Code 1981, is amended by adding the following new section:

NEW SECTION. ADDITIONAL TAX — CASH RESERVE. In addition to the tax authorized under section 280A.17, if an area school estimates prior to March 15 of a school year that it will have a cash reserve of less than seven and five-tenths percent of its total area school expenditures for that school year on the following June 30, including salaries encumbered under

contract for the next following July and August, the merged area board of directors may certify for levy by March 15 of that year, a tax not to exceed ten cents per thousand dollars of assessed value of taxable property in the merged area to provide a cash reserve for that area school pursuant to section 8.6, subsection 4, paragraph c. The tax levy authorized in this section is in addition to any other tax levy authorized for an area school."

2. Renumber and correct internal references as required by this amendment.

3. Amend title page, line 4, by adding after the words "foundation aid," the words "and authorizing the levy of a tax for a cash reserve for merged area schools,".

Roll call was requested by Norland of Worth and Howell of Floyd.

On the question "Shall amendment H—3142 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Kirkenslager	Lonergan	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 57:

Anderson, J.	Bennett	Branstad	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Lloyd-Jones	Mann	Maulsby
McKean	Menke	Miller	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte

Trucano Tyrrell Van Maanen Welden
Mr. Speaker

Absent or not voting, 1:

De Groot

Amendment H–3142 lost.

Daggett of Taylor offered amendment H–3123 filed by him and Johnson of Woodbury and requested division as follows:

H–3123

Amend House File 414 as follows:

H–3123A

1. Page 1, by striking lines 8 through 12 and inserting in lieu thereof the following: "the board of directors may certify for levy by the following March 15, a tax on taxable property in the school district at a rate that will provide a cash reserve, pursuant to section 8.6, subsection 4, paragraph c, of not to exceed the seven and five-tenths percent amount. The tax levy authorized in this subsection".

H–3123B

2. Page 1, line 23, by striking the words and figures "and July 1, 1981" and inserting in lieu thereof the words and figures ", July 1, 1981, and July 1, 1982".

H–3123C

3. Page 2, line 5, by striking the words "~~three~~ two" and inserting in lieu thereof the word "three".

4. Page 2, line 19, by striking the words "~~three~~ two" and inserting in lieu thereof the word "three".

H–3123D

5. Page 2, line 28, by striking the words "and seventy-five hundredths".

H–3123E

6. Page 2, lines 31 and 32, by striking the words "adjustments to" and inserting in lieu thereof the

words "recomputations under subsection 4 for".

7. Page 2, lines 34 and 35, by striking the words "three and two hundred seventy-six" and inserting in lieu thereof the words "four and twenty-six".

H—3123F

8. Page 3, line 6, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

9. Page 3, by striking lines 7 through 14 and inserting in lieu thereof the following:

"NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the amount included in the district cost per pupil in weighted enrollment for special education support services costs for each district in an area education agency for a budget year is the amount included in the district cost per pupil in weighted enrollment for special education support services costs in the base year plus the allowable growth added to state cost per pupil for special education support services costs for the budget year. Funds shall be paid to area education agencies as provided in section 442.25.

NEW PARAGRAPH. For the school year beginning July 1, 1981 and succeeding school years, the state board of public instruction may direct the state comptroller to reduce the allowable growth added to district cost per pupil in weighted enrollment for a budget year for special education support services costs in an area education agency in the base year based upon special education support services needs in the area."

10. Page 3, by striking lines 15 through 32 and

Page 2

inserting in lieu thereof the following:

"Sec. . Section 442.7, Code 1981, is amended by adding the following new subsection after subsection 6:

NEW SUBSECTION. For the school year beginning July 1, 1981 and succeeding school years, the allowable growth added to state cost per pupil for special education support services costs is the amount included in state cost per pupil for special education support services costs for the base year times the state percent of growth for the budget year. However, for the school year beginning July 1, 1981, no allowable growth shall be added, except as provided under subsection 7."

H–3123G

11. Page 5, by striking lines 1 through 11 and inserting in lieu thereof the following:

"NEW SUBSECTION. For the school year beginning July 1, 1981 and succeeding school years, the total amount funded in each area for media services in the budget year shall be computed as provided in this subsection. For the school year beginning July 1, 1981, the total amount funded in each area for media services in the base year, including the cost for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs a, b, and c, shall be divided by the enrollment served in the base year to provide an area media services cost per pupil in the base year, and the state comptroller shall compute the state media services cost per pupil in the base year which is equal to the average of the area media services costs per pupil in the base year. For the year beginning July 1, 1981 and succeeding school years, the state comptroller shall compute the allowable growth for media services in the budget year by multiplying the state media services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for media services cost in the budget year equals the area media services cost per pupil in the base year plus the allowable growth for media services in the budget year times the enrollment served in the budget year. Funds shall be paid to area education agencies as provided to section 442.25."

H–3123H

12. Page 5, by striking lines 22 through 29 and inserting in lieu thereof the following:

"NEW SUBSECTION. For the school year beginning July 1, 1981 and succeeding school years, the total amount funded in each area for educational services in the budget year shall be computed as provided in

Page 3

this subsection. For the school year beginning July 1, 1981, the total amount funded in each area for educational services in the base year shall be divided by the enrollment served in the area in the base year to provide an area educational services cost per pupil in the base year, and the state comptroller shall compute the state educational services cost per pupil

in the base year, which is equal to the average of the area educational services costs per pupil in the base year. For the year beginning July 1, 1981 and succeeding school years, the state comptroller shall compute the allowable growth for educational services by multiplying the state educational services cost per pupil in the base year times the state percent of growth for the budget year, and the total amount funded in each area for educational services for the budget year equals the area educational services cost per pupil for the base year plus the allowable growth for educational services in the budget year times the enrollment served in the area in the budget year. However, for the school year beginning July 1, 1981, no allowable growth shall be added. Funds shall be paid to area education agencies as provided in section 442.25."

H-3123I

13. Page 6, by striking lines 6 through 14 and inserting in lieu thereof the following:
"amended to read as follows:
7. ~~The~~ For school years prior to the school year beginning July 1, 1981, the portion allocated to each district in an area each budget year for media services and educational services shall be added to the district cost of that district for the budget year as provided in section 442.9."
14. By striking page 6, line 35 through page 7, line 22.

H-3123J

15. Page 7, by inserting after line 22 the following sections:
"Sec. . Chapter 442, Code 1981, is amended by adding the following new section:
NEW SECTION. SUPPLEMENTAL SCHOOL INCOME SURTAX.
1. For the budget school year beginning July 1, 1981, if the board of a school district wishes to spend more than the amount permitted under sections 442.1 through 442.13, the board may call a special election to determine whether to impose a supplemental school income surtax on individual state income tax for the calendar year beginning January 1, 1981. The supplemental school income surtax for the school district shall not exceed an amount equal to the difference between the portion of district cost of

Page 4

the district attributable to regular program costs for the school year beginning July 1, 1981 if the state percent of growth had been nine and twenty-six thousandths percent and the portion of the actual district cost of the district attributable to regular program costs for the school year beginning July 1, 1981. Any income derived from the supplemental school income surtax is miscellaneous income.

2. The board shall determine the amount needed, within the limits of this section, and shall set the date of a special election, which shall not be later than July 1, 1981. The board shall direct the county commissioner of elections to submit the question of whether to raise that amount to the qualified electors of the school district. If a majority of those voting on the proposition at the special election favors the imposition of the supplemental school income surtax, the board may amend its certified budget to include the amount imposed.

3. Following approval at the special election, the board shall certify to the state comptroller that the required procedures have been carried out and the state comptroller shall establish the amount of supplemental school income surtax to be imposed based upon the most recent figures available for the district's individual state income tax paid. The state comptroller shall certify to the director of revenue the amount of supplemental school income surtax to be imposed.

The supplemental school income surtax shall be imposed on the state individual income tax for the calendar year beginning January 1, 1981, or for a taxpayer's fiscal year ending during the second half of that calendar year or the first half of the succeeding calendar year, and shall be imposed on all individuals residing in the school district on the last day of the applicable tax year. As used in this section, "state individual income tax" means the tax computed under section 422.5, less the deductions allowed in section 422.12.

4. Sections 442.16, 442.17, 442.19, and 442.20 apply to the supplemental school income surtax established in this section. The director of revenue shall deposit all moneys received as supplemental school income surtax to the credit of each district from which the moneys are received, in a "supplemental school income surtax fund" which is established in the office of the treasurer of state.

5. This section takes effect retroactive to January 1, 1981."

Page 5

H—3123K

16. Amend the title, line 3, by inserting after the word "reserve" the words ", and the imposition of an income surtax retroactive to January 1, 1981,".

H—3123L

17. By numbering and renumbering sections as necessary in accordance with this amendment.

On motion by Daggett of Taylor, amendment H—3123A was adopted.

Welsh of Dubuque offered the following amendment H—3149, to amendment H—3123B, filed by him and McKean of Jones from the floor, and moved its adoption:

H—3149

Amend H—3123, filed to House File 414 as follows:

1. Page 1, by inserting after line 9 the following amendment:

" . Page 1, by inserting after line 14 the following section:

"Sec. . Section 442.2, subsection 1, Code 1981, is amended to read as follows:

1. ~~Each~~ For the school year beginning July 1, 1981 and succeeding school years, each school district shall cause to be levied each year, for the school general fund, a foundation property tax of five dollars and ~~forty~~ sixty-two cents per thousand dollars of assessed valuation on all taxable property in the district. For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274." "

2. Page 1, by striking lines 10 through 13 and inserting in lieu thereof the following amendment:

" . Page 1, by striking lines 15 through 29."

Roll call was requested by Welsh of Dubuque and Byerly of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—3149, to amendment H—3123B, be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Brandt
Bruner	Byerly	Carl	Chiodo
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Crawford	Cusack	Dieleman
Doderer	Gettings	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Krewson	Lloyd-Jones	Lonergan	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Running	Shull	Smalley	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Binneboese	Branstad
Carpenter	Clark, B. J.	Clements	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Diemer	Egenes
Gross	Groth	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Mann
Maulsby	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H—3149 lost.

Horn of Linn offered the following amendment H—3131, to amendment H—3123B, filed by Horn, et al., and moved its adoption:

H—3131

Amend H—3123, filed to House File 414 as follows:
1. Page 1, by striking lines 10 through 13 and inserting in lieu thereof the following amendment:
" . Page 1, by striking lines 15 through 29."

Roll call was requested by Horn of Linn and Byerly of Polk.

On the question "Shall amendment H—3131, to amendment H—3123B, be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Welsh	Woods	

The nays were, 57:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, none.

Amendment H—3131 lost.

Rapp of Black Hawk offered the following amendment H—3153, to amendment H—3123B, filed by him from the floor and moved its adoption:

H—3153

Amend H—3123, filed to House File 414 as follows:

1. Page 1, by inserting after line 9 the following amendments:

" . Page 1, by inserting after line 14 the following section:

"Sec. . Section 442.2, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. For the school year beginning July 1, 1981, each school district shall cause to be levied, for the school general fund, a foundation property tax on all taxable property in the district in an amount set by the state comptroller not later than March 15, 1981. The state comptroller shall determine the foundation property tax levy using a state foundation base of ninety percent of the state cost per pupil, allowable growth computed under section 442.7, and state aid paid under section 442.26 of six hundred twenty million dollars. For each succeeding school year, the foundation property tax shall be equal to the foundation property tax set by the state comptroller in this section."

. Page 1, by striking lines 15 through 29 and inserting in lieu thereof the following:

"Sec. . Section 442.3, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

442.3 STATE FOUNDATION BASE. For the school year beginning July 1, 1981 and succeeding school years, the state foundation base is ninety percent of the state cost per pupil." "

2. Page 1, by striking lines 18 through 25 and inserting in lieu thereof the following amendment.

" . By striking page 2, line 23 through page 3, line 4."

3. By numbering and renumbering sections as necessary.

Amendment H—3153 lost.

Daggett of Taylor moved the adoption of amendment H—3123B.

Roll call was requested by Anderson of Jasper and Dieleman of Marion.

On the question "Shall amendment H—3123B be adopted?"

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann	Holt	Horn	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins

Pellett	Petrick	Poffenberger	Pope
Renken	Ritsema	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Mr. Speaker	

The nays were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	De Groot	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Schnekloth	Spear	Sturgeon	Sullivan
Swartz	Walter	Woods	

Absent or not voting, 2:

Pelton	Tofte

Amendment H—3123B was adopted.

Daggett of Taylor offered the following amendment H—3141, to amendments H—3123C and H—3123J, filed by him:

H—3141

Amend H-3123, filed to House File 414, as follows:

1. Page 1, by inserting after line 13 the following amendment:

" . Page 1, by inserting after line 29 the following section:

"Sec. . Section 442.4, subsection 1, unnumbered paragraph 5, Code 1981, is amended to read as follows:

A school district shall certify its basic enrollment to the department of public instruction by September 25 of each year, and the department shall promptly forward the information to the state comptroller. For purposes of determining whether a district is entitled to an advance for increasing enrollment a determination of actual enrollment shall be made on the second Friday of September in the budget year by counting the pupils in the same manner and to the same extent that they are counted in determining basic enrollment, but substituting the count in the budget year for the count in the base year. In addition,

a school district shall determine its additional enrollment because of special education defined in section 442.38, on December 1 of each year and if the district is entitled to an advance or reduction for special education, it shall certify its additional enrollment because of special education to the department of public instruction by December 15 of each year, and the department shall promptly forward the information to the state comptroller." "

2. Page 3, by inserting after line 35 the following amendment:

" . Page 7, by inserting after line 22 the following section:

"Sec. . Chapter 442, Code 1981, is amended by adding the following new section after section 442.38:

NEW SECTION. REDUCTION FOR ENROLLMENT LOSS. For the school year beginning July 1, 1981 and succeeding school years, if a school district's additional enrollment because of special education determined by the district on December 1 in the budget year is less than its additional enrollment because of special education determined by the district on December 1 in the base year, the state aid payments to the school district shall be reduced by an amount equal to its district cost per pupil for the budget year less the amount included in district cost per pupil for special education support services for the budget year multiplied by the district's decrease in additional enrollment because of special education. A district's additional enrollment because of special education

Page 2

shall be computed as provided in section 442.38.

If a district has a reduction under this section for a budget year, the state comptroller shall determine the amount of the reduction which would have been local property tax revenues if the additional enrollment because of special education in the budget year had been used for that budget year in determining district cost and shall increase the district's total state school aids available under this chapter for the next following budget year by the amount so determined, and shall reduce the district's tax levy computed under section 442.9, for the next following budget year by the amount necessary to compensate for the increase in state aid, so that the local property tax for the next following year will be reduced only by the amount which it would have been reduced in the budget year if the additional enrollment

because of special education in the budget year could have been used to establish the levy." "

3. By numbering and renumbering sections and correcting internal references as necessary.

Anderson of Jasper rose on a point of order that amendment H—3141 was not germane.

The Speaker ruled the point not well taken and amendment H—3141 germane.

On motion by Daggett of Taylor, amendment H—3141, to amendments H—3123C and H—3123J, was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—3135 filed by him on February 23, 1981.

Connolly of Dubuque offered the following amendment H—3132, to amendment H—3123C, filed by Connolly, et al.:

H—3132

Amend H—3123, filed to House File 414 as follows:

1. Page 1, by inserting after line 15 the following amendment:

" . Page 2, line 6, by inserting after the word "hundred" the word "one"."

2. Page 1, by inserting after line 17 the following amendment:

" . Page 2, line 20, by inserting after the word "hundred" the word "one"."

Speaker pro tempore Menke of O'Brien in the chair at 3:48 p.m.

Speaker Stromer in the chair at 3:58 p.m.

Connolly of Dubuque moved the adoption of amendment H—3132, to amendment H—3123C.

Roll call was requested by Connolly of Dubuque and Groth of Buena Vista.

Rule 80 was invoked.

On the question "Shall amendment H—3132, to amendment H—3123C, be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	De Groot	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Jay	Jochum
Lloyd-Jones	Lonergan	McKean	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	Menke	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, none.

Amendment H—3132 lost.

Daggett of Taylor moved the adoption of amendment H—3123C, as amended.

A non-record roll call was requested.

The ayes were 93, nays 4.

Amendment H—3123C, as amended, was adopted.

Daggett of Taylor moved the adoption of amendment H—3123D.

Roll call was requested by Avenson of Fayette and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H—3123D be adopted?"

The ayes were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lind
Mann	Maulsby	Menke	Miller
Mullins	Pellett	Pelton	Petrick
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 48:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Dieleman
Diemer	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Krewson	Lageschulte
Lloyd-Jones	Lonergan	McKean	Norland
O'Kane	Oxley	Pavich	Poffenberger
Poncy	Rapp	Renaud	Running
Shull	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

Absent or not voting, none.

Amendment H—3123D was adopted.

Daggett of Taylor offered the following amendment H—3148, to amendment H—3123E, filed by him from the floor:

H—3148

Amend H—3123 filed to House File 414 as follows:
1. Page 1, by inserting after line 19 the following amendments:
" . Page 2, line 24, by striking the word "subsections" and inserting in lieu thereof the word "subsection".

. Page 2, line 28, by inserting after the word "percent" the words ", and for the school year beginning July 1, 1982, the state percent of growth, including the recomputations required under subsection 4, is seven percent"."

2. Page 1, by striking lines 20 through 25 and inserting in lieu thereof the following amendment:

" . By striking page 2, line 29 through page 3, line 4."

Anderson of Jasper rose on a point of order that amendment H—3148 was not germane to amendment H—3123.

The Speaker ruled the point well taken and amendment H—3148 not germane to amendment H—3123.

Pope of Polk moved that the rules be suspended to consider amendment H—3148.

A non-record roll call was requested.

The ayes were 57, nays 43.

The motion prevailed and the rules were suspended to consider amendment H—3148.

Daggett of Taylor moved the adoption of amendment H—3148, to amendment H—3123E.

Roll call was requested by Anderson of Jasper and Groth of Buena Vista.

On the question "Shall amendment H—3148, to amendment H—3123E, be adopted?"

The ayes were, 57:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Miller

Mullins	Pellett	Pelton	Petrick
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poffenberger	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

Absent or not voting, 1:

Clark, B. J.

Amendment H—3148 was adopted.

On motion by Daggett of Taylor, amendment H—3123E, as amended, was adopted.

Groth of Buena Vista offered the following amendment H—3144, to amendment H—3123F, filed by him and moved its adoption:

H—3144

Amend H—3123, filed to House File 414, as follows:
1. Page 2, by striking lines 11 through 14 and inserting in lieu thereof the following: "percent of growth for the budget year."

Roll call was requested by Groth of Buena Vista and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—3144, to amendment H—3123F, be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 58:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Miller
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 1:

Clark, B. J.

Amendment H—3144 lost.

Daggett of Taylor moved the adoption of amendment H—3123F.

Amendment H—3123F was adopted.

Daggett of Taylor offered the following amendment H—3155, to amendments H—3123G, H—3123H and H—3123I, filed by him from the floor and moved its adoption:

H–3155

Amend H–3123, filed to House File 414, as follows:

1. Page 2, by inserting after line 14 the following amendments:

" . Page 4, line 20, by striking the figure "1980" and inserting in lieu thereof the figure "1981".

. Page 4, by striking lines 26 through 33 and inserting in lieu thereof the following:

"~~Each year subsequent to~~ For the school year beginning July 1, ~~1980~~ 1981, the total amount to be funded for media services, including the costs for media resource material which shall only be used for the purchase or replacement of material required in section 273.6, subsection 1, paragraphs "a", "b", and "c", shall be equal to the budget in the base year in the area times the sum of one hundred percent plus the state percent of growth." "

2. Page 2, line 18, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

3. Page 2, line 22, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

4. Page 2, line 33, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

5. Page 2, by inserting after line 44 the following amendment:

" . Page 5, line 19, by inserting after the word "growth." the following: "For the school year beginning July 1, 1981, the total amount funded in each area for educational services is the total amount funded in the area for educational services in the base year." "

6. Page 2, line 48, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

7. Page 3, line 2, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

8. Page 3, line 10, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

9. Page 3, by striking lines 21 and 22 and inserting in lieu thereof the words "Funds shall be".

10. Page 3, by inserting after line 24 the following amendment:

" . Page 5, line 33, by striking the figure "1981" and inserting in lieu thereof the figure "1982"."

11. Page 3, line 29, by striking the figure "1981" and inserting in lieu thereof the figure "1982".

12. Page 3, by inserting after line 33 the following amendment:

" . Page 6, line 18, by striking the figure "1981" and inserting in lieu thereof the figure "1982"."

A non-record roll call was requested.

The ayes were 53, nays 44.

Amendment H—3155 was adopted.

Pope of Polk moved the previous question on amendments, amendments to amendments, and motions thereto on House File 414.

Connors of Polk rose on a point of order and invoked House Rule 2.

Pope of Polk asked for unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Objection was raised.

Pope of Polk moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

Byerly of Polk rose on a point of order that the motion to suspend House Rule 2 was not in order with the previous question motion before the House.

The Speaker ruled the point well taken and the motion to suspend House Rule 2 not in order.

Pope of Polk asked and received unanimous consent to withdraw the previous question motion.

Pope of Polk asked for unanimous consent to suspend House Rule 2.

Objection was raised.

Pope of Polk moved to suspend House Rule 2.

Pope of Polk moved that the House adjourn until 9:00 a.m., Wednesday, February 25, 1981, which motion prevailed.

(House File 414 pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, February 24, 1981. Had I been present, I would have voted "aye" on House File 47.

DIELEMAN of Marion

SPONSORS WITHDRAWN
(Amendment H—3072 to House File 303)

Binneboese of Plymouth requested to be withdrawn as a sponsor of amendment H—3072 to House File 303.

(Amendment H—3072 to House File 303)

Petrick of Linn requested to be withdrawn as a sponsor of amendment H—3072 to House File 303.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of February, 1981:

House Files 233 and 236.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 83), to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COMMERCE

House File 372, a bill for an act relating to the amount of the surety bond required of mobile home dealers.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 171), relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 192), authorizing foreign casualty insurance corporations to reincorporate as Iowa corporations.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

House File 210, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 133), relating to the duties of the board of review.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 199), providing for the establishment, operation and funding of forestry nurseries on property under the control of the department of social services' institutions, effective upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3150	H.F. 414	Horn of Linn
H–3151	H.F. 414	Horn of Linn
H–3152	H.F. 414	Brandt of Black Hawk
H–3154	H.F. 8	Poffenberger of Dallas Shimanek of Jones Rapp of Black Hawk
H–3156	S.F. 130	Clements of Scott
H–3157	H.F. 304	Pelton of Clinton Johnson of Woodbury Johnson of Linn Howell of Floyd Anderson of Audubon Tyrrell of Iowa
H–3158	H.F. 472	Swearingen of Keokuk
H–3159	H.F. 210	Howell of Floyd Dieleman of Marion
H–3160	H.F. 36	Arnould of Scott

On previous motion by Pope of Polk, the House adjourned at 6:07 p.m., until 9:00 a.m., Wednesday, February 25, 1981.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 25, 1981

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

Prayer was offered by the Reverend Homer Larsen, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Tuesday, February 24, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Bob Beer, Resident, Iowa Lutheran Hospital, Des Moines.

INTRODUCTION OF BILLS

House Joint Resolution 15, by Schnekloth, Pope, Danker, Bennett, Van Maanen, Mann, Clements, Renken, Welden, Shull, Tyrrell, Maulsby, Johnson of Linn, Johnson of Howard and Swearingen, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, and related activities of the state and local governments.

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

House File 511, by Trucano, a bill for an act limiting the amount of property taxes that can be raised annually to one percent of the actual value of the real property.

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

House File 512, by Clark of Cerro Gordo, a bill for an act relating to the qualifications for a county sheriff.

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

House File 513, by Spear, a bill for an act abolishing local registrars of vital statistics, to be effective January 1, 1982.

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

House File 514, by Clements, a bill for an act relating to penalties for the killing of another person.

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

House File 515, by Clements, a bill for an act relating to the sentences of habitual offenders.

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

House File 516, by Clements, a bill for an act relating to the homestead credit by allowing a person to file a claim for the homestead credit only once and providing that the credit will be granted without filing a claim for as long as the person owns the same homestead.

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

House File 517, by Poncy, a bill for an act relating to determining whether a guilty plea is made voluntarily, intelligently, and has a factual basis.

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

House File 518, by Clements, a bill for an act relating to the authority of schools to require students to provide specified personal information.

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

House File 519, by Clements, a bill for an act providing that persons charged with felonies are liable for restitution upon entry of a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, and applying to criminal actions commenced on or after January 1 following enactment.

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

House File 520, by Rapp, a bill for an act establishing a licensee-financed and gubernatorially-appointed state commission to regulate the practice of law, and delaying certain powers of the commission until July 1 of the year following the year of enactment of this Act.

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

House File 521, by Horn, a bill for an act increasing the speed limit on the interstate highway system following the enactment of the federal enabling legislation.

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

House File 522, by Harbor, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

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

House File 523, by Kirkenslager, a bill for an act allowing games of skill, games of chance and raffles to be conducted by certain businesses under certain circumstances, and providing a penalty.

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

House File 524, by Krewson, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance.

Read first time and referred to committee on **human resources.**

House File 525, by Van Maanen, a bill for an act to require that a public body hold a public hearing prior to acquiring a railroad right-of-way that is contiguous to agricultural land.

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

House File 526, by Jochum, a bill for an act relating to the use of polygraph examinations as a condition of employment.

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

House File 527, by Daggett, a bill for an act relating to nonprofit marketing associations regulated under chapter 500.

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

House File 528, by Branstad, a bill for an act prohibiting a person from preventing a person from engaging in a lawful vocation and providing a penalty.

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

House File 529, by Van Maanen, a bill for an act providing for state assumption of the costs incurred in connection with the operation of the offices of district court administrators.

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

House File 530, by Schroeder, a bill for an act to provide that the officers, agents, inspectors, and investigators of the board of medical examiners have the powers of peace officers when enforcing the chapter on continuing education and licensee discipline.

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

House File 531, by Rapp, a bill for an act relating to the transfer of temporary or permanent custody of a child to the department of social services in a dissolution of marriage or child custody case.

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

House File 532, by Lloyd-Jones, a bill for an act increasing the acreage permitted for property tax exemptions by certain institutions and societies whose purposes include the preservation of historic and scenic lands in the state if the lands are of that type.

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

House File 533, by Trucano, a bill for an act to provide that a mechanic's lien is not enforceable unless prior to the furnishing of labor or materials the owner is given written notice of the lien law.

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

House File 534, by Jochum, a bill for an act to extend the hours for the sale and dispensing of alcoholic liquor and beer.

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

House File 535, by Ritsema, a bill for an act imposing a ten-year moratorium on the construction of new roads.

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

House File 536, by Brandt, a bill for an act to revise the statutes relating to public access to governmental meetings and records.

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

House File 537, by Cochran, a bill for an act to allow members of the Sixty-seventh General Assembly to make contributions to the Iowa public employees' retirement system for previous service as members of the general assembly.

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

House File 538, by Rapp, Bruner, O'Kane, Halvorson of Webster, Jay, Cochran, Avenson, Hall, Lloyd-Jones, Sturgeon, Howell, Oxley, Swartz, Running, Woods, Renaud, Carl, Anderson of Jasper, Connors, Binneboese, Gettings, Chiodo, Spear, Doderer, Norland, Sullivan, Pavich, Lonergan, Welsh, Poncy, Connolly, Jochum, Arnould, Groth, Davitt, and Dieleman, a bill for an act imposing a state surtax on a corporation's federal windfall oil profits tax liability, providing for the establishment of and the crediting of tax receipts to the Iowa transportation and energy fund and providing penalties.

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

House File 539, by Anderson of Audubon, a bill for an act to exempt the state and its political subdivisions from the tax on motor fuel.

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

House File 540, by Daggett, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

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

House File 541, by Ritsema, a bill for an act relating to the rules of evidence.

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

House File 542, by Tofte, a bill for an act permitting counties to establish regional jail facilities and issue bonds for that purpose.

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

House File 543, by Clements, a bill for an act requiring written consent before a student can receive certain instruction or materials.

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

House File 544, by Mann, Tyrrell, Smalley, Johnson of Howard and Clements, a bill for an act relating to the elimination of the early termination of pregnancy clinic at the state university of Iowa and to other institutions governed by the state board of regents.

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

ADOPTION OF HOUSE RESOLUTION 8

Smalley of Polk called up for consideration House Resolution 8, urging the U.S. Army Corps of Engineers to mitigate fish and wildlife losses resulting from the Missouri River Bank Stabilization and Navigation Project, filed on February 19, 1981 and found on pages 449 and 450 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Lloyd-Jones of Johnson offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 7

Whereas, The Honorable Ray Yenter of Johnson County, who was a member of the Thirty-ninth, Fortieth, and Forty-first general assemblies, passed away on October 24, 1979, *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Lloyd-Jones of Johnson, Doderer of Johnson and Stueland of Clinton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 262, a bill for an act to revise the regulation of land disturbing activities.

LINDA HOWARTH MACKAY, Secretary

SPONSOR ADDED
(Amendment H—3147 to House File 414)

Running of Linn requested to be added as a sponsor of amendment H—3147 to House File 414.

On motion by Pope of Polk, the House was recessed at 9:18 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House Joint Resolution 16, by Poffenberger, a joint resolution proposing an amendment to the Constitution of the State of Iowa to give the people the powers of initiative and referendum.

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

House File 545, by Carpenter and Anderson of Jasper, a bill for an act relating to the cost of a construction contract above which a school district must submit its construction plans to the building consultant of the department of public instruction.

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

House File 546, by Krewson, Shimanek and Cusack, a bill for an act providing for a renter's credit to an individual for the renting of the individual's principal residence, with a January 1 effective date.

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

House File 547, by Schroeder and Chiodo, a bill for an act relating to permissible loans and real property purchases by a life insurance company.

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

House File 548, by Cusack, a bill for an act transferring programs of the Iowa department of substance abuse to the state department of health and providing that reorganization proposals to reflect the transfer be submitted to the general assembly by February 1, 1982.

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

House File 549, by Walter, a bill for an act prohibiting the trapping of fur-bearing animals except with box traps or rodent traps and providing a penalty.

Read first time and referred to committee on **natural resources.**

House File 550, by Welsh, a bill for an act providing for the issuance of one frontally displayed license plate for specialized mobile equipment, dump trucks, cement trucks, and tar trucks and providing a December 1 effective date.

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

House File 551, by Carpenter and Johnson of Woodbury, a bill for an act relating to services provided by area education agencies.

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

House File 552, by Krewson, Clements, Diemer, Connors, Swearingen, Horn, Tofte and Kirkenslager, a bill for an act relating to the certified eligible list for promotion for city civil service.

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

House File 553, by Swartz, a bill for an act relating to the duration of probation for juvenile delinquents.

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

House File 554, by Walter, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law.

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

House File 555, by Renken, a bill for an act relating to the requirements for a petition nominating a candidate for presidential elector.

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

House File 556, by Mann, a bill for an act requiring a one-week waiting period before unemployment compensation benefits are payable.

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

House File 557, by Clements, a bill for an act to abolish plea bargaining.

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

House File 558, by Clements, a bill for an act relating to the penalties for sexual abuse.

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

House File 559, by committee on commerce, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

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

House File 560, by Van Maanen, a bill for an act permitting an employee receiving workers' compensation benefits to supplement the benefit amount with payment for accrued leave time.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed 89 members present, 11 absent.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 414,** a bill for an act relating to funds available to school districts, including authorizing the levy of a tax for cash reserve and including the computation of state school foundation aid, and providing that the Act takes effect upon its publication, and amendment H–3123G, as amended.

On motion by Daggett of Taylor, amendment H–3123G, as amended, was adopted.

Horn of Linn offered the following amendment H–3151, to amendment H–3123H, filed by him and moved its adoption:

H–3151

Amend H–3123, filed to House File 414, as follows:
1. Page 3, by striking lines 21 and 22 and inserting in lieu thereof the following: "Funds shall be".

Roll call was requested by Horn of Linn and Woods of Polk.

On the question "Shall amendment H–3151, to amendment H–3123H, be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Kirkenslager	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel

Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 2:

Clark, B. J. Rapp

Amendment H—3151 lost.

On motion by Daggett of Taylor, amendment H—3123H, as amended, was adopted.

On motion by Daggett of Taylor, amendment H—3123I, as amended, was adopted.

Horn of Linn offered the following amendment H—3150, to amendment H—3123J, filed by him and moved its adoption:

H—3150

Amend H—3123, filed to House File 414, as follows:

1. Page 3, line 47, by inserting after the figure "1981." the words "However, if the amount of state aid and property tax revenues available to a school district for the school year beginning July 1, 1981 will cause the closing of a school building or the reorganization of the school district, as determined by the state board of public instruction, the board of directors of the school district may vote to impose the supplemental school income surtax provided in this section without calling a special election."

Amendment H—3150 lost.

The House resumed consideration of amendment H—3123J, as amended.

Anderson of Jasper rose on a point of order that amendment H—3123J, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H—3123J, as amended, germane.

Horn of Linn moved to table amendment H—3123J.

A non-record roll call was requested.

The ayes were 41, nays 58.

The motion lost.

Daggett of Taylor moved the adoption of amendment H—3123J, as amended.

A non-record roll call was requested.

The ayes were 60, nays 39.

Amendment H—3123J, as amended, was adopted.

On motion by Daggett of Taylor, amendment H—3123K was adopted.

On motion by Daggett of Taylor, amendment H—3123L was adopted.

Connolly of Dubuque offered the following amendment H—3146 filed by Connolly, et al.:

H—3146

Amend House File 414 as follows:

1. Page 1, by inserting after line 14 the following section:

"Sec. . Section 442.2, subsection 1, Code 1981, is amended to read as follows:

1. ~~Each~~ For the school year beginning July 1, 1982 and each school year thereafter, each school district shall cause to be levied each year, for the school general fund, a foundation property tax of five dollars and ~~forty~~ thirteen cents per thousand dollars of assessed valuation on all taxable property in the district. For the purpose of this chapter, a school district is defined as a school corporation organized under chapter 274."

2. Page 2, by inserting after line 22 the following sections:

"Sec. . Section 442.5, subsection 1, paragraph

a, Code 1981, is amended to read as follows:

a. "Miscellaneous income" means all receipts deposited to the general fund of a school district which are not obtained from state aid provided under section 442.1 or from property tax authorized under section 442.2 or 442.9. Miscellaneous income includes property tax levied under ~~the provisions of~~ section 613A.7, to fund the costs of tort liability insurance for the school district, the foundation transportation property tax, state transportation aid, and the additional transportation property tax.

Sec. . Section 442.6, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. State transportation cost per pupil for the school year beginning July 1, 1981 is an amount equal to the sum of all school transportation costs for the school year beginning July 1, 1980 approved by the department of public instruction under chapter 285 times one hundred percent plus the state percent of growth for the school year beginning July 1, 1981 divided by the weighted enrollment for the state for the school year beginning July 1, 1981. For each budget year thereafter, state transportation cost per pupil in the budget year means the state transportation cost per pupil in the base year plus the transportation allowable growth for the budget year. The transportation allowable growth for the budget year is determined by multiplying the state transportation cost per pupil for the base year times the state percent of growth for the budget year.

NEW SUBSECTION. District transportation cost per pupil for the school year beginning July 1, 1981 is an amount equal to the school district transportation

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cost for the school year beginning July 1, 1980 approved by the department of public instruction under chapter 285 times one hundred percent plus the state percent of growth for the school year beginning July 1, 1981 divided by the district's weighted enrollment for the school year beginning July 1, 1981. For each budget year thereafter, the district transportation cost per pupil in the budget year means the district transportation cost per pupil for the base year plus the transportation allowable growth for the budget year.

NEW SUBSECTION. Transportation costs approved by the department of public instruction in chapter 285 for the school year beginning July 1, 1980 do not include costs incurred in transporting pupils

from home to a bus route, or in transporting pupils not entitled to free transportation but who are transported at the expense of the resident district or the parents; and do not include supplemental aid and additional allowable growth granted in the base year but not added to the district cost of school districts under section 442.13. The secretary of each district shall, on or before September 1, 1981, report to the department of public instruction on blanks furnished by the department, the information the department requires for determining the transportation costs approved by the department of public instruction for the school year beginning July 1, 1980.

NEW SUBSECTION. The state foundation transportation base is determined by multiplying the state transportation cost per pupil in weighted enrollment times the percent of the state cost per pupil which determines the state foundation base for the budget year as provided in section 442.3."

3. Page 3, by inserting after line 32 the following sections:

"Sec. . Section 442.8, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, for the budget year beginning July 1, 1982, the state cost per pupil as otherwise computed under this section shall be reduced by the state transportation cost per pupil for the school year beginning July 1, 1982.

Sec. . Section 442.9, subsection 1, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. However, for the budget year beginning July 1, 1982, the district cost per pupil for each school district as computed under this subsection shall be reduced by the district

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transportation cost per pupil for the school year beginning July 1, 1982.

Sec. . Section 442.13, subsection 5, paragraph c, Code 1981, is amended to read as follows:

c. Unusual transportation problems and for which the per pupil transportation costs are substantially higher than the state average per pupil transportation costs due to sparsity of the population, topographical factors, and other obstacles which hinder the efficient transportation of pupils. If modified allowable growth is granted under this paragraph, the modified allowable growth shall only be used in determining district transportation cost for the budget year."

4. Page 7, by inserting after line 22 the following sections:

"Sec. . Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. FOUNDATION PROPERTY TAX—SCHOOL TRANSPORTATION AID.

1. For the school year beginning July 1, 1982 and succeeding school years, each school district shall cause to be levied a foundation transportation property tax of twenty-seven cents per thousand dollars of assessed valuation on all taxable property in the district. For purposes of this section, section 442.2, subsections 2 and 3, apply to the foundation transportation property tax as well as the foundation property tax. However, if the amount collected under the foundation property tax will exceed an amount equal to the district transportation cost for the budget year, the levy shall be reduced to the amount required to equal the district transportation cost for the budget year.

2. For the school year beginning July 1, 1982 and succeeding school years, a school transportation aid fund is established. There is appropriated from the general fund of the state to the school transportation aid fund for each budget year an amount sufficient to pay state transportation aid to school districts.

3. The state comptroller shall allocate from the school transportation aid fund for each budget year to each school district in the state an amount obtained by multiplying the state transportation foundation base in the budget year times the weighted enrollment in the district for the budget year and subtracting from it the amount raised by the foundation transportation property tax in the district.

Sec. . Chapter 442, Code 1981, is amended by adding the following new section:

Page 4

NEW SECTION. ADDITIONAL TRANSPORTATION PROPERTY TAX LEVY. The state comptroller shall determine the additional transportation property tax levy for each school district in the manner provided in this section.

1. The amount to be raised by the additional transportation property tax levy in a school district is equal to the difference between the product of the district transportation cost per pupil in the budget year times the weighted enrollment in the district for the budget year less the product of the

state foundation transportation base for the budget year and the weighted enrollment in the district for the budget year.

2. No later than May 1 of each year, the state comptroller shall notify the county auditor of each county the amount, in dollars and cents per thousand dollars of assessed valuation, of the additional transportation property tax levy in each school district in the county. Each county auditor shall spread the additional transportation property tax levy for each school district over all taxable property in the district.

Sec. . Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. PAYMENT OF TRANSPORTATION AID.

1. The state comptroller shall draw warrants for school transportation aid and deliver them to the districts in the manner provided in section 442.26 for state school foundation aid.

2. Funds obtained by school districts from the foundation transportation levy, foundation transportation aid, and the additional transportation property tax levy shall be placed in a special transportation account in the general fund of the school district and used only for school transportation purposes."

5. Amend the title, line 3, by inserting after the word "reserve" the words ", providing for the levy of a foundation transportation property tax,".

6. By numbering and renumbering sections and correcting internal references as necessary.

Connolly of Dubuque offered the following amendment H—3161, to amendment H—3146, filed by him from the floor and moved its adoption:

H—3161

Amend H—3146, filed to House File 414 as follows:

1. Page 1, by inserting after line 47 the following:

"For the school year beginning July 1, 1982 and each school year thereafter, on or before February 15 of the base year, the department of public instruction shall determine if transportation costs in this state have increased at a percent greater than the state percent of growth based upon transportation reports filed by school districts for the year preceding the base year and other information relating to transportation costs that the department deems appropriate. If the increase

in state transportation costs has been greater than the state percent of growth, the department of public instruction shall inform the state comptroller of the percent of increase and the state comptroller shall use the percent of increase of state transportation costs instead of the state percent of growth when computing the transportation allowable growth for a budget year."

Amendment H—3161 was adopted.

Connolly of Dubuque moved the adoption of amendment H—3146, as amended.

Roll call was requested by Connolly of Dubuque and O'Kane of Woodbury.

On the question "Shall amendment H—3146, as amended, be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Bruner	Byerly	Carl	Chiodo
Cochran	Connolly	Cusack	Davitt
Dieleman	Doderer	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hanson, D.
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 59:

Anderson, J.	Bennett	Brandt	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R. A.
Hansen, I.	Harbor	Hoffmann	Holt
Horn	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Krewson

Amendment H—3146, as amended, lost.

Groth of Buena Vista offered the following amendment H—3134 filed by Groth, et al.:

H—3134

Amend House File 414 as follows:

1. Page 2, by inserting after line 22 the following section:

"Sec. . Section 442.4, Code 1981, is amended by adding the following new subsection after subsection 4:

NEW SUBSECTION. Notwithstanding subsections 1, 2, and 3 of this section, for the school year beginning July 1, 1981 and succeeding school years, if a school district would have budget enrollment of four hundred or less for a budget year, the school district shall use its budget enrollment for the base year for calculations required under this chapter and shall continue using the same budget enrollment for succeeding school years until its budget enrollment for a budget year exceeds four hundred."

2. By numbering and renumbering sections and correcting internal references as necessary.

Speaker pro tempore Menke of O'Brien in the chair at 4:39 p.m.

Groth of Buena Vista moved the adoption of amendment H—3134.

Roll call was requested by Groth of Buena Vista and Woods of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—3134 be adopted?"

The ayes were, 34:

Arnould	Avenson	Binneboese	Brandt
Carl	Cochran	Connolly	Davitt
Dieleman	Doderer	Gettings	Groth

Halvorson, R. N.	Horn	Howell	Jay
Jochum	Johnson, J.	Kirkenslager	Lonergan
Miller	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Running
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 64:

Anderson, J.	Anderson, R.	Bennett	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Hummel	Johnson, R.
Johnson, W.	Lageschulte	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renaud	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stromer
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker (Menke)

Absent or not voting, 2:

Harbor	Krewson

Amendment H—3134 lost.

Byerly of Polk offered the following amendment H—3136 filed by Byerly, et al., and moved its adoption:

H—3136

Amend House File 414 as follows:

1. Page 2, by inserting after line 22 the following section:

"Sec. . Section 442.4, subsection 5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

For the school year beginning July 1, ~~1980~~ 1981, and each subsequent school year, weighted enrollment is the budget enrollment as modified by application of the special education weighting plan in section 281.9 ~~and~~, the supplementary weighting plan in ~~this chapter~~ section 442.39, and the weighting plan for dropouts who re-enroll."

2. Page 7, by inserting after line 22, the following section:

"Sec. . Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. WEIGHTING FOR FORMER DROPOUTS. In order to provide additional funds for school districts to provide an alternative educational program for students who have previously dropped out of school and subsequently re-enrolled, students who were enrolled on the second Friday of September of a base year and who withdrew their enrollment before the completion of the base year for reasons other than death or transfer to another public or nonpublic school and subsequently re-enroll in the school district are assigned a weighting of one and seven-tenths. The additional funds generated under this section shall only be used to provide alternative educational programs for dropouts who re-enroll. A student eligible for the weighting plan in section 281.9 is not eligible for the weighting plan in this section."

3. By numbering and renumbering sections and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 41, nays 56.

Amendment H—3136 lost.

The House resumed consideration of amendment H—3133B, found on page 495 of the House Journal.

Speaker Stromer in the chair at 5:00 p.m.

Avenson of Fayette moved the adoption of amendment H—3133B.

Roll call was requested by Avenson of Fayette and Norland of Worth.

On the question "Shall amendment H—3133B be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl

Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sullivan	Swartz	Walter	Welsh

The nays were, 59:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Sturgeon
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Woods

Amendment H—3133B lost.

Byerly of Polk offered the following amendment H—3137 filed by him and moved its adoption:

H—3137

Amend House File 414 as follows:

1. Page 4, by inserting after line 15, the following section:

"Sec. . Section 442.26, unnumbered paragraphs 1 and 2, Code 1981, are amended to read as follows:

There is hereby appropriated each year from the general fund of the state an amount necessary to pay the state school foundation aid and the state dropout incentive aid.

All state aids paid under this chapter unless otherwise stated, shall be paid in installments due on or about September 15, December 15, March 15, and

May 15 of each year, and the installments shall be as nearly equal as possible as determined by the state comptroller, taking into consideration the relative budget and cash position of the state resources. However, the state aids paid to school districts under section 442.28 shall be paid in installments due on or about December 15, March 15, and May 15 of each year and the state aids paid to school districts under section 442.38, shall be paid in installments due on or about March 15 and May 15 of each year. State dropout incentive aid shall be paid on or about December 15 of each year."

2. Page 7, by inserting after line 22, the following section:

"Sec. . Chapter 442, Code 1981, is amended by adding the following new section:

NEW SECTION. DROPOUT INCENTIVE. Commencing with the school year beginning July 1, 1982, and all subsequent school years, an eligible school district shall receive state dropout incentive aid as provided in this section. A school district shall be eligible for state dropout incentive aid for a budget year if the district's dropout rate for the base year is lower than the district's base dropout rate. A district's dropout rate for the base year is the number of students in the school district who were enrolled on the second Friday of September during the base year and who withdrew their enrollment before the completion of the base school year or before graduation, provided the withdrawal was for reasons other than death or transfer to any other public or nonpublic school and provided the student did not, subsequent to withdrawal, re-enroll in the school district, divided by the basic enrollment for the budget year. A district's base dropout rate is the number of students in the school district who were enrolled on either the second Friday of September in the school year prior to the base year or the

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school year two years prior to the base year and who withdrew their enrollment before the completion of the school year prior to the base year, provided the withdrawal was for reasons other than death or transfer to any other public or nonpublic school and provided the student did not, subsequent to withdrawal, re-enroll in the school district, divided by the sum of the basic enrollment for the base year and the basic enrollment for the year prior to the base year. The district's state dropout incentive aid is two times

the state cost per pupil in the budget year times the district's actual enrollment in the budget year times the amount of the district's dropout rate for the base year exceeds the district's base dropout rate. However, in order for a district to qualify for state dropout incentive aid, the district's actual enrollment in the budget year times the amount of the district's dropout rate for the base year exceeds the district's base dropout rate must be at least one. The state dropout incentive aid shall be paid from funds appropriated and in accordance with section 442.26. State dropout incentive aid is miscellaneous income."

3. Amend the title page, line 4, by inserting after the word "aid" the words "and state dropout incentive aid".

4. By numbering and renumbering sections and correcting internal references as necessary.

Amendment H—3137 lost.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—3119 filed by her on February 19, 1981.

Norland of Worth offered the following amendment H—3140 filed by Norland, et al., and moved its adoption:

H—3140

Amend House File 414, as follows:

1. Page 7, by inserting after line 22 the following section:

"Sec. . Notwithstanding section 24.14, and notwithstanding the March 15 certification date in section 1 of this Act, for the school year beginning July 1, 1981, the board of directors of a school district may direct the state comptroller not later than April 15, 1981 to provide for the tax levy for the cash reserve in section 1 of this Act."

Amendment H—3140 was adopted.

Brandt of Black Hawk offered the following amendment H—3143 filed by her and moved its adoption:

H—3143

Amend House File 414 as follows:

1. Page 7, by inserting after line 22 the following section:

"Sec. . The board of directors of a school district shall review administrative costs of the school district for the school year beginning July 1, 1981. If teaching staff must be reduced, the board shall determine the percent of full-time equivalent teaching positions eliminated and shall eliminate the same percent of full-time equivalent administrative positions."

2. By numbering and renumbering sections and correcting internal references as necessary.

Roll call was requested by Brandt of Black Hawk and Connors of Polk.

On the question "Shall amendment H–3143 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Byerly	Carl	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Diemer	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Howell
Jay	Jochum	Krewson	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Rapp	Running	Sturgeon	Sullivan
Swartz	Tofte	Trucano	Walter
Welsh	Woods		

The nays were, 53:

Anderson, J.	Bennett	Branstad	Bruner
Carpenter	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Doderer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Swearingen	Tyrrell	Van Maanen
Mr. Speaker			

Absent or not voting, 1:

Welden

Amendment H—3143 lost.

Brandt of Black Hawk offered the following amendment H—3145 filed by her:

H—3145

Amend House File 414 as follows:

1. Page 7, by inserting after line 22 the following section:

"Sec. . If the receipts of state general fund revenues are higher than one billion seven hundred fifty-one million two hundred fifty-five thousand dollars on June 30, 1981, the state comptroller shall determine by what percent the state general fund revenues exceeded that amount. If the receipts are more than one percent above the projection, the first percent and any fraction of a percent of the additional revenue shall be deposited in the general fund of the state. Fifty percent of any excess revenue shall be paid during the school year beginning July 1, 1981 to the school districts of the state in payments as provided in section 442.26 in the proportion that the state aid the district receives under section 442.26 bears to the total state school foundation aid. The payments are miscellaneous income. Boards of school districts shall automatically reopen those portions of negotiable agreements covering salary and fringe benefits and shall modify contracts of employees of the district to provide higher salaries based upon the additional state aid received for the school year beginning July 1, 1981.

If the receipts of state general fund revenues are higher than one billion eight hundred seventy-two million seven hundred thousand dollars on June 30, 1981, the state comptroller shall determine by what percent the state general fund revenues exceeded that amount. If the receipts are more than two percent above the projection, the first two percent and any fraction of a percent of the additional revenue shall be deposited in the general fund of the state. Fifty percent of any excess revenue shall be paid during the school year beginning July 1, 1982 to the school districts of the state in the manner provided in this section for excess revenues for the school year beginning July 1, 1981."

Brandt of Black Hawk offered the following amendment H–3152, to amendment H–3145, filed by her and moved its adoption:

H–3152

Amend Amendment H–3145, to House File 414, as follows:

1. On Page 1, by striking lines 19 through 25, and inserting in lieu thereof "aid. The payments are miscellaneous income."

Amendment H–3152 was adopted.

Brandt of Black Hawk moved the adoption of amendment H–3145, as amended.

Roll call was requested by Brandt of Black Hawk and Carl of Poweshiek.

On the question "Shall amendment H–3145, as amended, be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 58:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lind	Mann	Maulsby
McKean	Menke	Miller	Mullins

Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stueland	Sturgeon	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H—3145, as amended, lost.

O'Kane of Woodbury offered the following amendment H—3147 filed by O'Kane, et al. :

H—3147

Amend House File 414 as follows:

1. Page 7, by inserting after line 22 the following sections:

"Sec. . NEW SECTION. AUTHORIZATION—ELECTION—IMPOSITION AND REPEAL.

1. A city or a county may impose by ordinance of the city council or resolution of the board of supervisors local taxes, subject to this section.

2. A local tax shall be imposed only after an election at which a majority of those voting on the question favors imposition and shall then be imposed for a minimum period of one year. If the tax is imposed by a city, it shall only apply within the corporate boundaries of that city and if imposed by a county, it shall only apply to unincorporated areas of that county, except that a local sales and services tax imposed by a county shall apply to all incorporated and unincorporated areas of the county.

3. A city council may direct the county commissioner of elections to submit the question of imposition of an authorized local tax, except a local sales and services tax, to the qualified electors of the city on its own motion and shall so direct within sixty days, subject to subsection 8, of receipt of a petition signed by eligible electors of the city equal in number to five percent of the persons who voted in the last preceding regular city election requesting imposition of a specified type of authorized local tax, except a local sales and services tax.

4. A county board of supervisors may direct the county commissioner of elections to submit the question of imposition of an authorized local tax, except a local sales and services tax, to the qualified electors of the unincorporated area of the county on its own

motion and shall so direct within sixty days, subject to subsection 8, of receipt of a petition signed by eligible electors of the unincorporated area of the county equal in number to five percent of the persons in the unincorporated area who voted at the last preceding county general election requesting imposition of a specified type of authorized local tax except a local sales and services tax.

5. A county board of supervisors, subject to subsection 8, shall direct within sixty days the county commissioner of elections to submit the question of imposition of a local sales and services tax to the qualified electors of the incorporated and unincorporated areas of the county upon receipt of a petition signed by eligible electors of the whole county equal in number to five percent of the persons

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in the whole county who voted at the last preceding county general election or signed by a majority of the governing bodies of the county and cities located within the county.

6. The county commissioner of elections shall submit the question of imposition of a local tax at a special election, a county general election or a regular city election, as appropriate, which may not be held sooner than sixty days after publication of notice of the ballot proposition. The ballot proposition shall specify the type and rate of tax and the percent of the receipts which are to go for property tax relief by means of additional homestead credit. The percent of the tax receipts to go for additional homestead credit shall be set by the governing body of the city or county imposing the tax and shall be at least twenty-five percent.

7. If a majority of those voting in a city or county election favors imposition of a local tax, the council of that city or board of supervisors of the county, as applicable, shall impose the tax at the rate specified.

8. If a majority of those voting in a city election does not favor imposition of a local tax, the city council shall not direct submission of the question of imposition of the same type of local tax within one year of the date of the election and if a majority of those voting in a county election does not favor the imposition of a local tax, the board of supervisors shall not submit the question of imposition of the same type of local tax within one year of the date of the election.

9. More than one of the authorized local taxes may be submitted at a single election and the votes on the different taxes shall be separately implemented as provided in this section if a majority of those voting favors one and not another.

10. Local taxes authorized to be imposed are a sales and services tax, a vehicle tax and an income surtax. The rate of the taxes shall be one percent for the sales and service tax, twenty-three percent for the income surtax and the vehicle tax shall be expressed as a dollar per axle in increments of one dollar as specified on the ballot proposition.

11. Once imposed, a local tax shall be repealed only after an election at which a majority of those voting on the question favors repeal of the tax. The procedures for the calling and holding of an election to impose the local tax shall be followed for the calling and holding of an election to repeal

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the local tax.

Sec. . NEW SECTION. LOCAL SALES AND SERVICES TAX. A local sales and services tax at the rate of one percent may be imposed by a county on the gross receipts taxed by the state under chapter 422, division IV. A local sales and services tax shall be imposed on the same basis as the state sales and services tax and may not be imposed on the sale of any property or on any service not taxed by the state. A local sales and services tax is applicable to transactions within the incorporated and unincorporated area of the county where it is imposed and shall be collected by all persons required to collect state gross receipts taxes.

The amount of the sale, for purposes of determining the amount of the local sales and services tax, does not include the amount of any state gross receipts taxes.

A tax permit other than the state tax permit required under section 422.53 shall not be required by local authorities.

Sec. . NEW SECTION. ADMINISTRATION. A local sales and services tax shall be imposed either January 1, April 1, July 1 or October 1 following the notification of the director of revenue.

A local sales and services tax shall be repealed only on March 31, June 30, September 30, or December 31. At least fifty-five days before the imposition or repeal of the tax, a county shall provide notice of the action by certified mail to the director of revenue.

The director of revenue shall administer a local sales and services tax as nearly as possible in conjunction with the administration of state gross receipts tax laws. The director shall provide appropriate forms or provide on the regular state tax forms for reporting local sales and services tax liability.

The resolution of a county board of supervisors imposing a local sales and services tax may adopt by reference the applicable provisions of the appropriate sections of chapter 422, division IV, and all powers of the director to administer the state gross receipts tax law are applicable to the administration of a local sales and services tax law. Local officials shall confer with the director of revenue for assistance in drafting the resolution imposing a local sales and services tax. A certified copy of the resolution imposing a local sales and services tax shall be filed with the director as soon

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as possible after passage.

The director, in consultation with local officials, shall collect and account for a local sales and services tax. The director shall credit local sales and services tax receipts to a "local sales and services tax fund" established in the office of the treasurer of state.

All local tax moneys received or refunded one hundred eighty days or more after the date on which the county repeals its local sales and services tax shall be deposited in or withdrawn from the state general fund.

Sec. . NEW SECTION. PAYMENT TO LOCAL GOVERNMENTS.

1. The treasurer of state shall credit the local sales and services tax receipts from a county to the county's account in the local sales and services tax fund and shall remit at least quarterly, pursuant to rules of the director of revenue, to each city in the county a pro rata share of the county account, based upon the percentage of the city's population residing in the county to the total population of the county, and shall remit at least quarterly to the board of supervisors a pro rata share of the county account based upon the percentage of population in the county outside of cities, all according to the population determined by the most recent certified federal census.

2. During the quarter following the quarter at the end of which the local sales and services tax is repealed, the treasurer of state shall withhold a percentage, as determined by the director of revenue, of the local sales and services tax receipts credited to each county account. The percentage shall be used to refund to eligible retailers or taxpayers any local sales and services tax paid to which the retailers or taxpayers are entitled. The treasurer of state shall withhold the percentage for one hundred eighty days after the repeal of the local sales and services tax and shall then remit the balance as provided in subsection 1.

Sec. . NEW SECTION. CITY PROPERTY TAX RELIEF.

1. Local sales and services tax moneys received by a city may be expended for any lawful city purpose, subject to the requirement for property tax relief. The financial officer of the city shall deposit the percent set by the board of supervisors and listed on the ballot proposition of the local sales and services tax moneys received in a special account for property tax relief.

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2. The moneys on deposit in the special account on July 1 shall be used to provide a special homestead tax credit as provided in this subsection for homesteads which qualify for the homestead tax credit to be received pursuant to section 425.1 in the fiscal year. The county auditor shall, upon the request of the financial officer of the city, certify to the officer the number of homesteads within the limits of the city and located within the county which has imposed the sales and services tax which have qualified for the homestead tax credit to be granted during the fiscal year and a description of each qualified homestead. The financial officer of the city shall divide the total amount in the special account for property tax relief on July 1 by the number of qualified homesteads within the corporate limits of the city and which are located in the county imposing the local tax to determine the pro rata amount of the special homestead tax credit to be granted to each qualified homestead, except that a taxpayer shall not receive credits in excess of the taxpayer's property tax liability payable during the fiscal year. Excess credit shall be credited proportionately to the other qualified homesteads. The officer shall remit the special homestead tax credit to each eligible taxpayer in a manner as prescribed by resolution of

the city council. The credits shall be remitted not later than September 1 each year.

Sec. . NEW SECTION. COUNTY PROPERTY TAX RELIEF.

1. All local sales and services tax moneys received by a county may be expended, subject to the requirement for property tax relief, for any lawful county government purpose. The county treasurer shall deposit the percent set by the board of supervisors and listed on the ballot proposition of the local sales and services tax moneys received in a special account for property tax relief.

2. The moneys on deposit in the special account on July 1 shall be used to provide a special homestead tax credit for each homestead in the unincorporated area of the county which qualifies for the homestead tax credit to be received pursuant to section 425.1 in the fiscal year. The county auditor shall divide the total amount in the special account for property tax relief on July 1 by the number of homesteads within the unincorporated area of the county qualified to receive the homestead tax credit during the fiscal year to determine the pro rata amount of the special homestead tax credit to be granted to each qualified homestead, except that a taxpayer shall not receive

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credits in excess of the taxpayer's property tax liability payable during the fiscal year. Excess credit shall be credited proportionately to the other qualified homesteads. The county auditor shall remit the special homestead tax credit to each eligible taxpayer in a manner prescribed by resolution of the board of supervisors. The credits shall be remitted not later than September 1 each year.

Sec. . NEW SECTION. LOCAL VEHICLE TAX. An annual local vehicle tax at the dollar rate per axle specified in the election may be imposed by a city or county on every vehicle which is required to be registered by the state and is registered to either of the following:

1. A person residing within the city or unincorporated area of the county where the tax is imposed at the time of registration of the vehicle.

2. Any person, if the vehicle is usually kept, garaged, or stored during the night and on weekends and holidays within the limits of the city or unincorporated area of a county where the tax is imposed.

A person subject to tax under subsection 1 shall receive a credit for tax paid for that year under subsection 2.

For the purpose of the tax authorized by this section, "person" means the same as defined in section 321.1, "vehicle" means any self-propelled vehicle subject to registration under section 321.18, and "axle" means the assembly of housing and axle shafts which supports and propels either a pair of wheels or one wheel only.

Sec. . NEW SECTION. ADMINISTRATION. A local vehicle tax shall be imposed January 1 immediately following a favorable election and the repeal of the tax shall be as of December 31.

Local officials shall confer with the director of the department of transportation for assistance in drafting the ordinance or resolution imposing a local vehicle tax. A certified copy of the ordinance or resolution imposing a local vehicle tax shall be filed with the director as soon as possible after passage. The director shall inform the appropriate county treasurers and in cooperation with them shall collect and account for all local vehicle taxes, crediting local vehicle tax receipts to a "local vehicle tax fund" established in the office of the treasurer of state. From the local vehicle tax fund, the treasurer of state shall remit annually at the beginning of each fiscal year to each city and county

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which has imposed a local vehicle tax the amount collected as a result of its tax. Moneys received by a city or county from this fund shall be credited to the general fund of that city or county or shall be credited to the street construction fund of that city or the secondary road fund of that county.

Sec. . NEW SECTION. PAYMENT. Taxpayers shall pay a local vehicle tax to the county treasurer or to the department of transportation at the time of application for registration of the vehicle under chapter 321. County treasurers and the department of transportation shall require a person applying for registration of a vehicle to state the person's residence and where the vehicle is usually kept, garaged, or stored during the night and on weekends and holidays and shall not issue a state registration certificate to the owner of a vehicle on which a local vehicle tax is due until the local vehicle tax is paid.

Payment of a local vehicle tax shall be evidenced by a stamp on the state registration certificate and by issuance of a sticker, decal, or tag. The director of the department of transportation shall prescribe

by rule the form of the sticker, decal, or tag, a reasonable method of prorating local vehicle taxes on vehicles originally registered for part of a year only and a reasonable method for refunding part of local vehicle taxes when a refund of a state registration fee is due under section 321.126.

Unpaid local vehicle taxes are a lien upon the vehicle on which they are due. Penalties for late payment which are comparable to the penalties for late payment of state registration fees shall be imposed by the ordinance or resolution imposing a local vehicle tax. Willful violation of a local vehicle tax ordinance or resolution is a simple misdemeanor.

Sec. . NEW SECTION. LOCAL INCOME SURTAX. An annual local income surtax may be imposed by a city or county on every resident taxpayer at the rate of twenty-three percent applied to the taxpayer's computed state individual income tax for the tax year.

For purposes of the local income surtax, "resident taxpayer" means an individual taxpayer whose principal place of residence is located in the city or unincorporated area of the county where the tax is imposed.

Sec. . NEW SECTION. ADMINISTRATION. A local income surtax shall be imposed January 1 and repeal of the tax shall be as of December 31.

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The director of revenue shall administer a local income surtax as nearly as possible in conjunction with the administration of state income tax laws. The director shall provide appropriate forms, or provide on the regular state tax forms, for reporting local income surtax liability.

An ordinance of a city council or resolution of a county board of supervisors imposing a local income surtax may adopt by reference the applicable provisions of the appropriate sections of chapter 422, division II. All powers of the director and requirements of the director in administering the state income tax law apply to the administration of a local income surtax, including but not limited to, powers to impose interest and penalties and requirements for hearing and appeal. Local officials shall confer with the director of revenue and obtain the director's assistance in drafting the ordinance or resolution imposing a local income surtax. A certified copy of the ordinance or resolution imposing a local income surtax shall be filed with the director as soon as possible after passage.

The director, in consultation with local officials, shall collect and account for a local income surtax. The director shall credit local income surtax receipts to a "local income surtax fund" established in the office of the treasurer of state.

Sec. . NEW SECTION. PAYMENT TO LOCAL GOVERNMENTS.

1. The treasurer of state shall remit on June 1 to each city and county which has imposed a local income surtax the net amount collected as a result of its surtax.

2. On June 1 of the year following the year at the end of which a city or county's local income surtax is repealed, the treasurer of state shall withhold a percentage, as determined by the director of revenue, of the local income surtax moneys to be remitted to that city or county. The percentage amount shall be used to refund to eligible taxpayers local income surtax moneys paid to which the taxpayers are entitled. The treasurer of state shall withhold the percentage amount until June 1 of the following year and shall then remit the balance to the city or county. All income surtax moneys received or refunded seventeen months or more after the city or county repeals its income surtax shall be deposited in or withdrawn from the state general fund.

Sec. . NEW SECTION. CITY PROPERTY TAX RELIEF.

1. Local income surtax moneys received by a city

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may be expended for any lawful city purpose, subject to the requirement for property tax relief. The financial officer of the city shall deposit the percent set by the governing body and listed on the ballot proposition of the local income surtax moneys received in a special account for property tax relief.

2. The moneys on deposit in the special account on July 1 shall be used to provide a special homestead tax credit for each homestead which qualifies for the homestead tax credit to be received pursuant to section 425.1 in the fiscal year. The county auditor shall, upon the request of the financial officer of the city, certify to the officer the number of homesteads within the limits of the city which have qualified to receive the homestead tax credit during the fiscal year and a description of each qualified homestead. The financial officer of the city shall divide the total amount in the special account for property tax relief on July 1 by the number of qualified homesteads within the corporate limits of

the city to determine the pro rata amount of the special homestead tax credit to be granted to each qualified homestead, except that a taxpayer shall not receive credits in excess of the taxpayer's property tax liability payable during the fiscal year. Excess credit shall be credited proportionately to the other qualified homesteads. The officer shall remit the special homestead tax credit to each eligible taxpayer in a manner as prescribed by resolution of the city council. The credits shall be remitted not later than September 1 each year.

Sec. . NEW SECTION. COUNTY PROPERTY TAX RELIEF.

1. All local income surtax moneys received by a county may be expended, subject to the requirement for property tax relief, for any lawful county government purpose. The county treasurer shall deposit the percent set by the board of supervisors and listed on the ballot proposition of the local income surtax moneys received in a special account for property tax relief.

2. The moneys on deposit in the special account on July 1 shall be used to provide a special homestead tax credit for each homestead in the unincorporated area of the county which qualifies for the homestead tax credit to be received pursuant to section 425.1 in the fiscal year. The county auditor shall divide the total amount in the special account for property tax relief on July 1 by the number of homesteads within the unincorporated area of the county qualified

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to receive the homestead credit during the fiscal year to determine the pro rata amount of the special homestead tax credit to be granted to each qualified homestead, except that a taxpayer shall not receive credits in excess of the taxpayer's property tax liability payable during the fiscal year. Excess credit shall be credited proportionately to the other qualified homesteads. The county auditor shall remit the special homestead tax credit to each eligible taxpayer in a manner prescribed by resolution of the board of supervisors. The credit shall be remitted not later than September 1 each year.

Sec. . Section 321.30, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. If any local vehicle taxes due have not been paid.

Sec. . Section 321.130, Code 1981, is amended to read as follows:

321.130 FEES IN LIEU OF TAXES. The registration fees imposed by this chapter upon private passenger motor vehicles or semitrailers ~~shall be~~ are in lieu of all state taxes~~, general or~~ and local personal property taxes based upon assessed valuation, to which motor vehicles or semitrailers ~~may be~~ are subject, and if a motor vehicle or semitrailer ~~shall have~~ has been registered at any time under this chapter it ~~shall~~ is not thereafter ~~be~~ subject to a personal property tax based upon assessed valuation, unless ~~such~~ the motor vehicle or semitrailer ~~shall have~~ has been in storage continuously as an unregistered motor vehicle or semitrailer during the preceding registration year.

Sec. . Section 422.72, subsection 1, Code 1981, is amended to read as follows:

1. It is unlawful for the director, or any person having an administrative duty under this chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to divulge in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy of a return or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law. However, the director may authorize examination of such state

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returns and other state information which is confidential under this section, if a reciprocal arrangement exists, by tax officers of another state or the federal government. The director may, by rules adopted pursuant to chapter 17A, authorize examination of state information and returns by other officers or employees of this state or by Iowa city or county officials, if the city or county has imposed a local tax, to the extent required by their official duties and responsibilities. Disclosure of state information to tax officers of another state is limited to disclosures which have a tax administrative purpose and only to officers of those states which have laws that are as strict as the laws of this state protecting the confidentiality of returns and information. The director shall place upon the state tax form a notice

to the taxpayer that state tax information may be disclosed to tax officials of another state or of the United States for tax administrative purposes. The department shall not authorize the examination of tax information by officers and employees of this state, another state, or by Iowa city or county officials, if the city or county has imposed a local tax, or of the United States if the officers or employees would otherwise be required to obtain a judicial order to examine the information if it were to be obtained from another source, and if the purpose of the examination is other than for tax administration. However, the director of revenue may provide sample individual income tax information to be used for statistical purposes to the legislative fiscal bureau. The information shall not include the name or mailing address of the taxpayer or the taxpayer's social security number. Any information contained in an individual income tax return which is provided by the director shall only be used as a part of a data base which contains similar information from a number of returns. The legislative fiscal bureau shall not have access to the income tax returns of individuals. Each request for individual income tax information shall contain a statement by the director of the legislative fiscal bureau that the individual income tax information received by the bureau shall be used solely for statistical purposes. This subsection does not prevent the department from authorizing the examination of state returns and state information under ~~the provisions of~~ section 252B.9. This subsection prevails over any general law of this state relating to public records."

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2. By numbering and renumbering sections as necessary.

Daggett of Taylor rose on a point of order that amendment H—3147 was not germane.

The Speaker ruled the point well taken and amendment H—3147 not germane.

O'Kane of Woodbury moved that the rules be suspended to consider amendment H—3147.

A non-record roll call was requested.

The ayes were 38, nays 58.

The motion lost.

Groth of Buena Vista offered the following amendment H—3128 filed by him and moved its adoption:

H—3128

Amend House File 414 as follows:
1. Page 7, lines 25 and 26, by striking the words "Albert City Appeal & The Marathon Republic" and inserting in lieu thereof the words "Republic Appeal".

Amendment H—3128 was adopted.

Pope of Polk asked for unanimous consent to suspend House Rule 2.

Objection was raised.

Pope of Polk moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 59, nays 35.

The motion prevailed and House Rule 2 was suspended.

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

On the question "Shall the bill pass?" (H.F. 414)

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel

Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
Menke	Miller	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 45:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Kirkenslager	Lloyd-Jones	Lonergan
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

Absent or not voting, none.

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

MOTION TO RECONSIDER TABLED

Pope of Polk moved to reconsider the vote by which House File 414 passed the House on February 25, 1981 and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 57, nays 42.

The motion to table prevailed.

INTRODUCTION OF BILLS

House File 561, by Lloyd-Jones, a bill for an act providing penalties for violations of state vehicle length laws.

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

House File 562, by Conlon, a bill for an act relating to statutory provisions for a Constitutional convention following the approval of a convention by the voters.

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

House File 563, by Brandt, Krewson, Shimanek, Clark of Cerro Gordo, Mullins and Poffenberger, a bill for an act requiring the temporary continuation of accident and health insurance and services under group contracts when a secondary insured ceases to be affiliated with the group because of death of the primary insured or because of dissolution or annulment of marriage, with a January 1 effective date.

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

House File 564, by O'Kane, a bill for an act to require the capping of unused water wells and providing a penalty.

Read first time and referred to committee on **natural resources.**

House File 565, by committee on commerce, a bill for an act authorizing foreign insurance corporations doing business under chapter 515 of the Code to reincorporate as Iowa corporations.

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

House File 566, by Cochran, Cusack, Dieleman, Howell, Arnould, Davitt, Bruner, Jay, Walter, Connors, Binneboese, Lloyd-Jones and Halvorson of Webster, a bill for an act to provide additional weighting under the state school foundation plan for non-English-speaking students.

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

House File 567, by Schnekloth, a bill for an act providing that local governmental units shall invest funds at not less than the interest rate established for the state.

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

House File 568, by Davitt, Byerly, Renaud, Chiodo, Woods, Sullivan and Cochran, a bill for an act authorizing cities to enter agreements to jointly invest public funds.

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

House File 569, by Swartz, Arnould, Cochran and O'Kane, a bill for an act providing tax exemptions and credits to encourage the purchase and use of solar energy systems and making parts of the Act retroactive to January 1, 1981.

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

House File 570, by Daggett, a bill for an act requiring that the valuation of agricultural land for property tax purposes take into consideration the number of days in which the weather was of a nature that would result in a reduction of average crop yields, with a January 1 effective date.

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

House File 571, by Gross, a bill for an act requiring the state board of nursing to require geriatric instruction in education programs.

Read first time and referred to committee on **human resources.**

House File 572, by committee on county government, a bill for an act relating to the duties of the board of review.

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

House File 573, by O'Kane, Anderson of Jasper, Arnould, Binneboese, Connolly, Poffenberger, Avenson, Halvorson of Webster, Davitt, Sturgeon, Jay, Running, Lloyd-Jones, Bruner and Groth, a bill for an act requiring a state agency to provide the general assembly with an economic impact estimate before adopting or amending an administrative rule.

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

SPONSOR ADDED
(House File 442)

Trucano of Polk requested to be added as a sponsor of House File 442.

SPONSOR WITHDRAWN
(Amendment H—3072 to House File 303)

Lind of Black Hawk requested to be withdrawn as a sponsor of amendment H—3072 to House File 303.

AMENDMENTS FILED

H—3162	H.F. 303	Dieleman of Marion
H—3163	H.F. 424	Crabb of Crawford
H—3164	H.F. 121	Harbor of Mills
H—3165	H.F. 436	Diemer of Black Hawk
H—3166	H.F. 220	Johnson of Howard Renken of Grundy
H—3167	H.F. 482	Dieleman of Marion
H—3168	H.F. 202	Diemer of Black Hawk
H—3169	S.F. 130	Clements of Scott
H—3170	S.F. 130	Clements of Scott
H—3171	S.F. 130	Clements of Scott

On motion by Pope of Polk, the House adjourned at 7:40 p.m., until 9:00 a.m., Thursday, February 26, 1981.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day—Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 26, 1981

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

Prayer was offered by Father Thomas Geelan, Superintendent of the Kuemper Catholic High School, Carroll.

The Journal of Wednesday, February 25, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Poffenberger of Dallas, from eighty-nine members of the Perry Education Association opposing House File 414 and urging the legislature to honor the commitment made in September for school funding for 1981-82.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Howard, for February 26 and 27, on request of Renken of Grundy; Harbor of Mills, for the morning, on request of Danker of Pottawattamie.

INTRODUCTION OF BILLS

House Joint Resolution 17, by Hanson of Delaware, Ritsema and McKean, a joint resolution proposing an amendment to the Constitution of the State of Iowa repealing the legislative immunity provision.

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

House File 574, by O'Kane and Lind, a bill for an act requiring mandatory liability insurance coverage for motor vehicles and providing penalties, to take effect December 1, 1981.

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

House File 575, by Cusack, a bill for an act relating to the powers of the civil rights commission and providing penalties.

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

House File 576, by Cusack, a bill for an act authorizing cities and counties to levy a tax to promote, establish, and maintain recreational, educational, and other activities for senior citizens.

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

House File 577, by Cusack, a bill for an act relating to the creation of a budget review council.

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

House File 578, by Cusack, a bill for an act relating to the manner of electing members of local school district boards of directors with an effective date of January 1.

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

House File 579, by McKean, a bill for an act relating to retirement benefits for certain correctional personnel.

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

House File 580, by Spear and Carpenter, a bill for an act to require that the cost of rent and utilities be included in determining the fees established by licensing boards.

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

House File 581, by Avenson, a bill for an act requiring that individual and group policies of accident and health insurance provide coverage for the treatment of chemical dependency and substance abuse on substantially the same basis as other health care coverages and making penalties applicable.

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

House File 582, by Cusack, a bill for an act granting to retail beer permittees and liquor licensees the right to conduct business between the hours of eleven thirty a.m. on Sunday and two a.m. on Monday, and repealing the Sunday sales privilege and the special license fees therefor.

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

House File 583, by Cusack, a bill for an act prohibiting the construction of a nuclear power plant in this state for five years and providing for enforcement and penalties.

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

House File 584, by Kirkenslager, a bill for an act establishing a hunter safety education program and subjecting violators to a penalty, to be effective January 1, 1982.

Read first time and referred to committee on **natural resources.**

House File 585, by Van Maanen, a bill for an act linking tiedown requirements to registration for mobile homes in mobile home parks.

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

House File 586, by Egenes, a bill for an act relating to duties and liabilities with respect to public walkways that abut private property.

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

House File 587, by Clements, a bill for an act relating to the use of deadly force.

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

House File 588, by Shull, a bill for an act relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certain real property purchase-money loans.

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

House File 589, by Davitt, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

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

House File 590, by McKean, a bill for an act to exempt certain interest income received by persons sixty-five years of age or older from the state individual income tax and providing a January 1 effective date.

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

House File 591, by Lageschulte, a bill for an act requiring fees for the use of state capitol complex parking facilities.

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

House File 592, by Clements, a bill for an act requiring a ballot measure relating to state spending and state taxes.

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

House File 593, by Clements, a bill for an act relating to the penalties for robbery.

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

House File 594, by Clements, a bill for an act relating to the penalties for arson.

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

House File 595, by Clements, a bill for an act relating to the minimum sentence for a forcible felony.

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

House File 596, by Clements, a bill for an act relating to the penalties for burglary.

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

House File 597, by Clements, a bill for an act relating to the penalties for kidnapping.

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

House File 598, by Clements, a bill for an act relating to bail for certain felony offenses.

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

House File 599, by Cusack, a bill for an act relating to the property tax exemption for property used to control air and water pollution.

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

House File 600, by Cusack, a bill for an act prohibiting automatic adjustments in rates and charges by public utilities.

Read first time and referred to committee on **commerce.**

House File 601, by Connolly, a bill for an act providing for the issuance of a restricted license to a student between the ages of sixteen and eighteen who drops out of school without completing an approved drivers education course where the student is employed and the restricted license is required for traveling to and from the student's place of employment.

Read first time and referred to committee on **transportation.**

House File 602, by Connolly, a bill for an act relating to the registration fees for motor trucks with combined gross weight of four tons or less and providing a December 1 effective date.

Read first time and referred to committee on **transportation.**

House File 603, by Anderson of Jasper, Avenson, Davitt, Connors, Jochum, Brandt, Lloyd-Jones, Chiodo, Norland, Lonergan, Pavich, Bruner and Poncy, a bill for an act limiting the amount of federal income taxes deductible for purposes of determining Iowa income taxes, with a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 604, by committee on agriculture, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

Read first time and referred to committee on **ways and means.**

House File 605, by Clements, a bill for an act relating to the criminal penalties for termination of a human pregnancy.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 606, by Clements, Branstad, Cook, Danker, Lind, Mann, Maulsby, Renken and Tyrrell, a bill for an act abolishing the commission on the status of women.

Read first time and referred to committee on **state government.**

House File 607, by Clements, a bill for an act to repeal the authority of the area education agencies to provide educational services and to provide that the Act takes effect July 1, 1982.

Read first time and referred to committee on **education.**

House File 608, by O'Kane and Swartz, a bill for an act relating to the phaseout of the state sales, services and use tax on industrial and agricultural machinery and equipment by reducing the rate of tax whenever the unobligated state general fund balance exceeds by a certain percent the appropriations from the general fund for that fiscal year.

Read first time and referred to committee on **ways and means.**

SENATE MESSAGE CONSIDERED

Senate File 262, by committee on natural resources, a bill for an act to revise the regulation of land disturbing activities.

Read first time and referred to committee on **natural resources.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 282, a bill for an act authorizing the performance of marriage ceremonies by court of appeals judges.

Also: That the Senate has on February 24, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 121, a bill for an act allowing a parent to file a petition to change the name of a minor child of the parent.

Also: That the Senate has on February 24, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 225, a bill for an act relating to retainage withheld from payment to contractors under contracts for public improvements.

Also: That the Senate has on February 24, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 230, a bill for an act relating to the person to whom notice of garnishment is served in a school district.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 16
By Pope and Avenson

Whereas, the Sixty-ninth General Assembly is advised of a meeting of the Pioneer Lawmakers Association to be held in the Historical Building on Wednesday, April 22, 1981; and

Whereas, the Pioneer Lawmakers request the opportunity to meet formally with the General Assembly, *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly meet in joint session in the House chamber on Wednesday, April 22, 1981 at 1:30 p.m. and that the Pioneer Lawmakers be invited to attend and present a program on that occasion and that the Speaker of the House of Representatives and the President of the Senate be designated to deliver the invitation to them.

Laid over under Rule 30.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 218 State Government

Relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

S.B. 219 State Government

Allowing the denial, suspension, or revocation of a health care facility's license for interference in the enforcement of chapter 135C.

S.B. 220 State Government

To abolish the requirement for a premarital syphilis examination.

S.B. 221 Human Resources

Relating to the issuance by the commissioner of health of citations to health care facilities.

S.B. 222 Human Resources

To permit hearing-impaired persons to use hearing-dogs and providing a penalty for denial of that right.

S.B. 223 Human Resources

Relating to the qualifications of the superintendent of a state mental health institute.

S.B. 224 Education

Relating to waiver of the minimum school program for grades nine through twelve.

S.B. 225 Natural Resources

Relating to the reciprocity of certain fish and game licenses for nonresidents.

S.B. 226 Natural Resources

Establishing a hunter safety education program and subjecting violators to penalties, to be effective January 1, 1982.

S.B. 227 Natural Resources

To merge the wildlife habitat stamp fee with the hunting and trapping license fees and eliminate the stamp.

S.B. 228 Commerce

Relating to fees and charges payable by persons regulated by the department of insurance.

S.B. 229 Commerce

Relating to nonconforming facilities under the state elevator code.

S.B. 230 County Government

Relating to the tort liability of governmental subdivisions.

S.B. 231 Agriculture

To adopt the American Society for Testing and Materials (ASTM) emergency specification for gasoline.

S.B. 232 County Government

Providing certain exemptions from the real estate transfer tax and the mandatory requirement relative to the filing of a declaration of value.

S.B. 233 Human Resources

Relating to the department of social services' right of subrogation under the medical assistance program.

S.B. 234 Transportation

Providing for compensation to owners of advertising devices and

lessors of property upon which advertising devices are located when the advertising device is removed or taken by the state or a political subdivision of the state.

S.B. 235 Ways and Means

Relating to the treatment of property traded in on the purchase of other property under the sales, services, and use tax.

S.B. 236 Ways and Means

Relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property and exempting trades of vehicles subject to registration for other vehicles of equal or lesser value.

S.B. 237 Judiciary and Law Enforcement

Regulating the offer and sale of business opportunities and providing penalties for violations.

S.B. 238 Human Resources

To repeal Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1036, section 33, subsection 1 relating to the dispensing of prescription drugs and controlled substances by certain practitioners.

S.B. 239 Transportation

Relating to the operation of motor vehicles by defining chauffeur and resident, specifying certain duties for all peace officers, making failure to use lights or proper operation of lights a scheduled violation, and removing a reference to the operation of a vehicle without an operator's license or permit in the operator's immediate possession from the list of scheduled violations and subject to a penalty provided by law.

S.B. 240 Judiciary and Law Enforcement

Relating to certified shorthand reporters.

S.B. 241 Judiciary and Law Enforcement

Raising the minimum dollar amount for which a conservatorship is required for a minor.

S.B. 242 Judiciary and Law Enforcement

Relating to multidisciplinary team access to child abuse information.

S.B. 243 Judiciary and Law Enforcement

Relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

S.B. 244 Judiciary and Law Enforcement

Relating to the offense of false use of a financial instrument and the penalties for that offense.

S.B. 245 Judiciary and Law Enforcement

Relating to the recording of assignments of periodic child support payments by welfare recipients to the department of social services.

S.B. 246 State Government

Relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions.

S.B. 247 Commerce

Requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

S.B. 248 County Government

To repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

S.B. 249 County Government

Relating to the submission of bond issues previously defeated by the electorate.

S.B. 250 Education

Relating to the salary of the superintendent of public instruction.

S.B. 251 Judiciary and Law Enforcement

For the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate.

APPOINTMENT OF SPECIAL SUBCOMMITTEE
(Governor's Tax Proposals Study)

Schnekloth of Scott, chair of the committee on ways and means, announced the appointment of a special subcommittee to study the Governor's tax proposals: Schnekloth of Scott, Chair; Bennett of Ida, Shull of Warren, Norland of Worth, Cochran of Webster, Hall of Linn and Ritsema of Sioux.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 166), relating to boiler inspections.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3172	H.F. 453	Johnson of Linn
H–3173	H.F. 436	Spear of Lee

H—3174	H.F. 36	Jochum of Dubuque
H—3175	H.F. 387	Maulsby of Calhoun
		Hanson of Delaware
		Smalley of Polk

On motion by Pope of Polk, the House adjourned at 9:16 a.m., until 9:00 a.m., Friday, February 27, 1981.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day—Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 27, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Kenneth Miller, State Representative from Buchanan County.

The Journal of Thursday, February 26, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk and Horn of Linn on request of Woods of Polk.

MOTION TO TABLE PREVAILED
(House File 349)

Hummel of Benton called up for consideration the motion to reconsider House File 349, filed on February 19, 1981, and moved to reconsider the vote by which House File 349, a bill for an act to authorize the establishment of a drainage and levee district revolving fund by the county board of supervisors in any county where one or more districts are under the management and control of that board, and to authorize a one-time assessment on land in the districts for the purpose of establishing the fund, passed the House on February 19, 1981, and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 55, nays 38.

The motion to table prevailed.

MOTION TO RECONSIDER PREVAILED
(House File 387)

Hanson of Delaware called up for consideration the motion to

reconsider House File 387, filed on February 19, 1981, and moved to reconsider the vote by which House File 387, a bill for an act prohibiting hunting with any rifle other than a twenty-two hundredths caliber rimfire or any shot larger than number BB in an area of the state during open deer hunting season, passed the House on February 19, 1981.

A non-record roll call was requested.

The ayes were 82, nays 6.

The motion prevailed and the House reconsidered House File 387, placing out of order the motion to reconsider filed by Davitt of Warren on February 19, 1981.

Hanson of Delaware moved to reconsider the vote by which amendment H—3090B, as amended, was adopted by the House on February 19, 1981, which motion prevailed.

Maulsby of Calhoun offered the following amendment H—3175, to amendment H—3090B, filed by Maulsby, et al., and moved its adoption:

H—3175

Amend Amendment H—3090B to page 1 of House File 387 as follows:

1. Page 1, line 5, by striking the words "while outside" and inserting in lieu thereof the following: "while not on".

2. Page 1, by striking line 6, and inserting in lieu thereof the following: "private property".

A non-record roll call was requested.

The ayes were 68, nays 23.

Amendment H—3175 was adopted.

On motion by Hanson of Delaware, amendment H—3090B, as amended, was adopted.

REREFERRED TO COMMITTEE ON NATURAL RESOURCES
(House File 387)

Hanson of Delaware asked and received unanimous consent to rerefer House File 387 to the committee on **natural resources.**

MOTION TO RECONSIDER PREVAILED
(House File 59 Deferred)

Carpenter of Polk called up for consideration the motion to reconsider House File 59, filed on February 19, 1981, and moved to reconsider the vote by which House File 59, a bill for an act relating to the recording of agency agreements for joint or cooperative action, passed the House on February 19, 1981.

A non-record roll call was requested.

The ayes were 51, nays 41.

The motion prevailed and the House reconsidered House File 59, placing out of order the motion to reconsider filed by Norland of Worth on February 19, 1981.

Pope of Polk asked and received unanimous consent that House File 59 be deferred and that the bill retain its place on the calendar.

ADOPTION OF SENATE CONCURRENT RESOLUTION 2
(Joint Rules)

Menke of O'Brien called up for consideration Senate Concurrent Resolution 2, providing for the joint rules of the senate and house of representatives for the Sixty-ninth General Assembly, filed on January 28, 1981 and found on pages 204 through 213 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Regular Calendar

House File 303, a bill for an act relating to the registration of group day care home providers, was taken up for consideration.

Carpenter of Polk offered the following amendment H–3080 filed by Carpenter, et al., and moved its adoption:

H–3080

Amend House File 303 as follows:
1. Page 2, line 10, by striking the word "fourteen" and inserting in lieu thereof the word "sixteen".

A non-record roll call was requested.

The ayes were 55, nays 37.

Amendment H–3080 was adopted.

Mann of Greene offered the following amendment H–3072 filed by Mann, et al. :

H–3072

Amend House File 303 as follows:
1. Page 2, by inserting after liine 28 the following:
"Sec. . Chapter 237A, Code 1981, is amended by adding the following new section:
NEW SECTION. EXCLUSION FOR PRIVATE HOMES AND CENTERS. Notwithstanding any other provision of this chapter to the contrary, a group day care home, as defined in section 237A.1, subsection 9, paragraph b, a family day care home, as defined in section 237A.1, subsection 9, paragraph a, or a child care center, as defined in section 237A.1, subsection 8, which is private and does not receive public funds, may provide child day care without being licensed or registered under this chapter, if the private group or family day care home or child care center:
1. Complies with the rules adopted for group day care homes by the department, in consultation with the state fire marshal, relating to the provision of fire extinguishers, smoke detectors, and fire exits.
2. Maintains in the files of the home or center copies of statements signed by all parents, guardians, or custodians of children cared for in the home or center certifying that the home or center meets their own requirements relating to health and safety, sanitation, nutrition, and recreation and that the parents, guardians, or custodians waive their rights to sue the department for the department's failure to enforce departmental rules which would be applicable but for this section."

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—3162, to amendment H—3072, filed by him on February 25, 1981.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—3115, to amendment H—3072, filed by her and Rapp of Black Hawk on February 18, 1981.

Mann of Greene asked and received unanimous consent to withdraw amendment H—3104, to amendment H—3072, filed by her on February 17, 1981.

Bruner of Story rose on a point of order that amendment H—3072 was not germane.

The Speaker ruled the point not well taken and amendment H—3072 germane.

Speaker pro tempore Menke of O'Brien in the chair at 10:49 a.m.

Speaker Stromer in the chair at 11:10 a.m.

Mann of Greene moved the adoption of amendment H—3072.

Roll call was requested by Mann of Greene and Smalley of Polk.

On the question "Shall amendment H—3072 be adopted?"

The ayes were, 37:

Anderson, J.	Bennett	Branstad	Clements
Conlon	Cook	Corey	Daggett
Danker	De Groot	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Holt	Hummel	Johnson, R.	Mann
Maulsby	Miller	Oxley	Pellett
Pelton	Petrick	Renken	Ritsema
Schnekloth	Schroeder	Smalley	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Welden			

The nays were, 59:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl

Carpenter	Clark, B. J.	Clark, J. H.	Cochran
Connolly	Connors	Crawford	Cusack
Davitt	Dieleman	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Hoffmann	Howell	Jay	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	McKean
Menke	Mullins	Norland	O'Kane
Pavich	Poffenberger	Poncy	Pope
Rapp	Renaud	Running	Shimanek
Shull	Smith	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh	Woods	Mr. Speaker	

Absent or not voting, 4:

Chiodo	Crabb	Horn	Johnson, J.

Amendment H—3072 lost.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—3080 filed by him from the floor and moved to reconsider the vote by which amendment H—3080 was adopted by the House on February 27, 1981.

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion prevailed and the House reconsidered amendment H—3080, placing out of order the motion to reconsider amendment H—3080 filed by Trucano of Polk from the floor.

Carpenter of Polk moved the adoption of amendment H—3080.

A non-record roll call was requested.

The ayes were 38, nays 55.

Amendment H—3080 lost.

Lloyd-Jones of Johnson asked for unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—3176.

Objection was raised.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 303)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connors	Cook	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Howell	Hummel
Jay	Jochum	Johnson, R.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 11:

Connolly	Corey	Danker	Harbor
Johnson, W.	Lageschulte	Maulsby	Menke
Poncy	Stueland	Tyrrell	

Absent or not voting, 6:

Chiodo	Crabb	Horn	Johnson, J.
Schnekloth	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

RULE 35 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 35 to permit the introduction of the following bills

received by the Chief Clerk after 4:30 p.m., Thursday, February 26, 1981:

LSB 1044 H by Krewson, LSB 1333 H by Doderer, LSB 1516 H by Bruner, LSB 1570 H by Conlon, LSB 818 H by Conlon, LSB A4 H by Harbor, LSB 1489 H by Sullivan, LSB 1672 H by Mann, LSB 468 H by Kirkenslager, LSB 935 H by Kirkenslager, LSB 1235 H by Danker, LSB A28 H by Corey, LSB 1657 H by Smalley and LSB 1658 H by Smalley.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to introduce bills following points of personal privilege.

INTRODUCTION OF BILLS

House File 609, by Howell, a bill for an act relating to the authorization to manufacture, distribute, sell, prescribe, and use amygdalin in this state and providing a penalty.

Read first time and referred to committee on **human resources.**

House File 610, by Byerly and Norland, a bill for an act to provide for wildlife habitat on tax-exempt agricultural property and providing an effective date of July 1, 1982.

Read first time and referred to committee on **ways and means.**

House File 611, by Hanson of Delaware and Shimanek, a bill for an act relating to the determination of costs of certain optional school transportation.

Read first time and referred to committee on **education.**

House File 612, by Byerly, a bill for an act permitting hunting after notification, on certain state-owned property suitable for hunting, and making a penalty applicable.

Read first time and referred to committee on **natural resources.**

House File 613, by Hall, a bill for an act relating to the operation of bicycles on roads and streets.

Read first time and referred to committee on **transportation.**

House File 614, by Lloyd-Jones, Chiodo, Clark of Cerro Gordo, Johnson of Linn and Bruner, a bill for an act providing reduced work schedules for public employees in lieu of layoffs.

Read first time and referred to committee on **labor and industrial relations.**

House File 615, by Ritsema, a bill for an act relating to the powers and duties of the superintendent and state department of public instruction.

Read first time and referred to committee on **education.**

House File 616, by McKean, a bill for an act doubling the penalties for certain public offenses committed against a person sixty-five years of age or older or a person blind, partially blind, or physically disabled, with a January 1 effective date.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 617, by Walter and Egenes, a bill for an act relating to the minimum age for school attendance.

Read first time and referred to committee on **education.**

House File 618, by Shull, Gettings, Diemer, Pavich, Sullivan, Lind, Schnekloth and Johnson of Linn, a bill for an act relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors.

Read first time and referred to committee on **commerce.**

House File 619, by Shull, Arnould, Howell, Binneboese, Dieleman, Tyrrell, Lonergan, Kirkenslager, De Groot and Renken, a bill for an act relating to the practice of chiropractic.

Read first time and referred to committee on **state government.**

House File 620, by Gettings, Dieleman, Jay, Davitt, O'Kane, Binneboese, Poncy and Walter, a bill for an act relating to the payment of medical expenses incurred by a fleeing suspect.

Read first time and referred to committee on **state government.**

House File 621, by Bennett, a bill for an act authorizing cities, counties, and school districts to impose an income tax and to pledge the tax for the payment of bonds issued by the jurisdiction imposing the tax.

Read first time and referred to committee on **ways and means.**

House File 622, by Cochran, a bill for an act disallowing a tax credit on agricultural land on which approved soil and water conservation practices or erosion control practices are not established and maintained.

Read first time and referred to committee on **agriculture.**

House File 623, by Miller, a bill for an act relating to time limitations for the negotiations of public collective bargaining agreements.

Read first time and referred to committee on **labor and industrial relations.**

House File 624, by Johnson of Linn, a bill for an act to require that all claims for refund of motor fuel taxes paid on motor fuel used for nonhighway purposes be claimed as income tax credits and providing a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 625, by committee on agriculture, a bill for an act exempting agricultural employers from the workers' compensation law if their total payroll to nonexempt employees is less than two thousand five hundred dollars, effective January 1, 1982, until January 1, 1984.

Read first time and **placed on the calendar.**

House File 626, by Cusack, a bill for an act relating to the advertising of tobacco, alcoholic liquors, and proprietary medicines and incorporating a penalty.

Read first time and referred to committee on **state government.**

House File 627, by Cusack, a bill for an act establishing a utility services stamp program for senior citizens and prescribing penalties.

Read first time and referred to committee on **appropriations.**

House File 628, by Cusack, a bill for an act providing for election of the members of the commerce commission.

Read first time and referred to committee on **state government.**

House File 629, by Clark of Cerro Gordo, a bill for an act relating to the installation of pipelines.

Read first time and referred to committee on **agriculture.**

House File 630, by Mann, a bill for an act permitting a time of silent meditation or prayer within a classroom of a school district under certain conditions.

Read first time and referred to committee on **education.**

House File 631, by Clements, a bill for an act relating to state expenditures by providing for an expenditure limitation for five years and reducing the personal income tax gradually over the five years.

Read first time and referred to committee on **ways and means.**

House File 632, by De Groot, a bill for an act to require a permit for drilling operations for metallic minerals exploration.

Read first time and referred to committee on **natural resources.**

House File 633, by Maulsby, a bill for an act permitting the county board of supervisors to classify secondary roads and provide maintenance standards for each classification.

Read first time and referred to committee on **county government.**

House File 634, by Cusack, a bill for an act relating to the appropriation of federal funds by the general assembly.

Read first time and referred to committee on **appropriations.**

House File 635, by O'Kane, a bill for an act providing an exemption from the state individual income tax for money received as retirement pay or disability retirement pay by a former member of the armed forces who is sixty-two years of age or older during the tax year and providing a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 636, by Cusack, a bill for an act prohibiting discrimination against persons because of political affiliation.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 637, by Cusack and Connolly, a bill for an act relating to leaves of absence for persons who are candidates for election or who are elected to the Iowa general assembly, and providing a penalty.

Read first time and referred to committee on **state government.**

House File 638, by Cusack, a bill for an act relating to the dismissal from regular employment of persons who are candidates for public office or are elected to public office.

Read first time and referred to committee on **state government.**

House File 639, by Cusack, a bill for an act to repeal bounties on certain wild animals.

Read first time and referred to committee on **natural resources.**

House File 640, by Tyrrell, Branstad and Maulsby, a bill for an act relating to school transportation costs, to establish a school transportation aid fund, to establish a state foundation property tax

levy, to change the allocation of certain fine moneys, and to make an appropriation.

Read first time and referred to committee on **education.**

House File 641, by committee on human resources, a bill for an act providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services.

Read first time and **placed on the calendar.**

House File 642, by committee on ways and means, a bill for an act relating to boiler inspections.

Read first time and **placed on the ways and means calendar.**

House File 643, by Halvorson of Clayton, a bill for an act relating to strategy discussions by a school board in negotiating with school employees who are not under a collective bargaining agreement.

Read first time and referred to committee on **state government.**

House File 644, by Halvorson of Webster, a bill for an act relating to smoking prohibitions and providing a criminal penalty.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 645, by Halvorson of Webster, a bill for an act authorizing the family farm development authority to provide for assistance to beginning businesspersons and making coordinating amendments.

Read first time and referred to committee on **commerce.**

House File 646, by Lloyd-Jones, Woods, Anderson of Jasper and Norland, a bill for an act providing for an evaluation of the highway division of the state department of transportation by the program evaluation division of the legislative fiscal bureau and appropriating funds from the road use tax fund for the study.

Read first time and referred to committee on **transportation.**

House File 647, by McKean, a bill for an act to exempt wilderness campsites from the requirements of the department of health to furnish water, garbage, and sewage disposal facilities.

Read first time and referred to committee on **human resources.**

House File 648, by Cusack, a bill for an act defining rights of citizens of the state of Iowa serving in the military forces of the United States.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 649, by Brandt, McKean, Krewson, Cusack, Clark of Cerro Gordo, Shimanek and Mullins, a bill for an act requiring the mistreatment of an elderly person to be reported, providing protective services for the elderly person, and providing a penalty.

Read first time and referred to committee on **human resources.**

House File 650, by Mann, a bill for an act relating to public employee insurance benefits covering abortion.

Read first time and referred to committee on **state government.**

House File 651, by Lloyd-Jones, a bill for an act providing for the construction of new roads by the state department of transportation subject to approval of the general assembly, and providing a January 1 effective date.

Read first time and referred to committee on **transportation.**

House File 652, by Cusack, a bill for an act to allow renewal of operator and chauffeur licenses by mail subject to penalties provided by law with a January 1 effective date.

Read first time and referred to committee on **transportation.**

House File 653, by Brandt, a bill for an act relating to the use of infant, convertible, and child passenger restraint systems and safety belts and safety harnesses by persons under sixteen years of age and providing penalties, with a January 1 effective date.

Read first time and referred to committee on **transportation.**

House File 654, by Welsh, a bill for an act relating to the transportation of nonpublic school pupils.

Read first time and referred to committee on **education.**

House File 655, by Cochran, Jay, Sullivan and Halvorson of Webster, a bill for an act authorizing an increased tax credit on agricultural land on which approved soil and water conservation practices or erosion control practices are established and maintained.

Read first time and referred to committee on **agriculture.**

House File 656, by Cusack, a bill for an act relating to involuntary retirement on the basis of age.

Read first time and referred to committee on **labor and industrial relations.**

House File 657, by Rapp, a bill for an act relating to investment of funds by public agencies.

Read first time and referred to committee on **commerce.**

House File 658, by Rapp, a bill for an act establishing a health services cost review commission and providing for the assessment of penalties.

Read first time and referred to committee on **human resources.**

House File 659, by Norland, a bill for an act relating to the classification of certain forest reservations and providing a January 1 effective date.

Read first time and referred to committee on **natural resources.**

House File 660, by Cusack, a bill for an act relating to the disclosure of a person's social security number and providing a fine for violations.

Read first time and referred to committee on **commerce.**

House File 661, by Brandt, a bill for an act relating to business tax deductions for employer-paid child day care expenses, effective January 1.

Read first time and referred to committee on **ways and means.**

House File 662, by Cusack, a bill for an act to impose an additional tax on certain gains from the sale or exchange of real property, and imposing penalties for violations.

Read first time and referred to committee on **ways and means.**

House File 663, by Cusack, a bill for an act requiring public utilities to include a lifeline rate in tariffs filed with the Iowa state commerce commission, with a January 1 effective date.

Read first time and referred to committee on **commerce.**

House File 664, by Pavich, a bill for an act authorizing drivers of passenger motorbuses to use citizen band radios.

Read first time and referred to committee on **transportation.**

House File 665, by Norland, a bill for an act relating to the operation of snowmobiles by persons between the ages of twelve and fifteen possessing a valid safety certificate.

Read first time and referred to committee on **transportation.**

House File 666, by Clements, a bill for an act relating to the penalties for taking another person's life.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 667, by Clements, a bill for an act relating to the state individual income tax and providing a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 668, by Jochum, a bill for an act to repeal the prerequisite for Sunday sales of beer and liquor that fifty percent or more of the gross receipts of the licensed premises be from the sale of goods and services other than alcoholic liquor or beer.

Read first time and referred to committee on **state government.**

House File 669, by Harbor, a bill for an act increasing the income limitation in excess of which a disabled veteran is ineligible for the disabled veteran's homestead tax credit.

Read first time and referred to committee on **ways and means.**

House File 670, by Harbor and Byerly, a bill for an act to limit the enforceability of a mechanic's lien against an owner-occupied single-family or two-family dwelling to the balance due from the owner to the contractor.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 671, by Halvorson of Webster, a bill for an act providing for assistance to beginning businesspersons by the Iowa development commission, authorizing the issuance of bonds by the commission and prescribing the commission's powers and duties.

Read first time and referred to committee on **commerce.**

House File 672, by Clements, a bill for an act permitting a public school district to provide instruction relating to sexual acts or sexual behavior following a petition by certain residents of the school districts.

Read first time and referred to committee on **education.**

House File 673, by Bennett, a bill for an act relating to the imposition of the motor fuel tax on gasohol in situations in which blending errors occur and making the Act retroactive to July 1, 1978.

Read first time and referred to committee on **commerce.**

House File 674, by Cusack, a bill for an act relating to the indemnification of private citizens who have suffered injury or damages or death in connection with the commission of a crime or the rescue of a person in immediate danger of death or injury.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 675, by Jay, a bill for an act relating to the taxation of real estate transfers by repealing the requirement for filing a declaration of value and providing that the county recorder gather information on the value of the real estate transferred.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 676, by Woods, a bill for an act relating to the game of bingo, and making penalties applicable.

Read first time and referred to committee on **state government.**

House File 677, by Poffenberger and Danker, a bill for an act relating to mobile homes by providing that the semiannual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer and providing a January 1 effective date.

Read first time and referred to committee on **transportation.**

House File 678, by Poffenberger, a bill for an act subjecting health care facilities that offer life care contracts for residents to regulation by the department of insurance, providing penalties and injunctive relief.

Read first time and referred to committee on **commerce.**

House File 679, by Norland, a bill for an act relating to the discharge of attorneys employed by a fiduciary.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 680, by Norland, a bill for an act to establish a utility cost credit program for certain persons eligible to claim additional property tax relief and making an appropriation.

Read first time and referred to committee on **ways and means.**

House File 681, by Norland, a bill for an act providing for the deduction of the federal income tax liability for the tax year in computing the state individual income tax for that tax year with a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 682, by Pavich, a bill for an act changing the terms of office of members of school district boards of directors, area education agency boards of directors, and the governing boards of merged areas.

Read first time and referred to committee on **education.**

House File 683, by McKean, a bill for an act requiring a holding period for feeder swine sold by a dealer.

Read first time and referred to committee on **agriculture.**

House File 684, by Howell, a bill for an act relating to the imposition of a tax on intangible personal property, appropriating the proceeds, and providing procedures for administration and penalties for violation.

Read first time and referred to committee on **ways and means.**

House File 685, by Woods, a bill for an act relating to slot machines.

Read first time and referred to committee on **state government.**

House File 686, by Cochran, a bill for an act relating to the award of annual rental charges to a landowner in addition to other damages in eminent domain proceedings by pipeline companies.

Read first time and referred to committee on **agriculture.**

House File 687, by Clements, a bill for an act relating to the use of electronic data processing by educational agencies.

Read first time and referred to committee on **education.**

House File 688, by Norland, a bill for an act relating to employer contribution rates for employers newly subject to the unemployment compensation law and for employers with increasing numbers of employees.

Read first time and referred to committee on **labor and industrial relations.**

House File 689, by Daggett, a bill for an act to protect persons who buy farm products from sellers engaged in farming operations from security interests created by those sellers to the same extent other buyers are protected from security interests created by persons from whom they buy.

Read first time and referred to committee on **agriculture.**

House File 690, by O'Kane, a bill for an act authorizing a city to certify a tax to be levied to pay the cost of an essential corporate purpose in lieu of issuing general obligation bonds.

Read first time and referred to committee on **cities.**

House File 691, by De Groot and Hansen of O'Brien, a bill for an act placing the authority for determining equivalent education with the state board of public instruction.

Read first time and referred to committee on **education.**

House File 692, by Branstad and Dieleman, a bill for an act relating to the presumption that a person was under the influence of an alcoholic beverage.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 693, by Lind and Gettings, a bill for an act to require the department of public instruction to adopt rules relating to admission of school districts to athletic conferences.

Read first time and referred to committee on **education.**

House File 694, by O'Kane, a bill for an act relating to raffles, games of skill, bingo, and other games of chance, and providing a penalty.

Read first time and referred to committee on **state government.**

House File 695, by Chiodo, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions.

Read first time and referred to committee on **commerce.**

House File 696, by Cusack, a bill for an act relating to court and administrative procedures for relief against the pollution impairment or destruction of air, water, and other natural resources.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 697, by Avenson, Groth, Norland, Jay, Anderson of Jasper, Connolly, Horn, Poncy, Carl, Lonergan and Spear, a bill for an act limiting the power of the governor to restrict the allocation of appropriated funds for state aid to schools.

Read first time and referred to committee on **state government.**

House File 698, by Cusack, a bill for an act requiring public utilities to give to a county board of social welfare notice of intent to

terminate utility service to a household containing elderly or handicapped persons or persons on public assistance, and establishing an action for enforcement and a monetary penalty for violations.

Read first time and referred to committee on **commerce.**

House File 699, by Cusack, a bill for an act to provide an exemption from the requirements for immunization of school children.

Read first time and referred to committee on **human resources.**

House File 700, by McKean, a bill for an act providing for the creation of agricultural districts.

Read first time and referred to committee on **agriculture.**

House File 701, by Shull and Chiodo, a bill for an act providing for the regulation of residential maintenance service companies by the commissioner of insurance, and providing penalties.

Read first time and referred to committee on **commerce.**

House File 702, by Cochran and Pellett, a bill for an act to revise the requirements of a soil erosion control plan for land disturbing activities to be effective upon publication subject to the adoption of rules by January 1, 1982.

Read first time and referred to committee on **agriculture.**

House File 703, by Norland, a bill for an act relating to expenditures from the fairground fund.

Read first time and referred to committee on **county government.**

House File 704, by Mullins, a bill for an act relating to the payment of moving expenses of state agencies, departments, commissions, and boards.

Read first time and referred to committee on **state government.**

House File 705, by Norland, a bill for an act relating to the responsibility for paying the cost of moving, building, or rebuilding certain facilities at points where a drainage district improvement crosses a public road.

Read first time and referred to committee on **county government.**

House File 706, by Norland, a bill for an act to require the filing of a claim to receive the agricultural land tax credit and the disallowing of the claim by a nonresident alien.

Read first time and referred to committee on **ways and means.**

House File 707, by Cusack, a bill for an act relating to the compensation of victims of violent crime and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 708, by Jay, a bill for an act giving credit for fringe benefits to certain employees of the department of social services while employed as intermittent employees.

Read first time and referred to committee on **state government.**

House File 709, by Avenson, a bill for an act creating a countercyclical budget and economic stabilization fund, providing for the administration of the fund and for transfers into and out of the fund and relating to appropriations from the fund.

Read first time and referred to committee on **state government.**

House File 710, by Corey, a bill for an act regulating the sale of funeral and cemetery goods or services, prior to death, and providing penalties to be effective January 1.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 711, by Conlon, a bill for an act relating to actions available to landlords and tenants.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 712, by Kirkenslager, a bill for an act to permit parimutuel betting in Iowa, by creating a state racing commission and prescribing its powers and duties, providing for licensing of certain organizations for the purpose of conducting horse races and racing meets, imposing taxes and fees and providing for their use and disbursement, and declaring certain acts to be unlawful and prescribing penalties for the commission of the acts.

Read first time and referred to committee on **state government.**

House File 713, by Danker, a bill for an act relating to the reclassification of highways and streets, effective upon publication.

Read first time and referred to committee on **transportation.**

House File 714, by Smalley and Trucano, a bill for an act amending certain provisions of the juvenile justice statute.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 715, by Smalley, a bill for an act relating to retirement benefits paid to fire fighters and police officers under chapter 411.

Read first time and referred to committee on **state government.**

House File 716, by Mann, a bill for an act providing a cause of action upon injury or death of a fetus.

Read first time and referred to committee on **judiciary and law enforcement.**

House File 717, by Sullivan, Cochran, Dieleman, Jay, Arnould, Norland, Stueland, Sturgeon, Swearingen, Connors, Groth, Spear, Gettings, Running, Halvorson of Webster, Renaud, Hall, Carl,

Davitt and Lloyd-Jones, a bill for an act to allow state cost sharing funds to be used for "no-till" incentive payments.

Read first time and referred to committee on **agriculture.**

House File 718, by Krewson, a bill for an act relating to the issuance of a permit to acquire ownership of a pistol or revolver.

Read first time and referred to committee on **state government.**

House File 719, by Conlon, a bill for an act to provide for the election of the state board of public instruction and to prescribe its duties.

Read first time and referred to committee on **education.**

House File 720, by Doderer, a bill for an act relating to the inheritance tax by providing for members of the decedent's family to pay the inheritance tax in installments if the interest or property passing as part of a family-held business and the interest or property of the family-held business makes up more than a certain percent of the net estate and providing for a January 1 effective date.

Read first time and referred to committee on **ways and means.**

House File 721, by Bruner, a bill for an act relating to the imposition of an additional tax of two percent on the gross receipts of oil companies, and providing penalties.

Read first time and referred to committee on **ways and means.**

House File 722, by Harbor, a bill for an act relating to the collection of empty beverage containers by distributors and the payment of refund values and handling charges by distributors, and subjecting violators to penalties.

Read first time and referred to committee on **energy.**

House File 723, by Kirkenslager, Arnould, Krewson, Johnson of Howard, O'Kane, Binneboese, Anderson of Jasper, Connolly, Dieleman, Cusack, Lonergan, Trucano, Danker, Connors, Branstad, Jochum, Daggett, Halvorson of Clayton, Sullivan, Gross, Johnson of

Woodbury, Hanson of Delaware, Renken, Sturgeon, Rapp, Ritsema, De Groot, Carl, Diemer, Howell, Anderson of Audubon, Tyrrell and Renaud, a bill for an act prohibiting discrimination in reimbursement of or payment for health care services rendered by physicians.

Read first time and referred to committee on **commerce.**

MOTIONS TO RECONSIDER
(House File 303)

I move to reconsider the vote by which House File 303 passed the House on February 27, 1981.

LIND of Black Hawk

(House File 303)

I move to reconsider the vote by which House File 303 passed the House on February 27, 1981.

MULLINS of Kossuth

SPONSORS ADDED
(House File 464)

The following members requested to be added as sponsors of House File 464:

Anderson of Audubon
Anderson of Jasper
Arnould of Scott
Binneboese of Plymouth
Branstad of Winnebago
Byerly of Polk
Carpenter of Polk
Chiodo of Polk
Clark of Cerro Gordo
Cochran of Webster
Crabb of Crawford
Cusack of Scott
Davitt of Warren
De Groot of Lyon
Dieleman of Marion
Gettings of Wapello
Gross of Ringgold
Halvorson of Webster
Hansen of O'Brien
Horn of Linn
Howell of Floyd
Jay of Appanoose
Johnson of Woodbury
Kirkenslager of Des Moines
Maulsby of Calhoun
Norland of Worth
O'Kane of Woodbury
Oxley of Linn
Pavich of Pottawattamie
Poncy of Wapello
Running of Linn
Sturgeon of Woodbury
Sullivan of Van Buren
Tyrrell of Iowa
Woods of Polk

SPONSOR ADDED
(House File 590)

Trucano of Polk requested to be added as a sponsor of House File 590.

SPECIAL PRESENTATION

Dieleman of Marion and Lind of Black Hawk presented to the House Amy Engelbert and Sara Rickert, and offered congratulations to them on receiving the D.A.R. Good Citizenship Award. Amy and Sara received this honor on the basis of leadership, honesty, dependability, cooperation and activity in all areas during their high school years. They are currently serving as House Pages.

PRESENTATION OF VISITOR

Hansen of O'Brien presented to the House Richard J. Norpel, Sr., former member of the House representing Jackson County.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

HISTORICAL DEPARTMENT

The third Biennial Report of the Iowa State Historical Department has been received, pursuant to Chapter 303.5, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 322

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

House File 332

Education: Daggett, Chair; Johnson of Woodbury, Lind, Menke, Norland, Groth and Horn.

House File 335

Education: Menke, Chair; Clements and Carl.

House File 354

Education: Swearingen, Chair; Menke, Mann, Anderson of Jasper and Jay.

House File 355

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 364

Education: Johnson of Woodbury, Chair; Ritsema and Connolly.

House File 367

Education: Daggett, Chair; Johnson of Woodbury, Lind, Menke, Groth, Norland and Horn.

House File 370

Natural Resources: Diemer, Chair; Hanson of Delaware and Lloyd-Jones.

House File 374

Education: Johnson of Howard, Chair; Clements and Lonergan.

House File 375

Transportation: Kirkenslager, Chair; Johnson of Woodbury and Lloyd-Jones.

House File 379

Transportation: Schroeder, Chair; Holt and Gettings.

House File 380

Transportation: Pellett, Chair; Danker and Binneboese.

House File 381

Natural Resources: Hanson of Delaware, Chair; Anderson of Audubon and Norland.

House File 383

Transportation: Lind, Chair; Mann and Anderson of Jasper.

House File 385

Ways and Means: Maulsby, Chair; Diemer and Cochran.

House File 391

Education: Daggett, Chair; Johnson of Woodbury, Lind, Menke, Groth, Norland and Horn.

House File 397

Ways and Means: Carpenter, Chair; Shull and Brandt.

House File 400

Ways and Means: Branstad, Chair; Daggett and Oxley.

House File 403

Education: Swearingen, Chair; Menke, Mann, Anderson of Jasper and Jay.

House File 404

Ways and Means: Ritsema, Chair; Bennett and Hall.

House File 405

Ways and Means: Daggett, Chair; Maulsby and Norland.

House File 416

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Johnson of Howard and Jay.

House File 417

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 419

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 420

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 421

Judiciary and Law Enforcement: Ritsema, Chair; Jay and Brandt.

House File 422

Agriculture: Stueland, Chair; Cochran and Cook.

House File 423

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

House File 424

Judiciary and Law Enforcement: Conlon, Chair; Egenes and Swartz.

House File 426

Cities: Clements, Chair; Diemer and Walter.

House File 427

Ways and Means: Conlon, Chair; Ritsema, Diemer, Shull, Chiodo, Connolly and Rapp.

House File 428

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Pelton and Brandt.

House File 429

Ways and Means: Diemer, Chair; Maulsby and Davitt.

House File 431

Education: Holt, Chair; Carpenter, Maulsby, Carl and Poncy.

House File 432

Transportation: Menke, Chair; Pellett and Groth.

House File 434

Judiciary and Law Enforcement: Poffenberger, Chair; Corey and Rapp.

House File 435

Judiciary and Law Enforcement: Ritsema, Chair; Conlon and Brandt.

House File 439

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 444

Education: Lind, Chair; Swearingen and Poncy.

House File 445

Transportation: Danker, Chair; Schnekloth and Anderson of Jasper.

House File 449

Commerce: Hoffmann, Chair; Schnekloth and Rapp.

House File 450

Judiciary and Law Enforcement: Johnson of Howard, Chair; Gross, Ritsema, Welsh and Brandt.

House File 451

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

House File 452

Judiciary and Law Enforcement: Gross, Chair; Corey and Jay.

House File 455

Judiciary and Law Enforcement: Pelton, Chair; Halvorson of Clayton, Corey, Brandt and Jay.

House File 456

Judiciary and Law Enforcement: Gross, Chair; Smalley and Jochum.

House File 461

Human Resources: Clark of Cerro Gordo, Chair; Spear and Walter.

House File 463

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 471

Transportation: Lageschulte, Chair; Mann and Pavich.

House File 476

Transportation: Johnson of Woodbury, Chair; Lind and Oxley.

House File 479

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 482

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton, Corey, Doderer and Jay.

House File 490

Judiciary and Law Enforcement: Poffenberger, Chair; Clark of Cerro Gordo and Arnould.

House File 500

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 501

Judiciary and Law Enforcement: Pelton, Chair; Egenes and Welsh.

House File 514

Judiciary and Law Enforcement: Poffenberger, Chair; Halvorson of Clayton and Welsh.

House File 515

Judiciary and Law Enforcement: Poffenberger, Chair; Halvorson of Clayton and Welsh.

House File 517

Judiciary and Law Enforcement: Conlon, Chair; Clark of Cerro Gordo and Rapp.

House File 519

Judiciary and Law Enforcement: Ritsema, Chair; Halvorson of Clayton, Pelton, Welsh and Swartz.

House File 526

Labor and Industrial Relations: Corey, Chair; Running and Stueland.

House File 528

Labor and Industrial Relations: Conlon, Chair; Hummel and Pavich.

House File 529

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Pelton, Jay and Sturgeon.

House File 530

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Arnould and Jay.

House File 531

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard and Brandt.

House File 533

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 541

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Doderer.

House File 553

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 556

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 557

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard and Jay.

House File 558

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Johnson of Howard and Jay.

House File 560

Labor and Industrial Relations: Hummel, Chair; Jochum and Smalley.

House File 583

Energy: Clark of Lee, Chair; Cusack and Lind.

House File 591

Energy: Petrick, Chair; Lonergan and Binneboese.

Senate File 148

Transportation: Branstad, Chair; Harbor and Woods.

Senate File 152

Energy: Cook, Chair; Ritsema and O'Kane.

Senate File 159

Transportation: Schroeder, Chair; Holt and Lloyd-Jones.

Senate File 228

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 87

Cities: Smith, Chair; Diemer and Spear.

Study Bill 88

Cities: Hoffmann, Chair; Swearingen and Horn.

Study Bill 94

Cities: Hoffmann, Chair; Crawford and Hall.

Study Bill 211

Judiciary and Law Enforcement: Conlon, Chair; Gross, Pelton, Rapp and Sturgeon.

Study Bill 216

Human Resources: McKean, Chair; Cusack, Carl, Daggett, Maulsby, Running and Trucano.

Study Bill 217

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 221

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Study Bill 222

Human Resources: Clark of Cerro Gordo, Chair; Spear and Walter.

Study Bill 223

Human Resources: Krewson, Chair; Poffenberger, Carl, Cusack, De Groot and Lonergan.

Study Bill 224

Education: Swearingen, Chair; Menke, Mann, Anderson of Jasper and Jay.

Study Bill 225

Natural Resources: Tyrrell, Chair; Stueland and Connolly.

Study Bill 226

Natural Resources: Bennett, Chair; Pellett and Cochran.

Study Bill 227

Natural Resources: Tyrrell, Chair; Cook and Jay.

Study Bill 228

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 229

Commerce: Conlon, Chair; Hansen of O'Brien and Welsh.

Study Bill 231

Agriculture: Crabb, Chair; Chiodo and Stueland.

Study Bill 233

Human Resources: McKean, Chair; Cusack, Carl, Daggett, Maulsby, Running and Trucano.

Study Bill 235

Ways and Means: Ritsema, Chair; McKean and Connolly.

Study Bill 236

Ways and Means: Ritsema, Chair; McKean and Connolly.

Study Bill 237

Judiciary and Law Enforcement: Conlon, Chair; Smalley, Trucano, Jay and Arnould.

Study Bill 240

Judiciary and Law Enforcement: Shimanek, Chair; Johnson of Howard, Pelton, Jay and Sturgeon.

Study Bill 241

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Jochum.

Study Bill 242

Judiciary and Law Enforcement: Trucano, Chair; Halvorson of Clayton and Arnould.

Study Bill 243

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo and Swartz.

Study Bill 244

Judiciary and Law Enforcement: Ritsema, Chair; Corey and Jay.

Study Bill 245

Judiciary and Law Enforcement: Gross, Chair; Halvorson of Clayton and Brandt.

Study Bill 251

Judiciary and Law Enforcement: Gross, Chair; Halvorson of Clayton and Jay.

Study Bill 252

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

Study Bill 253

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Poffenberger, Shimanek, Rapp and Sturgeon.

Study Bill 254

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger and Rapp.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., February 26, 1981

Convened: 1:35 p.m.

Adjourned: 3:30 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Johnson of Howard.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON CITIES

House File 371, a bill for an act relating to the prohibition of open burning under certain conditions and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 228, a bill for an act repealing a requirement for transference of certain male prisoners.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 215), providing that the possession of fireworks is a simple misdemeanor while an unlawful use remains a serious misdemeanor, subject to the prescribed penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 49), relating to chapter 692 concerning criminal investigative data, criminal history data, and intelligence data.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 178), exempting certain security information of adult correctional institutions from public disclosure.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

House File 121, a bill for an act revising the time allowed the governor to rescind an administrative rule.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3177.**

House File 160, a bill for an act to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 172, a bill for an act to establish short term liquor licenses and beer permits.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3178.**

Committee Bill (Formerly Study Bill 4), relating to the fees of certain licenses and permits issued by the department of agriculture.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 12), establishing the rate of interest payable on delinquent taxes owed to the state.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 100), to allow the permits to practice for certified public accountant, public accountants, and accounting practitioners to be multi-year permits.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 106), relating to the penalty to be imposed on licensees who tender the department of beer and liquor control more than three insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

House File 164, a bill for an act to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 197), relating to the movement of mobile homes by permit.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 200), to extend the temporary operating authority to forty-five days for commercial vehicles.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 202), relating to reports of motor vehicle accidents.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3177	H.F. 121	Committee on State Government
H–3178	S.F. 172	Committee on State Government

H–3179	S.F. 130	Clements of Scott
H–3180	S.F. 130	Jay of Appanoose
H–3181	S.F. 130	Clements of Scott
H–3182	H.F. 210	Hansen of O'Brien Halvorson of Clayton
H–3183	H.F. 290	Spear of Lee
H–3184	H.F. 503	Shimanek of Jones Smalley of Polk Trucano of Polk
H–3185	S.F. 130	Spear of Lee
H–3186	S.F. 130	Spear of Lee
H–3187	H.F. 36	Sturgeon of Woodbury
H–3188	H.F. 36	Sturgeon of Woodbury
H–3189	H.F. 36	Sturgeon of Woodbury
H–3190	H.F. 36	Sturgeon of Woodbury
H–3191	H.F. 36	Sturgeon of Woodbury

On motion by Pope of Polk, the House adjourned at 1:16 p.m., until 10:00 a.m., Monday, March 2, 1981.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day—Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 2, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. Louis Haselmayer, President of Iowa Wesleyan College, Mt. Pleasant.

The Journal of Friday, February 27, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Arnould of Scott; Binneboese of Plymouth, for the morning session, on request of Howell of Floyd; Lageschulte of Bremer, for the morning session, on request of Pope of Polk.

INTRODUCTION OF BILL

House File 724, by committee on education, a bill for an act to modify the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 121, by Taylor, a bill for an act allowing a parent to file a petition to change the name of a minor child of the parent.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 230, by Holden, a bill for an act relating to the person to whom notice of garnishment is served in a school district.

Read first time and referred to committee on **judiciary and law enforcement.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 58, a bill for an act amending a provision of the Iowa consumer credit code to allow short-term loans to be repayable in full at the end of the loan term.

Also: That the Senate has on February 25, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 112, a bill for an act relating to the accounting for pay periods, effective upon publication.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 17
By Davitt, Dieleman, Howell, O'Kane, Brandt, Sullivan, Jochum, Arnould, Welsh, Cusack, Cochran, Swartz, Poncy, Woods, Renaud, Carl, Halvorson of Webster, Jay, Hall, Connors, Chiodo, Running, Oxley, Lonergan, Pavich, Binneboese, Groth, Sturgeon, Avenson, Horn, Rapp, Gettings, Spear, Connolly, Norland, Bruner, Lloyd-Jones, Byerly, Anderson of Jasper, Doderer and Walter

Whereas, increasing utility rates have had a profound effect upon the citizens of this state, especially those persons who are economically disadvantaged or on fixed incomes; and

Whereas, the Iowa Commerce Commission is charged by law to regulate utility rates and determine if rate increases are justified; and

Whereas, it is recognized that the determination of whether utility rates are justified is an extremely complex and time consuming process requiring experts in the field of utility rate regulation; and

Whereas, the General Assembly has a duty to determine if the Iowa Commerce Commission is properly equipped with staff, funds, laws, and facilities to carry out the Commission's complex duties; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the program evaluation staff of the Legislative Fiscal Bureau is directed to carry out a comprehensive evaluation of the Iowa Commerce Commission to determine if the Commission is properly equipped with

staff, facilities, laws, regulations, and the capability to contract with knowledgeable persons in order to carry out the functions which it is responsible for by law; and

Be It Further Resolved, That the program evaluation staff issue periodic reports and recommend legislation as necessary to carry out its recommendations to the Legislative Council and the members of the General Assembly.

Laid over under Rule 30.

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 673)

The Speaker announced that House File 673, previously referred to the **committee on commerce**, was rereferred to the **committee on ways and means.**

CONSIDERATION OF BILLS
Regular Calendar

House File 8, a bill for an act to divide judicial district five into three judicial election districts, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas offered the following amendment H–3154 filed by Poffenberger, et al., and moved its adoption:

H–3154

Amend House File 8 as follows:

1. Page 1, by inserting after line 8 the following:

"Sec. . The membership of district judicial nominating commissions for judicial election districts 5A and 5C shall be as provided in chapter 46, subject to the following transition provisions:

1. Those judicial nominating commissioners of judicial election district 5A who are residents of Polk county shall be disqualified from serving in election district 5A on the effective date of this Act, and their offices shall be deemed vacant. The vacancies thus created shall be filled as provided in section 46.5 and for the remainder of the unexpired terms.

2. After the effective date of this Act the governor shall appoint five eligible electors of judicial election district 5C to the district judicial nominating commission for terms commencing immediately.

Two of the appointees shall serve terms ending January 31, 1982, two of the appointees shall serve terms ending January 31, 1984, and the remaining appointee shall serve a term ending January 31, 1986, as determined by the governor. At the end of these terms and each six years thereafter the governor shall appoint commissioners pursuant to section 46.3.

3. After the effective date of this Act elective judicial nominating commissioners for judicial election district 5A shall be elected as provided in chapter 46 to terms of office commencing immediately. Two of those elected shall serve terms ending January 31, 1982, two shall serve terms ending January 31, 1984, and the remaining number shall serve a term ending January 1, 1986, as determined by the drawing of lots by the persons elected. At the end of these terms and every six years thereafter elective commissioners shall be elected pursuant to chapter 46."

2. By renumbering sections as necessary.

Amendment H–3154 was adopted.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 8)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renken
Ritsema	Running	Schnekloth	Schroeder

Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Mr. Speaker			

The nays were, 4:

Byerly	Johnson, W.	Renaud	Woods

Absent or not voting, 7:

Binneboese	Clark, J. H.	Cusack	Jay
Jochum	Lageschulte	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 386, a bill for an act to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties, was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 386)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick

Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welden
Woods	Mr. Speaker		

The nays were, 3:

Maulsby	Renken	Van Maanen

Absent or not voting, 7:

Binneboese	Clark, J. H.	Cusack	Jay
Jochum	Lageschulte	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 5 WITHDRAWN

Poffenberger of Dallas asked and received unanimous consent to withdraw House File 5 from further consideration by the House.

SENATE FILE 147 SUBSTITUTED FOR HOUSE FILE 283

Trucano of Polk asked and received unanimous consent to substitute Senate File 147 for House File 283.

Senate File 147, a bill for an act to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state, was taken up for consideration.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 147)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey

Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 7:

Binneboese	Clark, J. H.	Cusack	Jay
Jochum	Lageschulte	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 283 WITHDRAWN

Trucano of Polk asked and received unanimous consent to withdraw House File 283 from further consideration by the House.

House File 348, a bill for an act relating to the licensing of real estate salespersons, associate brokers and brokers, was taken up for consideration.

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H–3086 filed by him on February 13, 1981.

Ritsema of Sioux offered the following amendment H–3087 filed by him and moved its adoption:

H—3087

Amend House File 348 as follows:
1. Page 2, by striking lines 3 through 18 and inserting in lieu thereof the following:
"Sec. 4. Section 117.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:
117.6 ACTS CONSTITUTING DEALING IN REAL ESTATE.
Any single act or transaction contained in the definition of real estate broker as set out in section 117.3 constitutes dealing in real estate."

A non-record roll call was requested.

The ayes were 36, nays 53.

Amendment H—3087 lost.

Doderer of Johnson offered the following amendment H—3094 filed by her and moved its adoption:

H—3094

Amend House File 348 as follows:
1. Page 4, line 29, by striking the words "at a facility".

Amendment H—3094 was adopted.

Johnson of Linn asked and received unanimous consent to withdraw amendment H—3065 filed by him on February 11, 1981.

Hoffmann of Muscatine offered the following amendment H—3098 filed by her and moved its adoption:

H—3098

Amend House File 348 as follows:
1. Page 12, by inserting after line 8 the following:
"Any person who shall violate the provisions of this section shall be guilty of a fraudulent practice."

Amendment H—3098 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 81, Halvorson of Webster refrained from voting.

On the question "Shall the bill pass?" (H.F. 348)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Danker	Davitt
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Lloyd-Jones
Lonergan	Mann	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Walter
Welden	Woods	Mr. Speaker	

The nays were, 5:

Daggett	De Groot	Maulsby	Miller
Van Maanen			

Absent or not voting, 8:

Binneboese	Clark, J. H.	Cusack	Halvorson, R. N.
Jay	Jochum	Lageschulte	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 438, a bill for an act relating to laws which restrict the receipt of gifts by employees of the department of banking, was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last

time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 438)

The ayes were, 80:

Anderson, J.	Anderson, R.	Avenson	Bennett
Brandt	Branstad	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clements
Cochran	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lonergan	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, 12:

Arnould	Bruner	Conlon	Hanson, D.
Lloyd-Jones	Mann	O'Kane	Pelton
Rapp	Renaud	Smalley	Sturgeon

Absent or not voting, 8:

Binneboese	Clark, J. H.	Cusack	Jay
Jochum	Lageschulte	Smith	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 106, a bill for an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3126 filed by him and moved its adoption:

H—3126

Amend Senate File 106, as passed by the Senate, as follows:

1. Page 1, line 9, by striking the word "Evening" and inserting in lieu thereof the words "Fort Madison Daily".

Amendment H—3126 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 106)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Binneboese	Clark, J. H.	Cusack	Jay
Jochum	Lageschulte	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 304**, a bill for an act including energy conservation and solar access as objectives of city and county zoning regulations.

Johnson of Linn moved to reconsider the vote by which amendment H–3077A was adopted by the House on February 16, 1981.

The motion prevailed and the House reconsidered amendment H–3077A, found on pages 422 and 423 of the House Journal.

Johnson of Linn asked and received unanimous consent to withdraw amendment H–3077A filed by him.

Anderson of Audubon called up for consideration the motion to reconsider amendment H–3077B filed by him on February 16, 1981 and asked and received unanimous consent to withdraw the motion to reconsider.

Pelton of Clinton offered the following amendment H–3157 filed by Pelton, et al., and moved its adoption:

H–3157

Amend House File 304 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 358A.5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a county that did not have zoning prior to the effective date of this Act.

Sec. 2. Section 414.3, unnumbered paragraph 1,

Code 1981, is amended to read as follows:

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on the effective date of this Act, or to require zoning in a city that did not have zoning prior to the effective date of this Act."

A non-record roll call was requested.

The ayes were 59, nays 35.

Amendment H—3157 was adopted, placing out of order amendment H—3092 filed by Tyrrell of Iowa on February 16, 1981.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 304)

The ayes were, 83:

Anderson, J.	Anderson, R.	Avenson	Bennett
Brandt	Branstad	Carl	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pellett
Pelton	Petrick	Poffenberger	Poncy

Pope	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, 10:

Arnould	Bruner	Byerly	Doderer
Gettings	O'Kane	Pavich	Rapp
Sturgeon	Walter		

Absent or not voting, 7:

Binneboese	Carpenter	Clark, J. H.	Cusack
Jay	Lageschulte	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 143, a bill for an act relating to the authority of school districts to levy a tax for public educational and recreational purposes, with report of committee recommending amendment and passage was taken up for consideration.

Daggett of Taylor offered the following amendment H–3096 filed by the committee on education and moved its adoption:

H–3096

Amend House File 143 as follows:

1. Page 2, line 8, by inserting after the word "until" the words "the board votes to rescind the levy and collection of the tax or".

2. Page 2, line 10, by inserting after the word "discontinued" the words "in the manner provided in this section or".

3. Page 2, by inserting after line 14 the following section:

"Sec. 6. Tax levies approved by the voters under chapter 300 prior to the effective date of this Act may be used for the purposes provided in sections 1 through 5 of this Act and shall be continued until discontinued as provided in section 4 of this Act."

The committee amendment H–3096 was adopted.

Maulsby of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 143)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Connolly
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 3:

Conlon	Davitt	Smalley

Absent or not voting, 7:

Binneboese	Clark, J. H.	Cusack	Jay
Lageschulte	Rapp	Smith	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 436 DEFERRED

House File 436, a bill for an act providing that the issuance of property tax receipts may be optional, was taken up for consideration.

Pope of Polk asked and received unanimous consent that House File 436 be deferred and that the bill retain its place on the calendar.

Senate File 86, a bill for an act relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981, and providing that the Act takes effect upon publication, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 86)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 10:

Conlon	Cook	Danker	Davitt
Johnson, J.	Mann	Maulsby	Pellett
Renken	Smalley		

Absent or not voting, 5:

Binneboese	Cusack	De Groot	Jay
Lageschulte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPONSOR ADDED
(House File 562)

Johnson of Linn requested to be added as a sponsor of House File 562.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 27, 1981 he approved and transmitted to the Secretary of State the following bills:

House File 233, an act relating to joint meetings of meetings of members of boards of an area education agency and its corresponding merged area.

House File 236, an act providing that the State Comptroller shall approve the quarterly allotment of funds appropriated subject to the Governor's review or modification.

Senate File 177, an act relating to the liability of the industrial loan guaranty fund for acts and omissions of the Auditor of State.

COMMUNICATION FROM SECRETARY OF STATE

February 27, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 93, was published in The Hampton Chronicle, Hampton, Iowa on February 19, 1981, and in the Waverly Democrat, Waverly, Iowa on February 19, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for a short period on March 2, 1981. Had I been present, I would have voted "aye" on House File 304.

CARPENTER of Polk

I was necessarily absent from the House chamber for a short period on March 2, 1981. Had I been present, I would have voted "aye" on Senate File 86.

DE GROOT of Lyon

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-eight fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn. By Carpenter of Polk.

Members of Girl Scout Troop #272 and Boy Scout Troop #95 from Cantril and Milton. By Sullivan of Van Buren.

Fifty fourth, fifth and sixth grade students from Hoglan Elementary School, Marshalltown, accompanied by Bob Winkleblack. By Swartz of Marshall.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION

The annual report of the Commission on Professional and Occupational Regulation has been received pursuant to Chapter 2B, Code of Iowa.

AMENDMENTS FILED

H—3192	H.F. 436	Diemer of Black Hawk

H—3193	H.F. 36	Johnson of Howard Renken of Grundy
H—3194	S.F. 130	Spear of Lee
H—3195	S.F. 130	Spear of Lee
H—3196	H.F. 506	Clements of Scott
H—3197	H.F. 290	Clements of Scott
H—3198	S.F. 130	Spear of Lee
H—3199	H.F. 436	Davitt of Warren Branstad of Winnebago Gross of Ringgold Welsh of Dubuque Cochran of Webster Schnekloth of Scott
H—3200	H.F. 436	Davitt of Warren Branstad of Winnebago Gross of Ringgold Welsh of Dubuque Cochran of Webster Schnekloth of Scott

On motion by Pope of Polk, the House adjourned at 12:17 p.m., until 9:00 a.m., Tuesday, March 3, 1981.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day—Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 3, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Gerald Sawyer, pastor of the Ankeny Christian Church-Disciples of Christ, Ankeny.

The Journal of Monday, March 2, 1981 was approved.

INTRODUCTION OF BILLS

House File 725, by committee on state government, a bill for an act relating to the fees and licenses issued by the department of agriculture.

Read first time and **placed on the calendar.**

House File 726, by committee on commerce, a bill for an act relating to nonconforming facilities under the state elevator code.

Read first time and **placed on the calendar.**

House File 727, by committee on state government, a bill for an act to allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits.

Read first time and **placed on the calendar.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 305, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause.

LINDA HOWARTH MACKAY, Secretary

APPOINTMENT TO COMMISSION ON PROFESSIONAL AND OCCUPATIONAL REGULATION
(Chapter 2B.2)

Due to the resignation January 27, 1981, of Representative Ingwer Hansen of O'Brien County, Speaker Stromer announced the appointment of Representative Marvin E. Diemer of Black Hawk County to the Commission on Professional and Occupational Regulation to an unexpired term ending June 30, 1983.

STUDY BILL REASSIGNED

Study Bill 141, previously assigned to the **committee on education,** was reassigned to the **education appropriations subcommittee.**

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 252 Labor and Industrial Relations

To appropriate money credited to the account of the state of Iowa in the unemployment trust fund.

S.B. 253 Judiciary and Law Enforcement

To establish a sentencing guidelines commission.

S.B. 254 Judiciary and Law Enforcement

Relating to photographs of property over which alleged unauthorized possession or control was exerted or which was otherwise allegedly unlawfully obtained.

S.B. 255 Natural Resources

Prescribing state land use policy standards and providing a cause of action against a government agency which engages in or is about to engage in conduct unreasonably violating a standard.

S.B. 256 Agriculture

Relating to the Iowa beef industry council.

S.B. 257 Agriculture

Relating to the definition of "low or moderate net worth" as it applies to beginning farmer loan programs of the Iowa family farm development authority.

S.B. 258 Agriculture

Exempting loans made to beginning farmers under programs of the Iowa family farm development authority from the restrictions and requirements specified in section 524.905.

S.B. 259 Education

To provide for the imposition of a property tax levy for area schools for a cash reserve, and to provide that the Act takes effect upon its publication.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nineteen students from Adel Junior-Senior High School, Adel, accompanied by Mary Moehlis. By Poffenberger of Dallas.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

DEPARTMENT OF REVENUE

The annual report for the fiscal year ending June 30, 1980 from the Department of Revenue has been received pursuant to Chapter 421, Code of Iowa.

EXPLANATION OF VOTE

Due to an error, I wish to change my vote from "aye" to "nay" on amendment H–3123B to House File 414, found on pages 506 and 507 of the House Journal.

HORN of Linn

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 229), relating to nonconforming facilities under the state elevator code.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 214), relating to the permissive catch and size limits of fish.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3201	S.F. 130	Spear of Lee
H—3202	S.F. 130	Spear of Lee
H—3203	H.F. 467	Spear of Lee
H—3204	H.F. 371	Spear of Lee
H—3205	S.F. 130	Clements of Scott
H—3206	H.F. 503	Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 9:13 a.m., until 9:00 a.m., Wednesday, March 4, 1981.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 4, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Bob Tolliver, pastor of the East Ankeny Baptist Church, Ankeny.

The Journal of Tuesday, March 3, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Buchanan on request of Hummel of Benton; Arnould of Scott on request of Binneboese of Plymouth.

On motion by Pope of Polk, the House was recessed at 9:21 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 728, by committee on transportation, a bill for an act relating to the movement of mobile homes and factory-built structures with a width not exceeding sixteen feet under permit.

Read first time and **placed on the calendar.**

House File 729, by committee on transportation, a bill for an act to extend the temporary operating authority to forty-five days for commercial vehicles.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 225, by committee on state government, a bill for an act relating to retainage withheld from payment to contractors under contracts for public improvements.

Read first time and referred to committee on **state government.**

Senate File 305, by committee on appropriations, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause.

Read first time and referred to committee on **appropriations.**

SPONSORS ADDED

(House File 658)

Bruner of Story requested to be added as a sponsor of House File 658.

(House File 680)

Brandt of Black Hawk requested to be added as a sponsor of House File 680.

(Amendment H–3203 to House File 467)

Shimanek of Jones requested to be added as a sponsor of amendment H–3203 to House File 467.

PRESENTATION OF VISITORS

Dieleman of Marion presented to the House the following Foreign Exchange Students: Veronique Vandeperre from Belgium; Sylvia Ruckstuhl from Switzerland and Roberto Pauline from the Dominican Republic.

Speaker Stromer presented to the House Scott Dawley from North Mahaska Junior-Senior High School, New Sharon. Scott is observing the operation of the Speaker's Office.

The Speaker announced that the following visitors were present in the House chamber:

Fifty-five students from English Valleys High School, North English, accompanied by Brian Newell and Doug Atwood. By Tyrrell of Iowa.

Eight members of the Ecology Club from Burlington Community High School, Burlington, accompanied by Sherman Lundy. By Kirkenslager of Des Moines.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

The annual report on Transportation Programs has been received, pursuant to Section 601J.4, subsection 2, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 260 Judiciary and Law Enforcement

Relating to assignments of instruments and accounts.

S.B. 261 Commerce

Authorizing the conversion of mutual savings and loan associations into capital stock savings and loan associations, and establishing the fees to be paid upon such conversion.

S.B. 262 Commerce

Regulating the offer and sale of business opportunities and providing penalties for violations.

S.B. 263 State Government

Relating to the licensing and operation of games of skill, chance, and raffles.

S.B. 264 State Government

Relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions.

S.B. 265 State Government

Relating to the powers and duties of the governor during a disaster emergency, to be effective upon publication.

S.B. 266 State Government

Relating to the amount of fee collected for services performed, and certificates and copies of records issued within the department of health.

S.B. 267 Human Resources

Relating to reports of reportable disease.

S.B. 268 Transportation

Prohibiting the use of devices to detect the presence of operational radar equipment or to interfere with its reception, and providing a penalty.

HOUSE RESOLUTION 10
By Chiodo, Avenson, Running, Brandt, Rapp, Arnould, Horn, Connors, Sturgeon, Jochum, Pavich, Norland and Groth

Whereas, an investigation into the shocking murders of children in Atlanta, Georgia has been in progress since June, 1979, and

Whereas, the investigation includes 35 full-time police and law enforcement officers and 30 full-time civilian staffpersons, in addition to hundreds of volunteer workers, and

Whereas, the cost of the investigation has climbed to well over $1 million and is continuing at a rate in excess of $150,000 per month, and

Whereas, additional costs have been incurred in the course of conducting workshops and other informational meetings for Atlanta parents and their school-age children, and

Whereas, the psychological and emotional stress which this continuing menace is inflicting upon the children of Atlanta can be relieved only by a swift resolution of the case, and

Whereas, the mayor of Atlanta has requested donations to help pay for expenses related to the investigation, and

Whereas, Iowans share both the grief and concern of the people of Atlanta for the safety and welfare of their children and their hopes that law and justice will soon prevail, *Now Therefore*,

Be It Resolved by the House of Representatives, That the Appropriations Committee is directed to draft a bill for consideration by the House of Representatives which appropriates the sum of $20,000 to the Atlanta

Bureau of Police Services, Investigative Fund, for use in defraying the costs of the murder investigation.

Laid over under Rule 30.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., Tuesday, March 3, 1981

Convened: 1:35 p.m.

Adjourned: 3:15 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Ritsema, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: Poffenberger and Smalley.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON CITIES

House File 250, a bill for an act authorizing municipalities as defined in chapter

613A of the Code to establish a fund as protection against claims arising under that chapter or federal laws, and authorizing a tax for that purpose.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 187), relating to the number of years city records are required to be kept.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON ENERGY

Senate File 152, a bill for an act providing that manufacturers and nonresident vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 40), relating to the purchase of energy efficient products by the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 17), relating to the rights of foster parents concerning a termination of parental rights hearing involving their foster child.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 163), to permit a separate writing to identify bequests of certain tangible personal property in wills.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 175), relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 180), relating to the annual inspection of the state adult penal and correctional facilities and the state juvenile facilities.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 183), relating to pre-trial criminal procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 185), relating to the payment of costs in certain civil and administrative actions to which the state is a party.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 213), relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 244), relating to the offense of false use of a financial instrument and the penalties for that offense.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 251), for the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 252), to appropriate money credited to the account of the state of Iowa in the unemployment trust fund.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 193), to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

Senate File 159, a bill for an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 201), to increase the fee for a duplicate registration card, plate, or pair of plates.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 268 substituted for House File 12), prohibiting the use of devices to detect the presence of operational radar equipment or to interfere with its reception, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3207	H.F. 506	Schnekloth of Scott
H–3208	S.F. 172	Johnson of Linn
H–3209	S.F. 130	Spear of Lee
H–3210	H.F. 724	Spear of Lee
H–3211	H.F. 121	Harbor of Mills
H–3212	S.F. 87	Clements of Scott
H–3213	H.F. 724	Spear of Lee
H–3214	H.F. 710	Corey of Louisa

H—3215 H.F. 503 Shimanek of Jones

On motion by Pope of Polk, the House adjourned at 12:45 p.m., until 9:00 a.m., Thursday, March 5, 1981.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day—Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 5, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. John Woods, pastor of the Westminster Presbyterian Church, Cedar Rapids.

The Journal of Wednesday, March 4, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Stromer of Hancock, from twenty-nine constituents from Clarion, protesting a petition filed by the Iowa Public Service Company to the Iowa State Commerce Commission for an electric utility rate increase.

INTRODUCTION OF BILLS

House File 730, by committee on judiciary and law enforcement, a bill for an act exempting certain security information of adult correctional institutions from public disclosure.

Read first time and **placed on the calendar.**

House File 731, by committee on judiciary and law enforcement, a bill for an act relating to criminal investigative data, criminal history data, intelligence data, and the confidentiality of peace officers' investigative reports.

Read first time and **placed on the calendar.**

House File 732, by committee on transportation, a bill for an act prohibiting the use of devices to detect the presence of operational radar equipment or to interfere with its reception, and providing a penalty.

Read first time and **placed on the calendar.**

House File 733, by committee on judiciary and law enforcement, a bill for an act relating to the possession, use, or sale of fireworks and providing penalties.

Read first time and **placed on the calendar.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Harbor of Mills called up for consideration House Concurrent Resolution 2, urging Congress to study and enact legislation that would minimize the impact of early election returns in a Presidential election, filed on January 13, 1981 and found on page 68 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

LINDA HOWARTH MACKAY, Secretary

On motion by Pope of Polk, the House was recessed at 9:18 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the afternoon session, on request of Crabb of Crawford.

CONSIDERATION OF BILLS
Regular Calendar

House File 453, a bill for an act relating to the payment of interest on deposits made by customers of public utilities, was taken up for consideration.

Johnson of Linn offered the following amendment H–3172 filed by him:

H–3172

Amend House File 453 as follows:
1. Page 1, by striking lines 15 through 18 and inserting in lieu thereof the words "two percentage points higher than the rate published annually in the administrative bulletin by the commission."

Chiodo of Polk asked and received unanimous consent to withdraw amendment H–3217, to amendment H–3172, filed by him from the floor.

Chiodo of Polk offered the following amendment H–3219, to amendment H–3172, filed by Chiodo, Johnson of Linn and Schroeder from the floor and moved its adoption:

H–3219

Amend amendment H–3172 to House File 453 as follows:
1. Page 1, line 5, by inserting after the period the following: "The commission shall disallow one-half of the aggregate amount of interest paid by a public utility to its customers under this section when determining the costs of the operations of the public utility for rate-making purposes."

Amendment H–3219 was adopted.

On motion by Johnson of Linn, amendment H–3172, as amended, was adopted.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 453)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 4:

Hummel	Johnson, J.	Mann	Renken

Absent or not voting, 1:

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 465, a bill for an act relating to the preparation of the farm unit soil conservation folder and plan, was taken up for consideration.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 465)

The ayes were, 99:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 466 DEFERRED

Pope of Polk asked and received unanimous consent that House File 466 be deferred and that the bill retain its place on the calendar.

House File 467, a bill for an act relating to rules of the fire marshal, was taken up for consideration.

Spear of Lee offered the following amendment H—3203 filed by him and Shimanek of Jones:

H–3203

Amend House File 467 as follows:

1. Page 1, by striking lines 14 through 18 and inserting in lieu thereof the following: "corporation ~~violating any of such rules~~ who violates a rule of the fire marshal shall be ~~deemed guilty of a simple misdemeanor~~ subject to a civil penalty of not more than one thousand dollars. Each day of the continuing violation of ~~such rules~~ a rule after ~~conviction~~ being found in violation, shall be considered a separate ~~offense~~ violation and a single charge alleging continuing violation".

2. Page 1, by striking lines 20 and 21 and inserting in lieu thereof the following: "violation. ~~Appeals~~ Appeal may be ~~taken~~ made from ~~such convictions~~ the finding as may be made from a conviction in ~~other~~ a criminal ~~cases~~ case."

Conlon of Muscatine offered the following amendment H–3216, to amendment H–3203, filed by him from the floor and moved its adoption:

H–3216

Amend amendment H–3203 to House File 467 as follows:

1. Page 1, line 6, by striking the words "a civil" and inserting in lieu thereof the words "an administrative".

2. Page 1, by striking lines 15 and 16 and inserting in lieu thereof the words "the finding pursuant to chapter 17A. ~~as in other criminal cases~~ If a final administrative penalty remains unpaid, the district court shall grant the fire marshal a civil judgment to ~~enforce~~ its collection."

Amendment H–3216 was adopted.

On motion by Spear of Lee, amendment H–3203, as amended, was adopted.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 467)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Miller

Absent or not voting, 1:

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 440, a bill for an act to provide for redrawing director districts in a merged area, was taken up for consideration.

Johnson of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 440)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or not voting, 1:

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 503 DEFERRED

Pope of Polk asked and received unanimous consent that House File 503 be deferred and that the bill retain its place on the calendar.

House File 509, a bill for an act limiting refunds of the state insurance retaliatory tax, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 509)

The ayes were, 54:

Anderson, J.	Anderson, R.	Avenson	Bennett
Brandt	Branstad	Bruner	Carpenter
Clark, J. H.	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Jay	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Maulsby	McKean	Menke
Norland	O'Kane	Pellett	Pelton
Petrick	Pope	Renken	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Van Maanen
Welden	Mr. Speaker		

The nays were, 45:

Arnould	Binneboese	Byerly	Carl
Chiodo	Clark, B. J.	Clements	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doderer	Gettings	Gross
Groth	Hall	Horn	Howell
Jochum	Johnson, J.	Lloyd-Jones	Lonergan
Mann	Miller	Mullins	Oxley
Pavich	Poffenberger	Poncy	Rapp
Renaud	Ritsema	Running	Smalley
Spear	Sturgeon	Sullivan	Swartz
Trucano	Tyrrell	Walter	Welsh
Woods			

Absent or not voting, 1:

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 559, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 559)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Harbor	Shimanek

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 565, a bill for an act authorizing foreign insurance corporations doing business under chapter 515 of the Code to reincorporate as Iowa corporations, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Harbor	Shimanek

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

Lind of Black Hawk called up for consideration the motion to reconsider House File 303, filed on February 27, 1981, and moved to reconsider the vote by which House File 303, a bill for an act relating to the registration of group day care home providers, passed the House on February 27, 1981.

A non-record roll call was requested.

The ayes were 13, nays 83.

The motion lost, placing out of order the motion to reconsider filed by Mullins of Kossuth on February 27, 1981.

HOUSE RULES SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39, relating to the Weekly and Daily Debate Calendars, and that the bills listed on the Friday, March 6, 1981 Daily Debate Calendar be considered as the bills for the Monday, March 9, 1981 Daily Debate Calendar.

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 regarding the filing of amendments on Monday, March 9, 1981.

Pope of Polk asked and received unanimous consent to suspend House Rule 61 regarding committee notices and agendas for Monday, March 9, 1981.

APPOINTMENT TO COLLEGE AID COMMISSION

Speaker Stromer announced the following appointment:

COLLEGE AID COMMISSION
(Chapter 261.1, 1981 Code)

Representative Horace Daggett of Taylor County, to fill an unexpired term ending June 30, 1983.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine students from Hiatt Junior High, Des Moines, accompanied by Pat Ramsey. By Connors of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 269 Labor and Industrial Relations

Relating to workers' compensation.

S.B. 270 Transportation

To repeal the requirement that motor vehicle dealers issue purchase receipts.

S.B. 271 Judiciary and Law Enforcement

Relating to storage of criminal investigative data, criminal history data and intelligence data.

S.B. 272 State Government

Removing the prohibition against filing a complaint under chapter 601A with both a referral agency and the Iowa civil rights commission.

S.B. 273 State Government

To transfer the agricultural marketing division from the department of agriculture to the Iowa development commission.

S.B. 274 State Government

Increasing the number of members of the state board of dental examiners.

S.B. 275 Commerce

Relating to automobile insurance policies, and providing that a policy containing or purporting to contain comprehensive coverage against physical damage to an automobile shall require the insurer to pay the full cost of repairs to or replacement of a damaged windshield of the automobile without regard to any deductible or other self-insurance or coinsurance clause.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 15

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 16

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House Joint Resolution 17

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

House File 376

Appropriations: Hoffmann, Chair; Shimanek and Doderer.

House File 433

State Government: Smith, Chair; Carpenter and Halvorson of Webster.

House File 437

Appropriations: Hansen of O'Brien, Chair; Shull and Norland.

House File 447

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 448

State Government: Harbor, Chair; Shimanek and Halvorson of Webster.

House File 457

Agriculture: Stueland, Chair; Davitt, Tyrrell, Welsh and Hummel.

House File 460

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 464

Education: Holt, Chair; Maulsby and Poncy.

House File 473

Education: Ritsema, Chair; Johnson of Howard and Groth.

House File 474

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 478

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 480

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

House File 481

State Government: Anderson of Audubon, Chair; Smith and Anderson of Jasper.

House File 483

Education: Ritsema, Chair; Johnson of Howard and Groth.

House File 486

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 487

State Government: Trucano, Chair; Lageschulte and Arnould.

House File 488

Education: Krewson, Chair; Holt and Carl.

House File 489

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 491

Commerce: Conlon, Chair; Egenes and Halvorson of Webster.

House File 494

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Chiodo.

House File 496

Transportation: Pellett, Chair; Johnson of Woodbury and Lloyd-Jones.

House File 497

Agriculture: Cook, Chair; Welsh and McKean.

House File 498

Transportation: Mann, Chair; Branstad and Anderson of Jasper.

House File 499

Education: Carpenter, Chair; Johnson of Woodbury and Norland.

House File 502

State Government: Harbor, Chair; Swearingen and Doderer.

House File 510

Appropriations: Shimanek, Chair; Crawford and Doderer.

House File 518

Education: Swearingen, Chair; Mann, Menke, Anderson of Jasper and Jay.

House File 520

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

House File 521

Transportation: Danker, Chair; Lageschulte and Bruner.

House File 522

Education: Ritsema, Chair; Johnson of Howard and Groth.

House File 523

State Government: Harbor, Chair; Shimanek and Halvorson of Webster.

House File 524

Human Resources: Clark of Cerro Gordo, Chair; Krewson, Poffenberger, Carl, Cusack, De Groot and Lonergan.

House File 525

Commerce: Renken, Chair; Holt and Swartz.

House File 527

Agriculture: Crabb, Chair; Byerly and De Groot.

House File 534

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 535

Transportation: Menke, Chair; Lind and Binneboese.

House File 536

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 537

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 543

Education: Swearingen, Chair; Mann, Menke, Anderson of Jasper and Jay.

House File 545

Education: Holt, Chair; Carpenter, Maulsby, Carl and Poncy.

House File 547

Commerce: Smith, Chair; Hoffmann and Woods.

House File 548

State Government: Trucano, Chair; Clark of Cerro Gordo and Woods.

House File 550

Transportation: Johnson of Woodbury, Chair; Pellett and Gettings.

House File 551

Education; Johnson of Woodbury, Chair; Ritsema and Connolly.

House File 552

Cities: Tyrrell, Chair; Johnson of Linn and Walter.

House File 554

Transportation: Branstad, Chair; Danker and Oxley.

House File 555

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 561

Transportation: Schnekloth, Chair; Schroeder and Groth.

House File 562

State Government: Shimanek, Chair; Anderson of Audubon and Brandt.

House File 563

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 566

Education: Johnson of Woodbury, Chair; Menke, Lind, Groth, Norland and Horn.

House File 569

Energy: Pelton, Chair; Lonergan, Clark of Lee, O'Kane and Petrick.

House File 571

Human Resources: Clark of Cerro Gordo, Chair; McKean, Cusack, Carl, Daggett, Maulsby, Running and Trucano.

House File 573

State Government: Carpenter, Chair; Clark of Cerro Gordo and Anderson of Jasper.

House File 574

Transportation: Lageschulte, Chair; Mann and Pavich.

House File 575

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Rapp and Jochum.

House File 577

State Government: Harbor, Chair; Hoffmann and Anderson of Jasper.

House File 578

Education: Holt, Chair; Carpenter, Maulsby, Carl and Poncy.

House File 579

State Government: Crawford, Chair; Swearingen, Carpenter, Brandt and Doderer.

House File 580

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

House File 581

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 582

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 585

Transportation: Kirkenslager, Chair; Holt and Anderson of Jasper.

House File 587

Judiciary and Law Enforcement: Ritsema, Chair; Gross and Welsh.

House File 588

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 592

State Government: Hanson of Delaware, Chair; Trucano and Arnould.

House File 593

Judiciary and Law Enforcement: Ritsema, Chair; Gross and Welsh.

House File 594

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Rapp.

House File 595

Judiciary and Law Enforcement: Shimanek, Chair; Halvorson of Clayton and Rapp.

House File 596

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Rapp.

House File 597

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Rapp.

House File 598

Judiciary and Law Enforcement: Ritsema, Chair; Trucano and Rapp.

House File 600

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 601

Transportation: Kirkenslager, Chair; Menke and Woods.

House File 602

Transportation: Schroeder, Chair; Holt and Lloyd-Jones.

House File 605

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Rapp.

House File 606

State Government: Crawford, Chair; Hanson of Delaware and Chiodo.

House File 607

Education: Swearingen, Chair; Mann, Menke, Anderson of Jasper and Jay.

House File 609

Human Resources: Clark of Cerro Gordo, Chair; Kirkenslager, Gross, Krewson, Menke and Miller.

House File 611

Education: Johnson of Howard, Chair; Holt and Carl.

House File 613

Transportation: Danker, Chair; Mann and Oxley.

House File 615

Education: Swearingen, Chair; Menke, Anderson of Jasper, Jay and Mann.

House File 616

Judiciary and Law Enforcement: Poffenberger, Chair; Jay and Brandt.

House File 617

Education: Ritsema, Chair; Johnson of Howard and Groth.

House File 618

Commerce: Conlon, Chair; Smith and Bruner.

House File 622

Agriculture: Cook, Chair; Welsh and McKean.

House File 629

Agriculture: McKean, Chair; Miller and Stueland.

House File 630

Education: Swearingen, Chair; Menke, Mann, Anderson of Jasper and Jay.

House File 634

Appropriations: Shull, Chair; Halvorson of Clayton and Miller.

House File 636

Judiciary and Law Enforcement: Gross, Chair; Jochum and Smalley.

House File 640

Education: Daggett, Chair; Johnson of Woodbury, Menke, Lind, Groth, Horn and Norland.

House File 644

Judiciary and Law Enforcement: Pelton, Chair; Arnould and Trucano.

House File 645

Commerce: Hummel, Chair; Renken and Rapp.

House File 646

Transportation: Schnekloth, Chair; Schroeder and Woods.

House File 647

Human Resources: Clark of Cerro Gordo, Chair; Kirkenslager, Gross, Krewson, Menke and Miller.

House File 648

Judiciary and Law Enforcement: Johnson of Howard, Chair; Smalley and Jochum.

House File 649

Human Resources: Clark of Cerro Gordo, Chair; McKean, Cusack, Carl, Daggett, Maulsby, Running and Trucano.

House File 654

Education: Maulsby, Chair; Johnson of Howard and Poncy.

House File 655

Agriculture: Cook, Chair; Welsh and McKean.

House File 657

Commerce: Hansen of O'Brien, Chair; Holt and Sturgeon.

House File 658

Human Resources: Clark of Cerro Gordo, Chair; Kirkenslager, Gross, Krewson, Menke and Miller.

House File 660

Commerce: Egenes, Chair; Halvorson of Webster and Hoffmann.

House File 663

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 666

Judiciary and Law Enforcement: Poffenberger, Chair; Conlon and Rapp.

House File 670

Judiciary and Law Enforcement: Pelton, Chair; Gross, Conlon, Rapp and Brandt.

House File 671

Commerce: Hummel, Chair; Renken and Rapp.

House File 672

Education: Swearingen, Chair; Mann, Menke, Anderson of Jasper and Jay.

House File 674

Judiciary and Law Enforcement: Ritsema, Chair; Halvorson of Clayton, Pelton, Welsh and Swartz.

House File 675

Judiciary and Law Enforcement: Conlon, Chair; Swartz and Halvorson of Clayton.

House File 678

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 679

Judiciary and Law Enforcement: Poffenberger, Chair; Smalley and Sturgeon.

House File 682

Education: Holt, Chair; Carpenter, Maulsby, Carl and Poncy.

House File 683

Agriculture: De Groot, Chair; Halvorson of Webster and McKean.

House File 686

Agriculture: McKean, Chair; Miller and Stueland.

House File 687

Education: Clements, Chair; Mann, Johnson of Howard, Poncy and Spear.

House File 689

Agriculture: Tyrrell, Chair; Sullivan and Hummel.

House File 692

Judiciary and Law Enforcement: Shimanek, Chair; Pelton, Welsh, Smalley and Jay.

House File 693

Education: Johnson of Woodbury, Chair; Johnson of Howard and Spear.

House File 695

Commerce: Hansen of O'Brien, Chair; Holt and Sturgeon.

House File 696

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Doderer.

House File 698

Commerce: Johnson of Linn, Chair; Shull, Swearingen, Bruner and Chiodo.

House File 699

Human Resources: Clark of Cerro Gordo, Chair; Kirkenslager, Gross, Krewson, Menke and Miller.

House File 700

Agriculture: Hummel, Chair; Sullivan and McKean.

House File 701

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 707

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard, Pelton, Jay and Sturgeon.

House File 710

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Jochum.

House File 711

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Smalley and Swartz.

House File 714

Judiciary and Law Enforcement: Shimanek, Chair; Conlon, Clark of Cerro Gordo, Doderer and Jay.

House File 716

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Rapp.

House File 717

Agriculture: McKean, Chair; Sullivan and Van Maanen.

House File 719

Education: Krewson, Chair; Holt and Carl.

House File 722

Energy: Clark of Lee, Chair; Cusack and Danker.

House File 723

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Chiodo.

Senate Joint Resolution 6

State Government: Hanson of Delaware, Chair; Clark of Cerro Gordo, Carpenter, Lloyd-Jones and Doderer.

Senate File 116

State Government: Swearingen, Chair; Tofte and Dieleman.

Senate File 121

Judiciary and Law Enforcement: Conlon, Chair; Johnson of Howard and Brandt.

Senate File 146

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Senate File 172

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Senate File 230

Judiciary and Law Enforcement: Gross, Chair; Ritsema and Arnould.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 218

State Government: Trucano, Chair; Swearingen and Chiodo.

Study Bill 219

State Government: Clark of Cerro Gordo, Chair; Smith and Doderer.

Study Bill 220

State Government: Clark of Cerro Gordo, Chair; Hanson of Delaware and Arnould.

Study Bill 238

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Study Bill 246

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

Study Bill 247

Commerce: Smith, Chair; Halvorson of Clayton and Woods.

Study Bill 256

Agriculture: Stueland, Chair; Halvorson of Webster and Cook.

Study Bill 257

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Study Bill 258

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Study Bill 259

Education: Daggett, Chair; Carpenter and Norland.

Study Bill 260

Judiciary and Law Enforcement: Conlon, Chair; Halvorson of Clayton and Rapp.

Study Bill 261

Commerce: Hansen of O'Brien, Chair; Hummel and Chiodo.

Study Bill 262

Commerce: Hansen of O'Brien, Chair; Conlon, Hoffmann, Rapp and Woods.

Study Bill 267

Human Resources: Clark of Cerro Gordo, Chair; Spear and Walter.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House File 399, a bill for an act providing that persons who buy bulk popcorn from the farmers who produce it are subject to licensure as grain dealers, and incorporating penalties.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON APPROPRIATIONS

Senate File 305, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COMMERCE

House File 547, a bill for an act relating to permissible loans and real property purchases by a life insurance company.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 247) relating to requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Senate File 200, a bill for an act relating to the calendar of prisoners in the county jail or detention facility.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 221) relating to the issuance by the commissioner of health of citations to health care facilities.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 214) relating to the permissive catch and size limits of fish. (Previous committee report on Study Bill 214, found on page 639 of the House Journal, not submitted in accordance with House Rule 61.)

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3218	H.F. 466	Cochran of Webster
H–3220	H.F. 572	Davitt of Warren Danker of Pottawattamie Diemer of Black Hawk
H–3221	H.F. 121	Chiodo of Polk
H–3222	S.F. 305	Branstad of Winnebago
H–3223	H.F. 121	Chiodo of Polk

On motion by Pope of Polk, the House adjourned at 4:40 p.m., until 10:00 a.m., Monday, March 9, 1981.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 9, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Julius Rechtermann, pastor of the Faith United Church of Christ, Muscatine.

The Journal of Thursday, March 5, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Woodbury on request of Menke of O'Brien; Johnson of Linn, for March 9 and 10, on request of Clark of Cerro Gordo; Cusack of Scott on request of Miller of Buchanan; Harbor of Mills on request of Schroeder of Pottawattamie.

INTRODUCTION OF BILLS

House File 734, by committee on state government, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state.

Read first time and **placed on the calendar.**

House File 735, by committee on judiciary and law enforcement, a bill for an act to permit a separate writing to identify bequests of certain tangible personal property in wills.

Read first time and **placed on the calendar.**

House File 736, by committee on judiciary and law enforcement, a bill for an act relating to the offense of false use of a financial instrument and the penalties for that offense.

Read first time and **placed on the calendar.**

House File 737, by committee on energy, a bill for an act including life cycle cost and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products.

Read first time and **placed on the calendar.**

House File 738, by committee on natural resources, a bill for an act relating to the permissive catch and size limits of fish.

Read first time and **placed on the calendar.**

House File 739, by committee on judiciary and law enforcement, a bill for an act relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

Read first time and **placed on the calendar.**

House File 740, by committee on transportation, a bill for an act to increase the fee for a duplicate registration card, plate, or pair of plates and the form of restricted certificates of title.

Read first time and **placed on the calendar.**

House File 741, by committee on judiciary and law enforcement, a bill for an act relating to the payment of costs in certain civil and administrative actions to which the state is a party.

Read first time and **placed on the calendar.**

House File 742, by committee on judiciary and law enforcement, a bill for an act relating to the rights of foster parents concerning a termination of parental rights hearing involving their foster child.

Read first time and **placed on the calendar.**

House File 743, by committee on state government, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

Read first time and **placed on the calendar.**

House File 744, by committee on judiciary and law enforcement, a bill for an act relating to pre-trial and post-trial criminal procedures.

Read first time and **placed on the calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 232, a bill for an act relating to the funding of specified programs of the department of social services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

Also: That the Senate has on March 4, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 398, a bill for an act relating to the funding of the operations of the utilities division of the Iowa state commerce commission.

Also: That the Senate has on March 5, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 106, a bill for an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 263, a bill for an act authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 275, a bill for an act requiring the sentencing judge and the prosecuting attorney to provide the board of parole with certain information.

Also: That the Senate has on March 4, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission.

Also: That the Senate has on March 4, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 277, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Also: That the Senate has on March 4, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 283, a bill for an act relating to mileage expense for witnesses and jurors.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act relating to the deposit of public funds by officers of political subdivisions of the state.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 293, a bill for an act relating to the reporting of fruit-tree and forest reservations to the state conservation commission.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 299, a bill for an act relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 306, a bill for an act relating to review by the board of parole of certain offenders.

Also: That the Senate has on March 5, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 307, a bill for an act to permit a separate writing to identify bequests of certain tangible personal property in wills.

LINDA HOWARTH MACKAY, Secretary

SENATE MESSAGES CONSIDERED

Senate File 268, by committee on judiciary, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 276, by committee on judiciary, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Read first time and referred to committee on **judiciary and law enforcement.**

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 470, a bill for an act relating to the statute of limitations on assessment of the income and franchise taxes, was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 470)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell

Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Avenson	Brandt	Chiodo	Clark, J. H.
Cusack	Groth	Harbor	Johnson, R.
Johnson, W.	Rapp		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 572, a bill for an act relating to the duties of the board of review, was taken up for consideration.

Davitt of Warren offered the following amendment H–3220 filed by Davitt, et al., and moved its adoption:

H–3220

Amend House File 572 as follows:

1. Page 1, by inserting after line 33 the following new section:

"Sec. . Section 441.37, unnumbered paragraph 3, Code 1981, is amended to read as follows:

After the board of review has considered any protest filed by a property owner or aggrieved taxpayer and made final disposition of the protest, the board shall give written notice to the property owner or aggrieved taxpayer who filed the protest of the action taken by the board of review on the protest. The written notice to the property owner or aggrieved taxpayer shall also specify the reasons for the action taken by the board of review on the protest."

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Amendment H–3220 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 572)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Cusack	Harbor	Johnson, R.
Johnson, W.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, for the remainder of the morning, on request of Doderer of Johnson.

Ways and Means Calendar

House File 504, a bill for an act relating to the enforcement of distress warrants issued by the director of revenue, was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 504)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Kirkenslager	Krewson
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 2:

Crabb	Menke

Absent or not voting, 6:

Avenson	Cusack	Harbor	Johnson, R.
Johnson, W.	Lloyd-Jones		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 503, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing, was taken up for consideration.

Shimanek of Jones offered the following amendment H–3224 filed by her from the floor and moved its adoption:

H–3224

Amend House File 503 as follows:

1. Page 1, by striking lines 3 through 24 and inserting in lieu thereof the following:

"2. Proceedings for judicial review shall be instituted by filing a petition either in Polk county district court or in the district court for the county in which the petitioner resides or has its principal place of business. When a proceeding for judicial review has been commenced, a court may, in the interest of justice, transfer the proceeding to another county where the venue is proper. Within ten days after the filing of a petition for judicial review the petitioner shall serve by the means provided in the Iowa rules of civil procedure for the personal service of an original notice, or shall mail ~~file stamped~~ copies of the petition ~~shall be mailed by the petitioner~~ to all parties named in the petition and, if the petition involves review of agency action in a contested case, all parties of record in that case before the agency. Such personal service or mailing shall be jurisdictional ~~and shall be addressed to the parties at their last known mailing address~~. The delivery by personal service or mailing referred to in this subsection may be made upon the party's attorney of record in the proceeding before the agency. A mailing shall be addressed to the parties or their attorney of record at their last known mailing address. Proof of mailing shall be by affidavit. Any party of record in a contested case before an agency wishing to intervene and participate in the review proceeding ~~thereon~~ must file an appearance within forty-five days from the time the petition is filed."

Amendment H–3224 was adopted, placing out of order the following amendments:

H–3184 filed by Shimanek, et al., on February 27, 1981.

H–3215 filed by Shimanek of Jones on March 4, 1981.

Schroeder of Pottawattamie offered the following amendment H–3206 filed by him:

H–3206

Amend House File 503 as follows:

1. Page 1, by inserting after line 24 the following:

"Sec. 2. Section 57.6, Code 1981, is amended to read as follows:

57.6 OTHER CONTESTS. All the provisions of the chapter in relation to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

Sec. 3. Section 58.2, Code 1981, is amended to read as follows:

58.2 NOTICE TO INCUMBENT. As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

Sec. 4. Section 59.1, Code 1981, is amended to read as follows:

59.1 STATEMENT SERVED. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts, believed true by the contestant which, if true, would alter the outcome of the election.

Sec. 5. Section 60.4, Code 1981, is amended to read as follows:

60.4 STATEMENT. The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within ten days from the day on which the returns are canvassed by the state board of canvassers, and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules

of civil procedure for service of an original notice.
Sec. 6. Section 61.10, Code 1981, is amended to read as follows:
61.10 NOTICE TO INCUMBENT—TRIAL. Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of

Page 2

contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties."
2. By renumbering the sections to conform with this amendment.
3. Amend the title, by striking lines 1 through 4 and inserting in lieu thereof the following: "An Act to provide for the method of serving notices and petitions in the manner provided under the rules of civil procedure for certain proceedings."

Menke of O'Brien rose on a point of order that amendment H—3206 was not germane.

The Speaker ruled the point well taken and amendment H—3206 not germane.

Schroeder of Pottawattamie offered the following amendment H—3227 filed by him from the floor and moved its adoption:

H—3227

Amend House File 503 as follows:
1. Page 1, line 25, by inserting after the word "shall" the word "not".

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 38, nays 56.

Amendment H—3227 lost.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 503)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Kirkenslager	Krewson	Lageschulte	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Lind

Absent or not voting, 5:

Cusack	Harbor	Johnson, R.	Johnson, W.
Lloyd-Jones			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 505, a bill for an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue, was taken up for consideration.

Maulsby of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 505)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Kirkenslager	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Cusack	Harbor	Johnson, R.	Johnson, W.
Lloyd-Jones	Shimanek		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(House File 503)

I move to reconsider the vote by which House File 503 passed the House on March 9, 1981.

SCHROEDER of Pottawattamie

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 18
By Committee on Labor and Industrial Relations

Whereas, federal laws and regulations governing the administration of the Iowa Employment Security Law require the state unemployment compensation trust fund to be deposited, administered, and invested at the federal level; and

Whereas, the funds deposited at the federal level represent the contributions of over 65,000 Iowa employers; and

Whereas, the contributions of Iowa employers will by next year approximate $150 million; and

Whereas, a review of the unemployment compensation trust fund portfolio suggests that the state could achieve a far superior annual rate of return by taking responsibility of the administration and investment of its own employer taxes; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Congress of the United States is urged to take action to allow the state to control its own trust funds; and

Be It Further Resolved, That a copy of this resolution be sent to the Secretary of the United States Department of Labor, and to each member of the Iowa Congressional Delegation.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 19
By Committee on Labor and Industrial Relations

Whereas, federal laws and regulations governing the administration of the Federal Unemployment Tax Act

require the payment of unemployment taxation on the wages of corporate officers who are employees of the corporation; and

Whereas, the unemployment taxation on the wages of corporate officers consistently causes problems for small employer-owned and -operated corporations; single person corporations, and family-owned corporations; and

Whereas, corporate officers frequently have a voice in the decision to temporarily or permanently cease the corporation's business and thus voluntarily terminate their own employment and become ineligible for unemployment compensation benefits; and

Whereas, corporate officers often are involved in seasonal enterprises and during the off-season repair equipment, seek new customers, keep the books of the corporation, and conduct other corporate business, and thus disqualify themselves from the receipt of unemployment compensation benefits by failing to meet the availability requirements of the Iowa Employment Security Law; and

Whereas, even if the state excluded corporate officers functioning as employees from state unemployment taxation on their wages, the corporate officers would still be subject to federal unemployment taxation on their wages; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Congress of the United States is urged to take prompt action to exempt from federal

Page 2

unemployment taxation the wages of corporate officers who are corporate employees; and

Be It Further Resolved, That a copy of this resolution be sent to the Secretary of the United States Department of Labor, and to each member of Congress from Iowa.

Laid over under Rule 30.

SPONSOR ADDED
(House Joint Resolution 16)

Trucano of Polk requested to be added as a sponsor of House Joint Resolution 16.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 276 State Government

Prohibiting the state board of examiners for nursing home administrators from providing preferences to in-state or out-of-state applicants.

S.B. 277 Energy

Requiring prime suppliers of liquid fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-12	City of Zearing, Iowa
1981-13	City of Runnells, Iowa
1981-14	City of Hubbard, Iowa
1981-15	City of Laurel, Iowa
1981-16	Bettendorf High School Wrestling Team

PAT H. HARPER
Chief Clerk of the House

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

OFFICE FOR PLANNING AND PROGRAMMING

The annual report of the Office for Planning and Programming for the fiscal year 1980 has been received pursuant to Chapter 7A.17, Code of Iowa.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., March 5, 1981

Convened: 1:35 p.m.

Adjourned: 2:25 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON CITIES

Committee Bill (Formerly House File 426), relating to easements for certain sewer, water, or gas lines within a city.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 146), to provide for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 181), to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 182), requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 517), relating to determining whether a guilty plea is made voluntarily, intelligently, and has a factual basis.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House Concurrent Resolution, urging Congress to take action to allow the state to control its own unemployment compensation trust fund.

Fiscal Note is not required.

Recommended **Do Pass.**

House Concurrent Resolution, urging Congress to take prompt action to exempt from federal unemployment taxation the wages of corporate officers who are corporate employees.

Fiscal Note is required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 184), relating to the state board of engineering examiners.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 198), relating to nonresident exemptions from the state motor vehicle licensing requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 206), to increase the property damage insurance requirements of motor vehicle lessors and permitting the denial of a license to a person who has acted as a lessor without a license.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3228	S.F. 130	Spear of Lee
H–3229	S.F. 305	Kirkenslager of Des Moines Spear of Lee
H–3230	H.F. 466	Corey of Louisa
H–3231	S.F. 87	Shull of Warren Van Maanen of Mahaska

On motion by Pope of Polk, the House adjourned at 11:35 a.m., until 9:00 a.m., Tuesday, March 10, 1981.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day—Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 10, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Clarence Beard, pastor of the First Presbyterian Church, Alta.

The Journal of Monday, March 9, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Van Maanen of Mahaska, from twenty-three constituents of the ninety-first district concerned about the damaging effects of increased drinking on the social and economic health of their area and opposed to a decision by the Iowa Liquor Control Commission to permit a Sunday opening of an establishment in Fremont.

INTRODUCTION OF BILLS

House File 745, by committee on judiciary and law enforcement, a bill for an act for the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate.

Read first time and **placed on the calendar.**

House File 746, by committee on human resources, a bill for an act relating to the issuance by the commissioner of health of citations to health care facilities.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 260, by committee on transportation, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

Read first time and referred to committee on **transportation.**

Senate File 263, by committee on ways and means, a bill for an act authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

Read first time and referred to committee on **ways and means.**

Senate File 275, by committee on judiciary, a bill for an act requiring the sentencing judge and the prosecuting attorney to provide the board of parole with certain information.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 292, by committee on county government, a bill for an act relating to the deposit of public funds by officers of political subdivisions of the state.

Read first time and referred to committee on **county government.**

Senate File 293, by committee on county government, a bill for an act relating to the reporting of fruit-tree and forest reservations to the state conservation commission.

Read first time and referred to committee on **county government.**

Senate File 299, by committee on commerce, a bill for an act relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations.

Read first time and referred to committee on **commerce.**

Senate File 306, by committee on judiciary, a bill for an act relating to review by the board of parole of certain offenders.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 307, by committee on judiciary, a bill for an act to permit a separate writing to identify bequests of certain tangible personal property in wills.

Read first time and **passed on file.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 6, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 180, a bill for an act to void an administrative rule of the Iowa state board of engineering examiners which requires a plat to be drawn for every property survey.

Also: That the Senate has on March 10, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 12, establishing a symbol in memory of those Americans who served in Vietnam.

LINDA HOWARTH MACKAY, Secretary

SENATE CONCURRENT RESOLUTION 12
By Husak, Briles, Schwengels, Coleman, Hutchins, Hultman, Junkins, Miller of Cerro Gordo, Rodgers, Wells, Miller of Des Moines, Jensen, Slater, Carr, Drake, Gallagher, Priebe, Readinger, Tieden, Dreeszen, Brown, Van Gilst, Craft, Kudart, Yenger, Hester, Waldstein, Baugher, Taylor, Vande Hoef, Hulse, Goodwin, Bisenius, Doyle, Anderson, Holden, Lura, Rush, Kinley, Nystrom, Ramsey, Carney, Gratias, Palmer, Comito, Murray and Gentleman

Whereas, the state of Iowa is proud of the veterans of the nation's wars; and

Whereas, the Vietnam Conflict is the longest, most unpopular and controversial war involving the United States; and

Whereas, over eight million American men and women served this nation during that time, and of that number over 115,000 that served were from Iowa; and

Whereas, over 57,000 Americans gave their lives during the Vietnam Conflict, and of that number over 800 from Iowa lost their lives in defense of freedom; and

Whereas, 2,512 Americans remain unaccounted for from the Vietnam Conflict and 42 of those Americans are from Iowa; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That

an official symbol be established in memory of those Americans who are missing and unaccounted for; and

Be It Further Resolved, That the symbol established shall be a "Purple Ribbon" and that the Purple Ribbon be displayed in all public buildings and other appropriate locations in recognition of the missing Americans; and

Be It Further Resolved, That the General Assembly call upon each Iowan to join together on the 16th day of March, 1981, and remember and show gratitude to those who represented the United States in Vietnam and let them know that their services and sacrifices are appreciated.

Laid over under Rule 30.

SPONSOR ADDED
(House File 103)

Trucano of Polk requested to be added as a sponsor of House File 103.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of March, 1981: House Files 232, 282, and 398.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

Position	Name	Grade and Step G-L + P*	Class of Appointment	Eff. Date
Administrative Assistant II	Suzanne O'Dea Schenken	13-1 to 15-1	S-O	1/30/81
Administrative Assistant II	Julie T. Simon	13-2 + 1 to 15-2	S-O	1/16/81
Administrative Assistant II	Elisabeth C. Buck	13-1 + 1 to 15-1	S-O	1/30/81
Administrative Assistant II	Becky S. Laverty	13-1 + 1 to 15-1	S-O	2/13/81
Secretary	Joan M. Hansen	15-1 + 1 to 15-2 + 1	S-O	3/27/81
Secretary	Deanna J. Templeton	13-1 + 1	S-O	2/16/81
Secretary	E. Gail Eubank	13-1 + 1 to 15-1 + 1	S-O	1/30/81
Secretary	Barbara B. Wennerstrum	15-2 + 3	S-O	1/12/81
Secretary	Virginia A. Rowen	13-2 + 1 to 13-3 + 1	S-O	4/10/81
Secretary	Kathy Peterson	15-3 + 1	P-FT	3/23/81
Executive Secretary to Chief Clerk	Dorothy E. Potthoff	23-4 to 23-5	P-FT	2/13/81
Research Analyst	Kevin S. Vinchattle	24-1 to 26-1	P-FT	3/13/81
Research Analyst	N. John Boehm	26-2 to 26-3	P-FT	2/27/81
Swing Clerk	Ivadell Huff	15-1 to 15-2	S-O	2/27/81
Switchboard Operator	Rosemary L. Massman	13-3 to 13-4	S-O	1/30/81
Doorkeeper	George L. Falk	9-1 to 9-2	S-O	3/13/81

MR. SPEAKER: Your committee on House administration reports the following resignation from the officers and employees of the House:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Secretary	N. Kay Markell			3/06/81

*G = Grade
L = Longevity
P = Position

JOHNSON of Howard, Chair

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 9, 1981. Had I been present, I would have voted "aye" on House Files 470, 503, 504, 505 and 572.

JOHNSON of Woodbury

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

STATE OF SOUTH CAROLINA

A Concurrent Resolution, adopted by the state of South Carolina, to express the deepest concern of the members of the General Assembly over the recent murders of black children in Atlanta, Georgia; to request the Governor to offer and provide any assistance at his disposal, to include that of the state Law Enforcement Division, to the state of Georgia and the city of Atlanta in this time of crisis, and to memorialize other states to make similar offers of assistance so that these senseless murders can be stopped.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 278 Ways and Means

Relating to the taxation of advertising services.

S.B. 279 Ways and Means

Providing for the assessment and taxation of waterworks, gasworks, electric light or power, telegraph, telephone, electric transmission line and pipeline companies.

S.B. 280 Judiciary and Law Enforcement

Relating to informed consent concerning abortions.

S.B. 281 Labor and Industrial Relations

Relating to unemployment compensation by mandating rate table three for calendar year 1982, by modifying the qualifications for a zero contribution rate, by surcharging the contribution rates of

certain employers with negative balance accounts, by relieving reimbursable employers of certain charges paid to part-time employees, by requiring a one-week waiting period, by freezing maximum benefits for the next fiscal year, by modifying the attachment to-the-work-force requirements, by providing for the deduction of only a portion of pension or retirement payments, by making changes in conformity with federal requirements regarding job service's fiscal year, taxation of separation pay, release of information to child support enforcement agencies, and extended benefit contribution, eligibility, and requalification requirements.

S.B. 282 Commerce

Relating to examinations and reexaminations of disability retirees of local police and fire retirement systems.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 256), relating to the Iowa beef industry council.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Committee Bill (Formerly Study Bill 249), relating to the submission of bond issues previously defeated by the electorate.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Senate File 87, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3233.**

Committee Bill (Formerly House File 524), to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Senate File 251, a bill for an act relating to the reciprocity of certain fish and game licenses for nonresidents.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3232	H.F. 731	Shimanek of Jones Trucano of Polk Rapp of Black Hawk
H–3233	S.F. 87	Committee on Human Resources
H–3234	H.F. 210	Howell of Floyd
H–3235	H.F. 36	Sturgeon of Woodbury
H–3236	H.F. 743	Woods of Polk
H–3237	H.F. 466	Pellett of Cass
H–3238	H.F. 717	Sullivan of Van Buren
H–3239	H.F. 486	Cochran of Webster
H–3240	H.F. 737	Howell of Floyd
H–3241	H.F. 743	Carpenter of Polk Crawford of Story Brandt of Black Hawk
H–3242	H.F. 121	Miller of Buchanan Hummel of Benton
H–3243	H.F. 733	Conlon of Muscatine

On motion by Pope of Polk, the House adjourned at 9:13 a.m., until 9:00 a.m., Wednesday, March 11, 1981.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day—Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 11, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Theodore Maskestad, pastor of the Nazareth Lutheran Church, Cedar Falls.

The Journal of Tuesday, March 10, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Frederic Ashler, Hamburg.

INTRODUCTION OF BILLS

House File 747, by committee on judiciary and law enforcement, a bill for an act relating to determining whether a guilty plea is made voluntarily, intelligently, and has a factual basis.

Read first time and **placed on the calendar.**

House File 748, by committee on judiciary and law enforcement, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

Read first time and **placed on the calendar.**

House File 749, by committee on state government, a bill for an act relating to the state board of engineering examiners.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 180, by Holden, Priebe and Tieden, a bill for an act to void an administrative rule of the Iowa state board of engineering examiners which requires a plat be drawn for every property survey.

Read first time and referred to committee on **state government.**

Senate File 277, by committee on judiciary, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Read first time and referred to committee on **judiciary and law enforcement.**

ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Pavich of Pottawattamie offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 8

Whereas, The Honorable Warren Wells of Pottawattamie County, who was a member of the Fifty-third General Assembly passed away October 28, 1980, *Now Therefore*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the State.

The motion prevailed and the Speaker appointed as such committee Pavich of Pottawattamie, Schroeder of Pottawattamie and Walter of Pottawattamie.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 211, a bill for an act relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

Also: That the Senate has on March 10, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 12, providing for a joint memorial session to be held March 31, 1981, at 7:30 p.m.

Also: That the Senate has on March 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 294, a bill for an act relating to taxidermy and subjecting violators to a penalty.

Also: That the Senate has on March 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 308, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

Also: That the Senate has on March 9, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 10, urging Congress of the United States to allow states to control their own unemployment compensation trust funds.

Also: That the Senate has on March 9, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, urging Congress to exempt from federal unemployment taxation the wages of corporate officers who are corporate employees.

LINDA HOWARTH MACKAY, Secretary

SENATE CONCURRENT RESOLUTION 10
By Committee on Labor and Industrial Relations

Whereas, federal laws and regulations governing the administration of the Iowa Employment Security Law require the state unemployment compensation trust fund to be deposited, administered, and invested at the federal level; and

Whereas, the funds deposited at the federal level represent the contributions of over 65,000 Iowa employers; and

Whereas, the contributions of Iowa employers will by next year approximate $150 million; and

Whereas, a review of the unemployment compensation trust fund portfolio suggests that the state could achieve a far superior annual rate of return by taking responsibility of the administration and investment of its own employer taxes; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Congress of the United States is urged to take action to allow the state to control its own trust funds; and

Be It Further Resolved, That a copy of this resolution be sent to the Secretary of the United States Department of Labor, and to each member of the Iowa

Congressional Delegation.

Laid over under Rule 30.

SENATE CONCURRENT RESOLUTION 11
By Committee on Labor and Industrial Relations

Whereas, federal laws and regulations governing the administration of the Federal Unemployment Tax Act require the payment of unemployment taxation on the wages of corporate officers who are employees of the corporation; and

Whereas, the unemployment taxation on the wages of corporate officers consistently causes problems for small employer-owned and -operated corporations, single person corporations, and family-owned corporations; and

Whereas, corporate officers frequently have a voice in the decision to temporarily or permanently cease the corporation's business and thus voluntarily terminate their own employment and become ineligible for unemployment compensation benefits; and

Whereas, corporate officers often are involved in seasonal enterprises and during the off-season repair equipment, seek new customers, keep the books of the corporation, and conduct other corporate business, and thus disqualify themselves from the receipt of unemployment compensation benefits by failing to meet the availability requirements of the Iowa Employment Security Law; and

Whereas, even if the state excluded corporate officers functioning as employees from state unemployment taxation on their wages, the corporate officers would still be subject to federal unemployment taxation on their wages; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Congress of the United States is urged to take prompt action to exempt from federal unemployment taxation the wages of corporate officers who are corporate employees; and

Be It Further Resolved, That a copy of this resolution be sent to the Secretary of the United States Department of Labor, and to each member of Congress from Iowa.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 9:07 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MEMORIAL COMMITTEE APPOINTED

Speaker Stromer announced the appointment of the following members to serve on the memorial committee in accordance with House Concurrent Resolution 12: The Honorable Frank Crabb, Chair; the Honorable Kenneth De Groot, the Honorable W. W. (Bill) Dieleman and the Honorable Rollin K. Howell.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gross of Ringgold on request of Pellett of Cass; Byerly of Polk on request of Woods of Polk.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 200, a bill for an act relating to the calendar of prisoners in the county jail or detention facility, was taken up for consideration.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 200)

The ayes were, 85:

Anderson, J.	Arnould	Bennett	Binneboese
Brandt	Branstad	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer

Egenes	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Jay	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Pope
Renaud	Renken	Ritsema	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Anderson, R.	Avenson	Byerly	Connors
Gettings	Gross	Hummel	Jochum
Johnson, J.	Poncy	Rapp	Schroeder
Shimanek	Sturgeon	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 121, a bill for an act revising the time allowed the governor to rescind an administrative rule, with report of committee recommending amendment and passage was taken up for consideration.

Harbor of Mills offered the following amendment H–3177 filed by the committee on state government:

H–3177

Amend House File 121 as follows:

1. Page 1, by striking lines 3 through 11 and inserting in lieu thereof the following:

"6. The governor may rescind ~~an adopted~~ all or a separate and severable portion of a rule by executive order ~~within thirty-five days of the publication of the rule~~ prior to its becoming effective stating the reason for the action. However, if the rule is made effective under section 17A.5, subsection 2, paragraph b, the governor may rescind the rule within thirty-

five days after it became effective. The ~~governor shall~~ executive order shall be filed in the office of the administrative rules coordinator who shall provide a copy ~~of the executive order~~ to the Code editor ~~who shall include it in the next~~ for publication ~~of~~ in the Iowa administrative bulletin. The executive order shall be effective upon the date of filing."

Harbor of Mills offered the following amendment H–3211, to the committee amendment H–3177, filed by him and moved its adoption:

H–3211

Amend amendment H–3177 to House File 121 as follows:

1. Page 1, line 8, by striking the words "action. However" and inserting in lieu thereof the words "action, or".

2. Page 1, line 10, by striking the words "the rule".

Amendment H–3211 was adopted.

Chiodo of Polk offered the following amendment H–3223, to the committee amendment H–3177, filed by him:

H–3223

Amend amendment H–3177 to House File 121 as follows:

1. Page 1, line 11, by inserting after the word "effective." the following new sentence: "The general assembly with the adoption of a concurrent resolution may also rescind such a rule."

Harbor of Mills rose on a point of order that amendment H–3223 was not germane.

The Speaker ruled the point well taken and amendment H–3223 not germane.

Chiodo of Polk moved that the rules be suspended to consider amendment H–3223.

Roll call was requested by Welsh of Dubuque and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—3223?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Johnson, R.
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Tyrrell
Walter	Welsh	Woods	

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 3:

Byerly	Gross	Schroeder

The motion to suspend the rules lost.

Harbor of Mills moved the adoption of amendment H—3177, as amended.

A non-record roll call was requested.

The ayes were 36, nays 64.

The committee amendment H—3177, as amended, lost.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—3164 filed by him on February 25, 1981.

Miller of Buchanan offered the following amendment H—3242 filed by him and Hummel of Benton and moved its adoption:

H—3242

Amend House File 121 as follows:

1. Page 1 by striking lines 3 through 11 and inserting in lieu thereof the following:

"6. The governor may rescind an adopted rule by executive order ~~within thirty five days of the publication of the rule~~. The governor shall provide a copy of the executive order to the Code editor who shall include it in the next publication of the Iowa administrative bulletin."

A non-record roll call was requested.

The ayes were 67, nays 26.

Amendment H—3242 was adopted, placing out of order amendment H—3221 filed by Chiodo of Polk on March 5, 1981.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 121)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud

Renken	Ritsema	Running	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Johnson, R.	O'Kane	Schroeder	Welden

Absent or not voting, 2:

Byerly	Gross—

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 737, a bill for an act including life cycle cost and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products, was taken up for consideration.

Howell of Floyd offered the following amendment H—3240 filed by him:

H—3240

Amend House File 737 as follows:

1. Page 1, line 2, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

2. Page 1, by inserting after line 12 the following new unnumbered paragraph:

"NEW UNNUMBERED PARAGRAPH. Preference shall be given to purchasing American made products and purchases from American based businesses if the life cycle costs are comparable to those products of foreign businesses and otherwise meet the required specifications."

De Groot rose on a point of order that amendment H—3240 was not germane.

The Speaker ruled the point well taken and amendment H—3240 not germane.

Howell of Floyd moved that the rules be suspended to consider amendment H—3240.

A non-record roll call was requested.

The ayes were 42, nays 52.

The motion lost.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 737)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Byerly	Daggett	Gross	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 743, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act, was taken up for consideration.

Carpenter of Polk asked and received unanimous consent to suspend House Rule 25 to allow Kay Williams and Earl Lemmons, Director and Auditor of the Campaign Finance Disclosure Commission respectively, to be present in the House chamber during consideration of House File 743.

Woods of Polk offered the following amendment H–3236 filed by him:

H–3236

Amend House File 743 as follows:

1. Page 1, by striking line 1 through page 6, line 31 and inserting in lieu thereof the following:

"Section 1. Section 56.1, Code 1981, is amended to read as follows:

56.1 CITATION. This chapter may be cited as the "Campaign ~~Disclosure~~ Income Tax Checkoff Act".

Sec. 2. Section 56.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Ballot issue" means a question, other than the nomination or election of a candidate to a public office, which has been approved by a political subdivision or the general assembly or is required by law to be placed before the voters of the political subdivision by a commissioner of elections, or to be placed before the voters by the state commissioner of elections.

Sec. 3. Section 56.2, subsections 10 and 15, Code 1981, are amended by striking those subsections."

2. Page 6, by inserting after line 31 the following:

"Sec. 4. Section 56.17, subsection 1, Code 1981, is amended by striking the subsection.

Sec. 5. Section 56.20, Code 1981, is amended to read as follows:

56.20 RULES PROMULGATED. The state director of revenue, in co-operation with the state comptroller ~~and campaign finance disclosure commission~~, shall administer the provisions of sections 56.18 to 56.26 and they shall promulgate all necessary rules in accordance with chapter 17A."

3. Page 6, by striking line 32 through page 7,

line 6 and inserting in lieu thereof the following:
"Sec. 6. Section 56.23, Code 1981, is amended to read as follows:
56.23 FUNDS—CAMPAIGN EXPENSES ONLY. The ~~chairman~~ chairperson of the state statutory political committee shall produce evidence to the state comptroller ~~and campaign finance disclosure commission not later than thirty days after the election returns have been certified by the board of state canvassers~~ the twenty-fifth of January each year, that all income tax checkoff funds ~~paid~~ expended for the campaign expenses ~~of that election~~ have been utilized exclusively for ~~such~~ campaign expenses.
The ~~campaign finance disclosure commission~~ state director of revenue shall issue, prior to the payment of any money, guidelines which explain which expenses and evidence thereof qualify as acceptable campaign expenses.

Page 2

Should the ~~campaign finance disclosure commission~~ state director of revenue and the state comptroller determine that any part of the funds have been used for noncampaign or improper expenses, they may order the political party or the candidate to return all or any part of the total funds paid to that political party for that election. When such funds are returned, they shall be deposited in the general fund of the state."
4. Page 7, by striking lines 7 through 13.
5. Page 8, by striking lines 14 through 19.
6. Page 8, by striking lines 21 through 27 and inserting in lieu thereof the words "is amended by striking the paragraph."
7. Page 8, by striking lines 29 through 35 and inserting in lieu thereof the words and figures "5, Code 1981, is amended by striking the paragraph."
8. Page 9, by striking lines 2 through 8 and inserting in lieu thereof the words and figures "5, Code 1981, is amended by striking the paragraph."
9. Page 9, by inserting after line 8 the following:
"Sec. . Sections 56.3 through 56.13, 56.26, 56.27 and 56.30, Code 1981, are repealed."
10. Page 9, by striking lines 9 and 10.
11. By renumbering the sections to conform with this amendment.

Anderson of Audubon offered the following amendment H—3250, to amendment H—3236, filed by him and Jay of Appanoose from the floor:

H–3250

Amend H–3236 to House File 743 as follows:

1. Page 1, by striking line 1 through page 2, line 24, and inserting in lieu thereof the following:

"1. Page 1, by striking lines 25 and 26 and inserting in lieu thereof the following: "incur indebtedness in any calendar year in excess of ~~one~~ five hundred dollars ~~in any calendar year~~ on behalf of ~~the~~ a candidate for a city, school or county office or one thousand dollars for a candidate for a state office."

2. Page 2, by striking lines 34 and 35 and inserting in lieu thereof the following: "or incurs indebtedness in excess of ~~one hundred dollars in a calendar year~~ the limits provided in chapter 56 for the purpose of supporting or".

3. Page 8, lines 25 and 26, by striking the words "~~one~~ two hundred fifty dollars" and inserting in lieu thereof the words "~~one hundred dollars~~ the limits provided in chapter 56".

4. Page 8, lines 33 and 34, by striking the words "~~one~~ two hundred fifty dollars" and inserting in lieu thereof the words "~~one hundred dollars~~ the limits provided in chapter 56".

5. Page 9, lines 6 and 7, by striking the words "~~one~~ two hundred fifty dollars" and inserting in lieu thereof the words "~~one hundred dollars~~ the limits provided in chapter 56"."

Anderson of Audubon moved the adoption of amendment H–3250.

A non-record roll call was requested.

The ayes were 31, nays 60.

Amendment H–3250 lost.

Woods of Polk moved the adoption of amendment H–3236.

Roll call was requested by Woods of Polk and Pope of Polk.

On the question "Shall amendment H–3236 be adopted?"

The ayes were, 18:

Anderson, J.	Branstad	Chiodo	Clements
Conlon	Cook	Danker	Johnson, J.
Johnson, R.	Lind	Mann	Miller
Pavich	Renken	Schroeder	Tyrrell
Welden	Woods		

The nays were, 79:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Bruner	Carpenter
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welsh	Mr. Speaker	

Absent or not voting, 3:

Byerly	Carl	Gross

Amendment H—3236 lost.

Carpenter of Polk offered the following amendment H—3241 filed by Carpenter, et al. :

H—3241

Amend House File 743 as follows:

1. Page 2, by striking lines 7 through 19 and inserting in lieu thereof the following:

"Sec. 3. Section 56.3, Code 1981, is amended to read as follows:

56.3 COMMITTEE TREASURER—DUTIES.

1. Every ~~political~~ committee shall appoint a treasurer. An expenditure shall not be made by the

treasurer or ~~his~~ treasurer's designee for or on behalf of a ~~political~~ committee without the approval of the chairman of the ~~political~~ committee, or the candidate.

2. Every person who receives contributions in excess of one hundred dollars for a ~~political~~ committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer an account of the total of all contributions; including the name and address of the persons making a contribution in excess of ten dollars, the amount of such contribution, and the date on which the contributions were received. All funds of a ~~political~~ committee shall be segregated from any personal funds of officers, members, or associates of the ~~political~~ committee.

3. The treasurer of a ~~political~~ committee shall keep a detailed and exact account of:

a. All contributions made to or for the ~~political~~ committee.

b. The name and mailing address of every person making contributions in excess of ten dollars, and the date and amount of the contribution.

c. All disbursements made from contributions by or on behalf of the ~~political~~ committee.

d. The name and mailing address of every person to whom any expenditure is made, the date and amount of the expenditure and the name and address of, and office sought by each candidate, if any, on whose behalf the expenditure was made. Notwithstanding the provisions of this paragraph, the treasurer may keep a miscellaneous account for disbursements of less than five dollars which need only show the amount of the disbursement so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

e. Notwithstanding the provisions of subsection 3, paragraph "d", of this section, when an expenditure is made by a ~~political~~ committee in support of the entire state or local political party ticket, only the name of the party shall be given.

4. The treasurer shall preserve all records required to be kept by this section for a period of

Page 2

one year from the date of the election."

Groth of Buena Vista offered the following amendment H—3249, to amendment H—3241, filed by him from the floor:

H–3249

Amend amendment H–3241 to House File 743 as follows:

1. Page 2, by inserting after line 1 the following:

"2. Page 5, by inserting after line 10 the following:

"Sec. . Section 56.6, subsection 4, Code 1981, is amended to read as follows:

4. If no contributions have been accepted nor any disbursements made or indebtedness incurred during that reporting period, the treasurer of the committee ~~shall~~ is not required to file a disclosure statement ~~which shows only the amount of cash on hand at the beginning of~~ for the reporting period." "

Carpenter of Polk rose on a point of order that amendment H–3249 was not germane.

The Speaker ruled the point well taken and amendment H–3249 not germane.

Groth of Buena Vista moved that the rules be suspended to adopt amendment H–3249.

A non-record roll call was requested.

The ayes were 36, nays 58.

The motion lost.

Carpenter of Polk moved the adoption of amendment H–3241.

Amendment H–3241 was adopted.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 743)

The ayes were, 85:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connors	Cook

Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Roncy	Pope
Rapp	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 12:

Anderson, R.	Clements	Connolly	Dieleman
Halvorson, R. N.	Lind	Mann	Renaud
Smalley	Swartz	Tyrrell	Woods

Absent or not voting, 3:

Byerly	Carl	Gross

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER
(House File 121)

I move to reconsider the vote by which House File 121 passed the House on March 11, 1981.

HARBOR of Mills

(House File 121)

I move to reconsider the vote by which House File 121 passed the House on March 11, 1981.

BRANSTAD of Winnebago

(House File 743)

I move to reconsider the vote by which House File 743 passed the House on March 11, 1981.

CARPENTER of Polk

APPOINTMENTS BY THE SPEAKER

The Speaker announced the following appointments:

COMMUNICATIONS REVIEW COMMITTEE
(Section 2.35, Code of Iowa)

Robert M. L. Johnson, term expires upon convening of Seventieth General Assembly
Larry Kirkenslager, term expires upon convening of Seventieth General Assembly
Donald Binneboese, term expires upon convening of Seventieth General Assembly

IOWA BOUNDARY COMMISSION
(Section 2.91, Code of Iowa)

James O'Kane, to fill an unexpired term ending June 30, 1982

SPONSOR ADDED
(House File 661)

Trucano of Polk requested to be added as a sponsor of House File 661.

SPONSORS WITHDRAWN
(House File 449)

Welsh of Dubuque and Halvorson of Clayton requested to be withdrawn as sponsors of House File 449.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday,

March 9 and Tuesday, March 10. Had I been present, I would have voted "aye" on House Files 470, 503, 504, 505 and 572.

JOHNSON of Linn

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

IOWA ENERGY POLICY COUNCIL

The quarterly report, October through December 1980, has been received pursuant to Chapter 93.7 (4), Code of Iowa.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., March 10, 1981

Convened: 1:35 p.m.

Adjourned: 3:30 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: Halvorson of Clayton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON CITIES

Committee Bill (Formerly Study Bill 88), relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON ENERGY

Committee Bill (Formerly House File 82), relating to the access to and use of solar energy.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 670), to limit the enforceability of a mechanic's lien against an owner-occupied single-family or two-family dwelling to the balance due from the owner to the contractor.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 101), relating to the provision and administration of various veterans benefits.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Senate File 116, a bill for an act relating to the state fair board convention.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Senate File 148, a bill for an act to allow monthly refunding of motor vehicle registration reciprocity fees.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H–3244	H.F. 641	Maulsby of Calhoun
H–3245	H.F. 738	Spear of Lee
H–3246	H.F. 738	Kirkenslager of Des Moines
H–3248	H.F. 641	Clements of Scott
H–3251	H.F. 725	Spear of Lee
H–3252	S.F. 305	Jochum of Dubuque
H–3253	S.F. 305	Jochum of Dubuque
H–3254	S.F. 305	Arnould of Scott
H–3255	H.F. 728	Lloyd-Jones of Johnson
H–3256	H.F. 725	Spear of Lee
H–3257	H.F. 725	Spear of Lee
H–3258	H.F. 725	Spear of Lee
H–3259	S.F. 268	Tyrrell of Iowa
H–3260	S.F. 305	Jochum of Dubuque
		Brandt of Black Hawk
		Howell of Floyd
		Welsh of Dubuque
		Chiodo of Polk
		Cusack of Scott
		Doderer of Johnson
		Bruner of Story
		O'Kane of Woodbury
		Horn of Linn
		Avenson of Fayette
		Arnould of Scott
		Rapp of Black Hawk
		Running of Linn
		Connolly of Dubuque
		Connors of Polk
		Sturgeon of Woodbury
		Davitt of Warren
		Lloyd-Jones of Johnson
H–3261	S.F. 262	Anderson of Jasper
		Cochran of Webster
		Pellett of Cass
		Diemer of Black Hawk
		Connolly of Dubuque

On motion by Pope of Polk, the House adjourned at 4:43 p.m., until 9:00 a.m., Thursday, March 12, 1981.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 12, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. John B. Dilley, First Federated Church, Des Moines.

The Journal of Wednesday, March 11, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Spearing, Harlan.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek on request of Avenson of Fayette; Gross of Ringgold, for the morning session, on request of Pellett of Cass; Welden of Hardin on request of Hansen of O'Brien; Lageschulte of Bremer, for a portion of the day, on request of Pellett of Cass; Byerly of Polk, for a portion of the morning session, on request of Connors of Polk; Lonergan of Boone, for the morning session, on request of Crabb of Crawford.

INTRODUCTION OF BILLS

House File 750, by committee on agriculture, a bill for an act relating to the Iowa beef industry council.

Read first time and **placed on the calendar.**

House File 751, by committee on judiciary and law enforcement, a bill for an act to provide for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire.

Read first time and **placed on the calendar.**

House File 752, by committee on human resources, a bill for an act to require the department of social services to make licensed psychologists eligible to receive payment for services rendered to recipients of medical assistance.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 294, by committee on natural resources, a bill for an act relating to taxidermy and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources.**

Senate File 308, by committee on commerce, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

Read first time and referred to committee on **commerce.**

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to take up out of order House Concurrent Resolution 15, House Resolution 10 and Senate Concurrent Resolution 12.

HOUSE CONCURRENT RESOLUTION 15 DEFERRED

Johnson of Linn called up for consideration House Concurrent Resolution 15, directing the legislative fiscal bureau to recommend to the General Assembly a cost effective way to audit and review the state board of regents, filed on February 16, 1981 and found on pages 425 and 426 of the House Journal.

Johnson of Linn asked and received unanimous consent to defer action on House Concurrent Resolution 15.

ADOPTION OF HOUSE RESOLUTION 10

Chiodo of Polk called up for consideration House Resolution 10, directing the committee on appropriations to draft legislation appropriating $20,000 to the Atlanta Bureau of Police Services, Investigative Fund, filed on March 4, 1981 and found on pages 643 and 644 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 12

Hansen of O'Brien called up for consideration Senate Concurrent Resolution 12, establishing a symbol in memory of those Americans who served in Vietnam, filed on March 10, 1981 and found on pages 698 and 699 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Van Maanen of Mahaska offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 9

Whereas, The Honorable Eldon M. Morgan of Mahaska County, Iowa, who was a member of the Sixty-first General Assembly passed away on March 7, 1981; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the State.

The motion prevailed and the Speaker appointed as such committee Van Maanen of Mahaska, Dieleman of Marion and Swearingen of Keokuk.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Mullins of Kossuth offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 10

Whereas, The Honorable Casey Loss of Kossuth County who was a member of the Sixty-first General Assembly passed away on March 10, 1981; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the State.

The motion prevailed and the Speaker appointed as such committee Mullins of Kossuth, Branstad of Winnebago and Holt of Clay.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, for a portion of the morning session, on request of Halvorson of Webster.

CONSIDERATION OF BILLS
Regular Calendar

House File 466, a bill for an act relating to the creation of conservancy district wards, was taken up for consideration.

Cochran of Webster offered the following amendment H–3218 filed by him:

H–3218

Amend House File 466 as follows:
1. Page 1, by striking lines 16 through 18 and inserting in lieu thereof the following: "by the soil conservation districts located entirely and partially within the conservancy district casting a majority of the total weighted vote of the conservancy district. The commissioners of each soil conservation district shall jointly cast a single weighted vote on whether to approve the division. The weight of the vote cast shall be based upon the ratio that the population of the soil conservation district or portion of a district bears to that of the entire conservancy district. The population of each soil conservation district or portion of a district shall be certified by the department of soil conservation."

Corey of Louisa offered the following amendment H–3230, to amendment H–3218, filed by him and moved its adoption:

H–3230

Amend the amendment H–3218 to House File 466 as follows:
1. Page 1, line 4, by striking the word "and" and inserting in lieu thereof the word "or".

Amendment H—3230 was adopted.

Pellett of Cass offered the following amendment H-3237, to amendment H—3218, filed by him and moved its adoption:

H—3237

Amend amendment H—3218 to House File 466 as follows:

1. Page 1, by striking lines 6 through 16 and inserting in lieu thereof the following: "a majority of the total votes of the soil conservation districts in the conservancy district. For the purpose of this section each soil conservation district that is entirely within the conservancy district shall cast one vote and each soil conservation district that is partially within the conservancy district shall cast a fractional vote that is equal to the percentage of the county's area that is in the conservancy district." "

Amendment H—3237 was adopted.

On motion by Cochran of Webster, amendment H—3218, as amended, was adopted.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 466)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Miller	Norland	O'Kane	Oxley

Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 11:

Carl	Gross	Jay	Lageschulte
Lind	Lonergan	Mullins	Renken
Running	Walter	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 741, a bill for an act relating to the payment of costs in certain civil and administrative actions to which the state is a party, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 741)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley

Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Carl	Gross	Harbor	Jay
Lageschulte	Lind	Lonergan	Renaud
Running	Walter	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk, for a portion of the morning, on request of Conlon of Muscatine.

House File 740, a bill for an act to increase the fee for a duplicate registration card, plate, or pair of plates and the form of restricted certificates of title, was taken up for consideration.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 740)

The ayes were, 67:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Diemer	Doderer
Egenes	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Howell
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lloyd-Jones	Mann

Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Mr. Speaker	

The nays were, 24:

Avenson	Byerly	Chiodo	Clements
Connors	Cusack	Dieleman	Gettings
Groth	Halvorson, R. N.	Horn	Hummel
Lind	Miller	O'Kane	Pavich
Poncy	Renaud	Running	Sturgeon
Sullivan	Tyrrell	Welsh	Woods

Absent or not voting, 9:

Carl	Gross	Harbor	Jay
Lageschulte	Lonergan	Smalley	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 547, a bill for an act relating to permissible loans and real property purchases by a life insurance company, was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 547)

The ayes were, 66:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Branstad	Bruner	Byerly
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Danker	Davitt	Dieleman	Diemer
Doderer	Egenes	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Hummel	Jochum
Johnson, J.	Johnson, R.	Kirkenslager	Lloyd-Jones
Mann	Maulsby	Mullins	Norland

Oxley	Pavich	Pellett	Petrick
Poncy	Pope	Renaud	Renken
Running	Schroeder	Shull	Smith
Spear	Stueland	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Welsh
Woods	Mr. Speaker		

The nays were, 26:

Binneboese	Brandt	Cochran	Cusack
Daggett	De Groot	Gettings	Groth
Halvorson, R. N.	Howell	Johnson, W.	Krewson
Lind	McKean	Menke	Miller
O'Kane	Pelton	Poffenberger	Rapp
Ritsema	Schnekloth	Shimanek	Sturgeon
Sullivan	Van Maanen		

Absent or not voting, 8:

Carl	Gross	Jay	Lageschulte
Lonergan	Smalley	Walter	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 727, a bill for an act to allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits, was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 727)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt

Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Conlon

Absent or not voting, 9:

Carl	Chiodo	Gross	Jay
Lageschulte	Lonergan	Smalley	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 468, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price, was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 468)

The ayes were, 51:

Anderson, J.	Anderson, R.	Bennett	Carpenter
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Crabb	Crawford	Daggett

Davitt	Diemer	Doderer	Egenes
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Howell	Hummel
Jochum	Kirkenslager	Krewson	Lloyd-Jones
McKean	Menke	Miller	Mullins
Norland	O'Kane	Pellett	Pelton
Poffenberger	Pope	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Swearingen	Tofte
Trucano	Van Maanen	Mr. Speaker	

The nays were, 41:

Arnould	Avenson	Binneboese	Brandt
Branstad	Bruner	Byerly	Chiodo
Clements	Connors	Cook	Corey
Cusack	Danker	De Groot	Dieleman
Gettings	Groth	Halvorson, R. N.	Holt
Horn	Johnson, J.	Johnson, R.	Lind
Mann	Maulsby	Oxley	Pavich
Petrick	Poncy	Rapp	Renaud
Renken	Smalley	Stueland	Sturgeon
Sullivan	Tyrrell	Walter	Welsh
Woods			

Absent or not voting, 8:

Carl	Gross	Jay	Johnson, W.
Lageschulte	Lonergan	Swartz	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 469, a bill for an act relating to the audit and certification of claims for the personal property tax credit, was taken up for consideration.

Diemer of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 469)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo

Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carl	Gross	Jay	Lageschulte
Lonergan	Swartz	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 160, a bill for an act to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 160)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson

Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carl	Gross	Hall	Jay
Lageschulte	Lonergan	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 164, a bill for an act to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board, with report of committee recommending passage was taken up for consideration.

Mann of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 164)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Van Maanen

Absent or not voting, 6:

Carl	Gross	Jay	Lageschulte
Lonergan	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 371, a bill for an act relating to the prohibition of open burning under certain conditions and providing a penalty, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3204 filed by him and moved its adoption:

H–3204

Amend House File 371 as follows:

1. Page 1, line 8, by inserting after the word "department" the words ", a city council or a board of supervisors".

2. Page 1, line 12, by inserting after the word "department" the words ", the city council or the board of supervisors that requested the prohibition".

3. Page 1, line 14, by inserting after the word "chief" the words ", city council or board of supervisors".

Amendment H–3204 was adopted.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 371)

The ayes were, 80:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lloyd-Jones
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Walter	Welsh	Woods	Mr. Speaker

The nays were, 15:

Anderson, R.	Clements	Cook	De Groot
Dieleman	Lind	Mann	Maulsby
Renken	Ritsema	Smalley	Spear
Sturgeon	Tyrrell	Van Maanen	

Absent or not voting, 5:

Carl Gross Lageschulte Lonergan Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for the remainder of the day, on request of Branstad of Winnebago.

House File 641, a bill for an act providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services, was taken up for consideration.

Clements of Scott offered the following amendment H–3248 filed by him:

H–3248

Amend House File 641 as follows:

1. Page 1, line 19, by striking the word "shall" and inserting in lieu thereof the words "are required to".

2. Page 1, line 20, by inserting after the word "operation." the words "A resident may be exempted from providing such labor for reasons of health or security by the director of the division of adult corrections. Notwithstanding chapter 216, a resident shall not be paid for providing such labor."

Clements of Scott offered the following amendment H–3262, to amendment H–3248, filed by him from the floor and moved its adoption:

H–3262

Amend amendment H–3248 to House File 641 by striking lines 2 through 10, and inserting in lieu thereof the following:

1. Page 1, by striking line 19 and inserting in lieu thereof the words "correctional institutions are required to provide the labor for the operation.

A resident may be exempted from providing such labor for reasons of health or security by the director of the division of adult corrections. Notwithstanding Chapter 216, a resident shall not be paid for providing labor for the".

Roll call was requested by Clements of Scott and Smalley of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—3262, to amendment H—3248, be adopted?"

The ayes were, 17:

Branstad	Clark, J. H.	Clements	Cook
Corey	Danker	Dieleman	Holt
Johnson, J.	Johnson, R.	Mann	Renken
Schnekloth	Smalley	Stueland	Tyrrell
Woods			

The nays were, 75:

Anderson, J.	Anderson, R.*	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Cusack	Davitt
De Groot	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Horn	Howell	Hummel	Jay
Jochum	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Running
Schroeder	Shimanek	Shull	Smith
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welsh	Mr. Speaker	

Absent or not voting, 8:

Carl	Daggett	Gross	Harbor
Lageschulte	Lonergan	Mullins	Welden

Amendment H—3262 lost.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3248.

Maulsby of Calhoun offered the following amendment H—3244 filed by him:

H—3244

Amend House File 641 as follows:

1. Page 1, by striking lines 20 through 26 and inserting in lieu thereof the words "operation. Nursery stock shall be sold in accordance with the rules of the state conservation commission. The department of social services shall pay the costs of establishing and operating the forestry nurseries on state owned land under the control of the department out of the revolving farm fund created in section 218.74. The state conservation commission shall pay the costs of transporting, sorting, and distributing nursery stock to and from or on state owned land under the control of the commission. Receipts from the sale of nursery stock produced under this section shall be divided between the department of social services and the state conservation commission in direct proportion to their respective costs as a percentage of the total costs. The department of social services shall deposit its receipts in the revolving farm fund created in section 218.74."

Avenson of Fayette rose on a point of order that amendment H—3244 was not germane.

The Speaker ruled the point not well taken and amendment H—3244 germane.

Maulsby of Calhoun moved the adoption of amendment H—3244.

Roll call was requested by Byerly of Polk and Woods of Polk.

On the question "Shall amendment H—3244 be adopted?"

The ayes were, 53:

Anderson, J.	Anderson, R.	Arnould	Bennett
Branstad	Bruner	Carpenter	Clark, B. J.
Clements	Connors	Cook	Corey
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Egenes	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel

Johnson, J.	Johnson, R.	Johnson, W.	Lind
Lloyd-Jones	Mann	Maulsby	Menke
Miller	Oxley	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smith
Spear	Stueland	Swartz	Swearingen
Tofte	Trucano	Van Maanen	Walter
Mr. Speaker			

The nays were, 39:

Avenson	Binneboese	Brandt	Byerly
Chiodo	Clark, J. H.	Conlon	Connolly
Crabb	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Kirkenslager	Krewson	McKean
Norland	O'Kane	Pavich	Pelton
Poncy	Rapp	Renaud	Running
Shimanek	Smalley	Sturgeon	Sullivan
Tyrrell	Welsh	Woods	

Absent or not voting, 8:

Carl	Cochran	Gross	Harbor
Lageschulte	Lonergan	Mullins	Welden

Amendment H—3244 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cochran of Webster, for a portion of the day, on request of Tofte of Winneshiek.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 641)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crabb

Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Mr. Speaker

The nays were, 3:

Byerly	Smalley	Woods

Absent or not voting, 9:

Carl	Cochran	Gross	Harbor
Lageschulte	Lonergan	Mullins	Smith
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 724, a bill for an act to modify the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts, was taken up for consideration.

Spear of Lee offered the following amendment H–3210 filed by him and moved its adoption:

H–3210

Amend House File 724 as follows:
1. Page 1, line 13, by striking the words "and place".

A non-record roll call was requested.

The ayes were 49, nays 39.

Amendment H–3210 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for a portion of the day, on request of Lloyd-Jones of Johnson.

Spear of Lee offered the following amendment H–3213 filed by him and moved its adoption:

H–3213

Amend House File 724 as follows:

1. Page 2, line 2, by inserting after the word "meeting" the words "shall be called by the president of the board of directors of the school district proposing the issuance of general obligation bonds and".

2. Page 2, line 5, by inserting after the word "meeting." the words "The president shall notify the area education agency board and the boards of all school districts contiguous to the school district making the proposal of the date, time, and location of the meeting."

A non-record roll call was requested.

The ayes were 34, nays 55.

Amendment H–3213 lost.

Johnson of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt

De Groot	Diemer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Miller	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Carl	Clark, B. J.	Cochran	Cusack
Dieleman	Doderer	Gross	Harbor
Lageschulte	Lonergan	Mullins	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULES SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and that the bills listed on the Friday, March 13, Daily Debate Calendar be added to today's Daily Debate Calendar for immediate consideration and that House Rule 36.8, regarding the filing of amendments, be suspended on these bills considered today.

Pope of Polk asked and received unanimous consent to suspend House Rule 39, and to extend the time limit for distribution of the Monday, March 16, Daily Debate Calendar and Weekly Debate Calendar for the week of March 16, 1981, until adjournment today.

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 regarding the filing of amendments on Monday, March 16, 1981.

On motion by Pope of Polk, the House was recessed at 12:13 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone, for a portion of the afternoon session, on request of Crabb of Crawford, Howell of Floyd, for a portion of the afternoon session, on request of Dieleman of Marion; Harbor of Mills, for a portion of the afternoon session, on request of Danker of Pottawattamie.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

CONSIDERATION OF BILLS
Regular Calendar

House File 726, a bill for an act relating to nonconforming facilities under the state elevator code, was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 726)

The ayes were, 78:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann

Holt	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lloyd-Jones	Mann
McKean	Menke	Miller	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Pope	Renaud
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Welsh
Woods	Mr. Speaker		

The nays were, 6:

Doderer	Krewson	Maulsby	Renken
Tyrrell	Van Maanen		

Absent or not voting, 16:

Carl	Clark, B. J.	Clark, J. H.	Cochran
Gross	Harbor	Howell	Lind
Lonergan	Mullins	Poffenberger	Poncy
Rapp	Smalley	Walter	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 728, a bill for an act relating to the movement of mobile homes and factory-built structures with a width not exceeding sixteen feet under permit, was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H–3255 filed by her:

H–3255

Amend House File 728 as follows:

1. Page 1, by inserting after line 11 the following new section:

"Sec. 2. Section 321E.14, Code 1981, is amended to read as follows:

321E.14 FEES FOR PERMITS. The department or local authorities issuing the permits shall charge a fee of ~~ten~~ twenty dollars for an annual permit and a fee of ~~five~~ ten dollars for a single-trip permit and shall determine charges for special permits issued pursuant to section 321E.29 by rules adopted pursuant to chapter 17A. Fees for the move-

ment of buildings, parts of buildings, or unusual vehicles or loads may be increased to cover the costs of inspections by the issuing authority. A fee not to exceed eighty dollars per ten-hour day or prorated fraction thereof per person and car for escort service may be charged when requested or when required under this chapter. Proration of escort fees between state and local authorities when more than one governmental authority provides or is required to provide escort for a movement during the period of a day shall be determined by rule under section 321E.15. The department and local authorities may charge any permit applicant for the cost of trimming trees and removal and replacement of natural obstructions or official signs and signals or other public or private property required to be removed during the movement of a vehicle and load. In addition to the fees provided in this section, the annual fee for a permit for special mobile equipment, as defined in section 321.1, subsection 17, operated pursuant to section 321E.7, subsection 2, with a combined gross weight up to and including eighty thousand pounds shall be twenty-five dollars and for a combined gross weight exceeding eighty thousand pounds, fifty dollars."

Kirkenslager of Des Moines rose on a point of order that amendment H—3255 was not germane.

The Speaker ruled the point well taken and amendment H—3255 not germane.

Kirkenslager of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 728)

The ayes were, 72:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Clark, J. H.	Clements	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hoffmann

Holt	Horn	Howell	Jay
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Menke	Miller	Norland
Oxley	Pavich	Pellett	Petrick
Poncy	Pope	Renaud	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, 18:

Arnould	Carpenter	Chiodo	Cusack
Doderer	Hanson, D.	Hummel	Jochum
Johnson, W.	Maulsby	McKean	O'Kane
Pelton	Poffenberger	Ritsema	Running
Shimanek	Tyrrell		

Absent or not voting, 10:

Carl	Clark, B. J.	Cochran	Gross
Harbor	Mullins	Rapp	Sturgeon
Walter	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 730, a bill for an act exempting certain security information of adult correctional institutions from public disclosure, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 730)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Groth	Hall

Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkensläger	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Carl	Clark, B. J.	Cochran	Davitt
Gross	Harbor	Krewson	Mullins
Rapp	Schroeder	Walter	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 642, a bill for an act relating to boiler inspections, was taken up for consideration.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, J. H.	Conlon	Connolly	Connors
Corey	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay

Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 6:

Clements	Cook	Mann	Renken
Smalley	Tyrrell		

Absent or not voting, 9:

Carl	Clark, B. J.	Cochran	Crabb
Gross	Harbor	Mullins	Poffenberger
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 228, a bill for an act repealing a requirement for transference of certain male prisoners, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 228)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, J. H.	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer

Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 5:

Clements	Johnson, J.	Mann	Smalley
Tyrrell			

Absent or not voting, 7:

Carl	Clark, B. J.	Cochran	Harbor
Mullins	Poffenberger	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 172, a bill for an act to establish short term liquor licenses and beer permits, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3178 filed by the committee on state government:

H–3178

Amend Senate File 172 as amended, passed, and reprinted by the Senate as follows:

1. Page 1, by striking lines 10 through 35.

2. Page 2, by striking lines 1 through 7 and inserting in lieu thereof the following:

"123.34 EXPIRATION–SEASONAL LICENSE OR PERMIT.

1. ~~All liquor~~ Liquor control licenses and beer permits, unless sooner suspended or revoked, ~~shall~~ expire one year from date of issuance. The director shall ~~cause~~ give sixty days' written notice of ~~such~~ the expiration ~~to be given~~ to each licensee or

permittee ~~in writing~~. However, the director may issue six-month or eight-month seasonal licenses or class "B" beer permits for a proportionate part of the license or permit fee or may issue fourteen-day liquor licenses or beer permits as provided in subsection 2. No refund shall be made for seasonal licenses or permits or for fourteen-day liquor licenses or beer permits. No seasonal license or permit shall be renewed except after a period of two months.

2. The director may issue fourteen-day class "A", class "B", class "C", and class "D" liquor control licenses and fourteen-day class "B" beer permits. A fourteen-day license or permit, if granted, is valid for fourteen consecutive days, but the holder shall not sell on the two Sundays in the fourteen-day period unless the holder qualifies for and obtains the privilege to sell on Sundays contained in sections 123.36, subsection 6 and 123.134, subsection 5.

3. The fee for a fourteen-day liquor license or beer permit is one-quarter of the annual fee for that class of liquor license or beer permit. The fee for the privilege to sell on the two Sundays in the fourteen-day period is twenty percent of the price of the fourteen-day liquor license or beer permit."

Johnson of Linn offered the following amendment H—3208, to amendment H—3178, filed by him and moved its adoption:

H—3208

Amend amendment H—3178 to Senate File 172 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 15, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
2. Page 1, line 18, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
3. Page 1, line 21, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
4. Page 1, line 23, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
5. Page 1, line 24, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
6. Page 1, line 25, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
7. Page 1, line 26, by striking the word "two".
8. Page 1, line 26, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
9. Page 1, line 30, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".
10. Page 1, line 33, by striking the word "two".

11. Page 1, line 34, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".

12. Page 1, line 35, by striking the word "fourteen" and inserting in lieu thereof the word "ninety".

Amendment H—3208 lost.

Hoffmann of Muscatine moved the adoption of the committee amendment H—3178.

A non-record roll call was requested.

The ayes were 58, nays 34.

The committee amendment H—3178 was adopted.

De Groot of Lyon offered the following amendment H—3125 filed by De Groot, et al. :

H—3125

Amend Senate File 172 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 7 the following:

"Sec. . Chapter 123.32, subsection 4, Code 1981, is amended to read as follows:

4. APPEAL TO HEARING BOARD. Any applicant for a liquor control license or beer permit may appeal to the department hearing board, established pursuant to section 123.15, from the director's disapproval of an application for a license or permit. If, upon ~~such~~ appeal the hearing board ~~shall determine~~ determines that the local authority acted arbitrarily, capriciously, or without reasonable cause in disapproving the application, ~~or that, where the local authority approved the application, the director's own disapproval should be reversed,~~ it shall ~~order issuance of a license or permit~~ notify the local authority by certified mail of its intention to order the issuance of a license or permit within thirty days of the notice. If the hearing board receives from the local authority a resolution disapproving the issuance of the license or permit by a two-thirds majority within thirty days of the notice, the license or permit shall not be issued unless the disapproval of the application is found to be arbitrary.

capricious, or without reasonable cause upon judicial review. If upon appeal the hearing board determines that where the local authority approved the application, the director's own disapproval should be reversed, the board shall order issuance of the license or permit. The same right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked under this chapter, and the same right of notice shall be afforded the local authority. Upon appeal the hearing board shall reduce the period of suspension or order reinstatement of ~~such~~ the license or permit for good cause shown unless the hearing board receives from the local authority a resolution disapproving the reduction or reinstatement by a two-thirds majority within thirty days of the notice to the local authority.

Sec. . Section 123.32, subsection 5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Where the hearing board receives from the local authority a resolution disapproving the issuance of the license or permit, the applicant may petition for judicial review by filing in the district court of the county wherein

Page 2

the premises covered by the application is situated."

2. By renumbering sections to conform to this amendment.

Welsh of Dubuque rose on a point of order that amendment H—3125 was not germane.

The Speaker ruled the point well taken and amendment H—3125 not germane.

Johnson of Linn asked and received unanimous consent to withdraw amendment H—3120 filed by him and Horn of Linn on February 19, 1981 and amendment H—3127, to amendment H—3120, filed by him on February 23, 1981.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 172)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, J. H.
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Danker	Davitt	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Walter	Welsh	Woods	Mr. Speaker

The nays were, 4:

Daggett	De Groot	Johnson, R.	Van Maanen

Absent or not voting, 8:

Avenson	Carl	Clark, B. J.	Cochran
Dieleman	Harbor	Mullins	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 175 WITHDRAWN

Crawford of Story asked and received unanimous consent to withdraw House File 175 from further consideration by the House.

House File 729, a bill for an act to extend the temporary operating authority to forty-five days for commercial vehicles, was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 729)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Carl	Clark, B. J.	Cochran	Harbor
Maulsby	Mullins	Pope	Shimanek
Trucano	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 159 DEFERRED

Senate File 159, a bill for an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law, with report of committee recommending passage was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H–3267 filed by her from the floor:

H–3267

Amend Senate File 159 as passed by the Senate as follows:

1. Page 3, line 16, by striking the words "twenty-five" and inserting in lieu thereof the words "~~twenty-five~~ thirty-five".

2. Page 3, line 17, by striking the word "twenty" and inserting in lieu thereof the words "~~twenty~~ thirty".

Schroeder of Pottawattamie rose on a point of order that amendment H–3267 was not germane.

The Speaker ruled the point well taken and amendment H–3267 not germane.

Schroeder of Pottawattamie asked and received unanimous consent that Senate File 159 be deferred and that the bill retain its place on the calendar.

House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state, was taken up for consideration.

Conlon of Muscatine offered the following amendment H–3263 filed by Conlon, Hoffmann, Schnekloth, Norland, Crawford and Brandt from the floor:

H–3263

Amend House File 734 as follows:

1. Page 2, line 21, by inserting after the word "remit" the words "at least ninety percent of".

2. Page 2, lines 22 and 23, by striking the words "fails to pay any amount of the" and inserting in lieu thereof the words "~~fails to pay~~ pays less than ninety percent of any ~~amount of the~~".

3. Page 4, line 32, by inserting after the word "remit" the words "at least ninety percent of".

4. Page 4, lines 33 and 34, by striking the words "fails to pay any amount" and inserting in lieu thereof the words "~~fails to pay any amount~~ pays less than ninety percent".

5. Page 7, line 3, by inserting after the word "remit" the words "at least ninety percent of".

6. Page 7, lines 4 and 5, by striking the words

"fails to pay any amount" and inserting in lieu thereof the words "~~fails to pay any amount~~ pays less than ninety percent".

7. Page 11, by inserting after line 33 the following:

"Sec. . Section 435.5, Code 1981, is amended to read as follows:

435.5 PENALTY. In case of failure to file a return with the department on or before the due date, unless it is shown that the failure was due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on the return five percent of the amount of tax if the failure is for not more than one month, with an additional five percent for each additional month or fraction thereof during which the failure continues, not exceeding twenty-five percent in the aggregate. If any person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date, or ~~fails to pay~~ pays less than ninety percent of the total amount of the tax due as shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. In case of willful failure to file a return with intent to evade tax, or in case of willfully filing a false return with intent to evade tax, in lieu of the penalty above provided, there shall be added to the amount required to be shown as tax on the return fifty percent of

Page 2

the amount of the tax. When penalties are applicable for failure to file a return and failure to pay the tax due or required on the return, the penalty provision for failure to file ~~shall be~~ is in lieu of the penalty provision for failure to pay the tax due or required on the return except in the case of willful failure to file a return and willfully filing of a false return with intent to evade tax."

8. Page 13, by inserting after line 5 the following:

"Sec. . Section 450.63, subsection 2, Code 1981, is amended to read as follows:

2. If a person liable for the payment of tax as stated in section 450.5 fails to file a return with

the department of revenue on or before the due date, unless it is shown that the failure was due to reasonable cause, there shall be added to the amount of tax required to be shown as tax due on the return five percent of the amount of the tax, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. If a person fails to remit at least ninety percent of the tax due with the filing of the return on or before the due date or ~~fails to pay~~ pays less than ninety percent of any ~~amount of~~ tax required to be shown on the return, unless it is shown that the failure was due to reasonable cause, there shall be added to the tax a penalty of five percent of the amount of the tax due, if the failure is for not more than one month, with an additional five percent for each additional month or fraction of a month during which the failure continues, not exceeding twenty-five percent in the aggregate. When penalties are applicable for failure to file a return and failure to pay the tax due or required to be shown on the return, the penalty provision for failure to file ~~shall be~~ is in lieu of the penalty provision for failure to pay the tax due or required to be shown on the return."

9. By numbering, renumbering, and correcting internal references as required by this amendment.

10. Title page, line 1, by inserting after the word "Act" the words "relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes

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and".

Anderson of Jasper rose on a point of order that amendment H—3263 was not germane.

The Speaker ruled the point well taken and amendment H—3263 not germane.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 734)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	McKean	Menke
Miller	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Branstad	Lind	Maulsby	Tyrrell

Absent or not voting, 6:

Carl	Cochran	Harbor	Mullins
Pope	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 307 SUBSTITUTED FOR HOUSE FILE 735

Trucano of Polk asked and received unanimous consent to substitute Senate File 307 for House File 735.

Senate File 307, a bill for an act to permit a separate writing to identify bequests of certain tangible personal property in wills, was taken up for consideration.

Pelton of Clinton asked and received unanimous consent that amendment H–3270 be addressed to Senate File 307.

Pelton of Clinton offered amendment H–3270 filed by him from the floor:

H–3270

Amend Senate File 307 as follows:

1. Page 2, by striking lines 11 through 24 and inserting in lieu thereof the following:

"The writing shall be dated and signed by the testator, shall be witnessed and signed by two persons who are not beneficiaries under the testator's will, shall describe the items and distributees with reasonable certainty, and shall be prepared after the execution of the testator's will. Any amendment to the writing shall be executed in the same manner as the writing itself. Property passing by the writing under this section shall be considered as a specific bequest under the will, and the personal representative shall distribute the described items of tangible personal property to the distributees entitled to them."

Pelton of Clinton moved the adoption of amendment H–3270.

Roll call was requested by Shimanek of Jones and Ritsema of Sioux.

Rule 80 was invoked.

On the question "Shall amendment H–3270 be adopted?"

The ayes were, 46:

Anderson, J.	Branstad	Byerly	Clements
Crabb	Daggett	Danker	De Groot
Dieleman	Gettings	Gross	Holt
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane

Oxley	Pelton	Petrick	Poncy
Renaud	Renken	Schnekloth	Smalley
Smith	Stueland	Sullivan	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Woods	Mr. Speaker		

The nays were, 48:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Bruner	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Conlon
Connolly	Connors	Cook	Corey
Crawford	Cusack	Davitt	Diemer
Doderer	Egenes	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Horn	Jochum	Kirkenslager
Krewson	Lloyd-Jones	Pavich	Pellett
Poffenberger	Pope	Rapp	Ritsema
Running	Shimanek	Shull	Spear
Sturgeon	Swartz	Trucano	Welsh

Absent or not voting, 6:

Carl	Cochran	Harbor	Mullins
Schroeder	Welden		

Amendment H-3270 lost.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 307)

The ayes were, 60:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Davitt	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Horn	Jochum	Johnson, J.
Kirkenslager	Lloyd-Jones	Menke	Norland
Pavich	Pelton	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Shimanek	Shull	Smith

Spear	Sturgeon	Swartz	Swearingen
Trucano	Walter	Welsh	Mr. Speaker

The nays were, 33:

Branstad	Clements	Daggett	Danker
De Groot	Dieleman	Gettings	Holt
Howell	Hummel	Jay	Johnson, R.
Johnson, W.	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Miller
O'Kane	Oxley	Pellett	Petrick
Renken	Schnekloth	Smalley	Stueland
Sullivan	Tofte	Tyrrell	Van Maanen
Woods			

Absent or not voting, 7:

Carl	Cochran	Harbor	Krewson
Mullins	Schroeder	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 735 WITHDRAWN

Trucano of Polk asked and received unanimous consent to withdraw House File 735 from further consideration by the House.

House File 736, a bill for an act relating to the offense of false use of a financial instrument and the penalties for that offense, was taken up for consideration.

Conlon of Muscatine offered the following amendment H–3265 filed by him from the floor and moved its adoption:

H–3265

Amend House File 736 as follows:

1. Page 1, lines 3 and 4, by striking the words "– –DEGREES– –PENALTIES".

2. Page 1, by striking lines 11 through 30 and inserting in lieu thereof the following: "false use of a financial instrument. False use of a financial instrument is a ~~class "C" felony~~ fraudulent practice."

3. Page 1, line 31, by striking the figure "3" and inserting in lieu thereof the figure "2".

Amendment H—3265 was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 736)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Carl	Cochran	Egenes	Harbor
Miller	Mullins	Welden	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker pro tempore Menke of O'Brien in the chair at 4:16 p.m.

HOUSE FILE 732 DEFERRED

House File 732, a bill for an act prohibiting the use of devices to detect the presence of operational radar equipment or to interfere with its reception, and providing a penalty, was taken up for consideration.

Woods of Polk offered the following amendment H–3264 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H–3264

Amend House File 732 as follows:
1. Page 1, line 3, by striking the words "DETECTION AND".
2. Page 1, lines 4 and 5, by striking the words "detection or".
3. Page 1, line 16, by striking the words "detection or".
4. Page 1, lines 18 and 19, by striking the words "detection or".
5. Page 1, by striking lines 21 through 26 and inserting in lieu thereof the words:
"4. For the purposes of this section "radar jamming device" means any mechanism".
6. Amend the title, by striking lines 1 through 3 and inserting in lieu thereof the following: "An Act prohibiting the use of devices to interfere with the reception of operational radar equipment and providing a penalty."

A non-record roll call was requested.

The ayes were 25, nays 61.

Amendment H–3264 lost.

Spear of Lee offered the following amendment H–3274 filed by him from the floor and moved its adoption:

H–3274

Amend House File 732 as follows:
1. Page 1, by striking lines 4 through 8 and inserting in lieu thereof the following:
"1. Except as otherwise provided in this

section, a person shall not operate or possess a radar detection or jamming device, when the device is in a vehicle operated on the highways of this state or the device is held for sale in this state."

A non-record roll call was requested.

The ayes were 77, nays 11.

Amendment H—3274 was adopted.

Speaker Stromer in the chair at 5:01 p.m.

Tyrrell of Iowa offered the following amendment H—3269 filed by him from the floor:

H—3269

Amend House File 732 as follows:

1. Page 1, by inserting after line 32 the following:

"Sec. 2. Chapter 321, Code 1981, is amended by adding the following new section:

NEW SECTION. REQUIRED RADIO EQUIPMENT. Every motor vehicle required to be registered in this state shall be equipped with a mechanism that detects the emission of radio microwaves in the electromagnetic wave spectrum which are emitted from a device used by peace officers of this state to measure the speed of motor vehicles on the highways of this state and that alerts the driver to those emissions."

Holt of Clay rose on a point of order that amendment H—3269 was not germane.

The Speaker ruled the point well taken and amendment H—3269 not germane.

Pope of Polk asked and received unanimous consent that House File 732 be deferred and that the bill retain its place on the calendar.

House File 372, a bill for an act relating to the amount of the surety bond required of mobile home dealers, with report of committee recommending passage was taken up for consideration.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 372)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Egenes

Absent or not voting, 8:

Carl	Chiodo	Connolly	Davitt
Harbor	Mullins	Schroeder	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connolly of Dubuque, for the remainder of the day, on request of Welsh of Dubuque.

HOUSE FILE 373 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 373 from further consideration by the House.

HOUSE FILE 733 DEFERRED

Pope of Polk asked and received unanimous consent that House File 733 be deferred and that the bill retain its place on the calendar.

House File 731, a bill for an act relating to criminal investigative data, criminal history data, intelligence data, and the confidentiality of peace officers' investigative reports, was taken up for consideration.

Shimanek of Jones offered the following amendment H–3232 filed by Shimanek, et al., and moved its adoption:

H–3232

Amend House File 731 as follows:

1. Page 1, by striking lines 5 through 9 and inserting in lieu thereof the following: "However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.".

Amendment H–3232 was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 731)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	McKean	Menke
Miller	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Binneboese	Carl	Chiodo	Connolly
Johnson, W.	Maulsby	Mullins	Schroeder
Welden	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 742, a bill for an act relating to the rights of foster parents concerning a termination of parental rights hearing involving their foster child, was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 742)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Carl	Chiodo	Connolly	Mullins
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 739, a bill for an act relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents, was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 739)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carl	Chiodo	Connolly	Harbor
Mullins	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 441, a bill for an act relating to the fencing of railroad rights of way and providing penalties, was taken up for consideration.

Lloyd-Jones of Johnson offered the following amendment H–3271 filed by Lloyd-Jones, Conlon, Smalley and Hall from the floor:

H–3271

1 Amend House File 441 as follows:

1. Page 1, by striking lines 1 through 18.
2. Page 1, by striking lines 28 through 30 and inserting in lieu thereof the words "violation. All".

(House File 441 and amendment H—3271 pending at adjournment.)

MOTIONS TO RECONSIDER

(House File 468)

I move to reconsider the vote by which House File 468 passed the House on March 12, 1981.

SCHNEKLOTH of Scott

(House File 641)

I move to reconsider the vote by which House File 641 passed the House on March 12, 1981.

TRUCANO of Polk

(House File 641)

I move to reconsider the vote by which House File 641 passed the House on March 12, 1981.

KREWSON of Polk

(House Resolution 10)

I move to reconsider the vote by which House Resolution 10 was adopted by the House on March 12, 1981.

MILLER of Buchanan

(Senate File 307)

I move to reconsider the vote by which Senate File 307 passed the House on March 12, 1981.

TRUCANO of Polk

(Senate File 307)

I move to reconsider the vote by which Senate File 307 passed the House on March 12, 1981.

PELTON of Clinton

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for a brief time on March 12, 1981. Had I been present, I would have voted "nay" on Senate File 172.

DIELEMAN of Marion

I was necessarily absent from the House chamber on Thursday morning, March 12, 1981. Had I been present, I would have voted "aye" on House Files 160, 164, 371, 466, 469, 547, 641, 724, 726, 727, 740, 741 and "nay" on House File 468.

LONERGAN of Boone

I was necessarily absent from the House chamber on March 12, 1981 because I was a member of the official funeral delegation for former State Representative Casey Loss of Algona. Had I been present, I would have voted "aye" on House Files 641, 724, 726, 728, 730, 642, 729, 734, 736 and Senate Files 228, 172, and 307.

COCHRAN of Webster

I was necessarily absent from the House chamber on Thursday morning, March 12, 1981. Had I been present, I would have voted "aye" on House File 741.

RENAUD of Polk

PRESENTATION OF VISITORS

Avenson of Fayette presented to the House, the Honorable Jim Jordan, former member of the House, representing Linn County.

Doderer of Johnson presented to the House, the Honorable John Kibbie, former member of the House, representing Palo Alto County.

The Speaker announced that the following visitors were present in the House chamber:

One hundred eighty-eight Linn County 4-H members accompanied by Barbara Beermann, Linda Winston, Beverly Schrader, Glenn Buresh, Velma Benesh, Delores Frantz and Jim Vlasek. By Hall, Horn, Johnson, Oxley, Petrick and Running, all of Linn County; and Hummel of Benton.

Thirty members of the Hartley girls basketball team, Hartley, accompanied by Coach Mark Butt. By Hansen of O'Brien.

A group of students from Leo High School, Holy Cross, accompanied by Sister Felicia. By Hanson of Delaware.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 283 Human Resources

Relating to rules allowing children in child day care facilities to bring their own food.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 18

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House Concurrent Resolution 19

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 307

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 321

State Government: Clark of Cerro Gordo, Chair; Hoffmann, Tofte, Lloyd-Jones and Chiodo.

House File 324

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 325

State Government: Harbor, Chair; Shimanek and Halvorson of Webster.

House File 338

State Government: Lageschulte, Chair; Woods and Smith.

House File 344

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 378

State Government: Harbor, Chair; Shimanek and Halvorson of Webster.

House File 382

State Government: Lageschulte, Chair; Woods and Smith.

House File 384

State Government: Shimanek, Chair; Hanson of Delaware and Brandt.

House File 390

State Government: Lageschulte, Chair; Tofte, Smith, Dieleman and Woods.

House File 393

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

House File 394

State Government: Lageschulte, Chair; Trucano and Brandt.

House File 395

State Government: Tofte, Chair; Harbor and Lloyd-Jones.

House File 614

Labor and Industrial Relations: Corey, Chair: Horn and Stueland.

House File 623

Labor and Industrial Relations: Conlon, Chair; Hummel and Pavich.

House File 651

Transportation: Schnekloth, Chair; Schroeder and Woods.

House File 652

Transportation: Lind, Chair; Johnson of Woodbury and Groth.

House File 653

Transportation: Mann, Chair; Branstad and Pavich.

House File 656

Labor and Industrial Relations: Crabb, Chair; Johnson of Linn and Connors.

House File 664

Transportation: Kirkenslager, Chair; Lageschulte and Gettings.

House File 665

Transportation: Lageschulte, Chair; Pellett and Binneboese.

House File 677

Transportation: Menke, Chair; Lind and Anderson of Jasper.

House File 688

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 713

Transportation: Johnson of Woodbury, Chair; Kirkenslager and Lloyd-Jones.

Senate File 50

State Government: Crawford, Chair; Swearingen, Hanson of Delaware, Anderson of Jasper and Halvorson of Webster.

Senate File 268

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Senate File 275

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Senate File 276

Judiciary and Law Enforcement: Gross, Chair; Clark of Cerro Gordo and Swartz.

Senate File 306

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 167

State Government: Hoffmann, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

Study Bill 193

State Government: Carpenter, Chair; Crawford and Lloyd-Jones.

Study Bill 250

Education: Maulsby, Chair; Clements and Lonergan.

Study Bill 269

Labor and Industrial Relations: Corey, Chair; Horn and Stueland.

Study Bill 271

Judiciary and Law Enforcement: Trucano, Chair; Pelton, Ritsema, Rapp and Welsh.

Study Bill 275

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

Study Bill 277

Energy: Pelton, Chair; Davitt, Howell, Cook and Johnson of Woodbury.

Study Bill 280

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Rapp.

HOUSE CONCURRENT RESOLUTION 20
By Tyrrell, Branstad, Maulsby, Lind, Lageschulte, Mann, Danker, Renken, Clements, De Groot and Johnson of Howard

Whereas, a recent federal court decision based on the concept of cruel and unusual punishment as embodied in the eighth amendment to the United States Constitution

will require the state of Iowa to expend millions of dollars to provide facilities for persons incarcerated in state penal institutions; and

Whereas, the effect of this court decision is to place in the hands of the courts and the federal government control over state penal systems not envisioned by the founding fathers and is another step towards eroding the federal system; and

Whereas, decisions of the courts based on the eighth amendment could have the effect of limiting or destroying many state government programs if they require the expenditure of millions of dollars which could be diverted to other programs beneficial to the citizens of this state; and

Whereas, under Article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by Congress whenever two-thirds of both houses deem it necessary; *Now Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa General Assembly proposes to the Congress of the United States that procedures be instituted in the Congress to propose and submit to the several states an amendment to the Constitution of the United States that would restore to the states jurisdiction over their penal systems and institutions including the treatment, supervision, and control over state prisoners and the physical environment in which they are detained; and

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Be It Further Resolved, That copies of this resolution be forwarded to members of the Iowa congressional delegation and to the chairpersons of the United States House and Senate Committees on Judiciary.

Laid over under Rule 30.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 114, to provide for the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher as of November 30, 1980 to the general fund of the state.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill, relating to payments for tuition and transportation for certain children residing in charitable institutions, state institutions, and boarding homes.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Senate File 262, a bill for an act to revise the regulation of land disturbing activities.

Fiscal Note is not required.

Recommended **Amend and Do Pass in accordance with amendment H–3261** filed by Cochran, et al., on March 11, 1981.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 174), to increase the interest penalty on delinquent property taxes to one and one-half percent per month.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3266	H.F. 733	Jay of Appanoose Ritsema of Sioux
H–3268	H.F. 733	Spear of Lee
H–3272	H.F. 733	Schroeder of Pottawattamie
H–3273	H.F. 733	Arnould of Scott
H–3275	S.F. 305	Shimanek of Jones Crawford of Story Bruner of Story
H–3276	S.F. 114	Shull of Warren
H–3277	H.F. 749	Spear of Lee

H—3278	H.F. 749	Clark of Cerro Gordo
H—3279	S.F. 305	Pavich of Pottawattamie Binneboese of Plymouth O'Kane of Woodbury Halvorson of Webster
H—3280	S.F. 305	Norland of Worth Sturgeon of Woodbury Lonergan of Boone Miller of Buchanan
H—3281	H.F. 259	Welsh of Dubuque Halvorson of Clayton Hanson of Delaware
H—3282	S.F. 305	Chiodo of Polk
H—3283	S.F. 305	Bruner of Story
H—3284	H.F. 732	Schroeder of Pottawattamie
H—3285	H.F. 732	Woods of Polk
H—3286	H.F. 732	Woods of Polk
H—3287	H.F. 625	Cook of Hardin

On motion by Pope of Polk, the House adjourned at 5:58 p.m., until 10:00 a.m., Monday, March 16, 1981.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 16, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father Lawrence Burns, pastor of Christ the King Catholic Church, Des Moines.

The Journal of Thursday, March 12, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Murphy, Sheldon.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connolly of Dubuque, on request of Anderson of Jasper.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 414, a bill for an act relating to funds available to school districts including authorizing the levy of a tax for cash reserve.

LINDA HOWARTH MACKAY, Secretary

IMMEDIATE MESSAGE
(Senate Concurrent Resolution 12)

Hansen of O'Brien asked and received unanimous consent that Senate Concurrent Resolution 12 be immediately messaged to the Senate.

HOUSE FILE 441 DEFERRED

Pope of Polk asked and received unanimous consent that House File 441 be deferred and that the bill retain its place on the calendar.

RULE 43 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 43 for the immediate consideration of the following bills: Senate Files 262 and 114 and House Files 750, 751 and 752.

The House stood at ease at 10:27 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 753, by committee on county government, a bill for an act relating to the submission of bond issues previously defeated by the electorate.

Read first time and **placed on the calendar.**

House File 754, by committee on transportation, a bill for an act relating to reports of motor vehicle accidents.

Read first time and **placed on the calendar.**

House File 755, by committee on transportation, a bill for an act to increase the property damage insurance requirements of motor vehicle lessors and permitting the denial of a license to a person who has acted as a lessor without a license.

Read first time and **placed on the calendar.**

House File 756, by committee on transportation, a bill for an act relating to nonresident exemptions from the state motor vehicle licensing requirements.

Read first time and **placed on the calendar.**

House File 757, by committee on cities, a bill for an act relating to easements for certain sewer, water, or gas or power lines within a city.

Read first time and **placed on the calendar.**

House File 758, by committee on ways and means, a bill for an act to increase the interest penalty on delinquent property taxes to one and one-half percent per month.

Read first time and **placed on the ways and means calendar.**

House File 759, by committee on cities, a bill for an act relating to the number of years city records are required to be kept.

Read first time and **placed on the calendar.**

House File 760, by committee on judiciary and law enforcement, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Read first time and **placed on the calendar.**

House File 761, by committee on labor and industrial relations, a bill for an act to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building.

Read first time and referred to committee on **appropriations.**

House File 762, by committee on judiciary and law enforcement, a bill for an act relating to the annual inspection of the state adult penal and correctional facilities and the state juvenile facilities.

Read first time and **placed on the calendar.**

House File 763, by committee on appropriations, a bill for an act relating to the payment of tuition and transportation costs of certain children in charitable institutions and licensed boarding homes.

Read first time and **placed on the appropriations calendar.**

House File 764, by committee on cities, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication.

Read first time and **placed on the calendar.**

House File 765, by committee on judiciary and law enforcement, a bill for an act relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

Read first time and **placed on the calendar.**

House File 766, by committee on energy, a bill for an act relating to access to and use of solar energy.

Read first time and **placed on the calendar.**

House File 767, by committee on judiciary and law enforcement, a bill for an act relating to the satisfaction of debts owed to the holders of mechanic's liens, and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling except to the extent of the amount owed to the principal contractor at the time the subcontractor serves a written notice of the claim on the owner, and providing that a subcontractor may be awarded exemplary damages from the principal contractor.

Read first time and **placed on the calendar.**

SENATE MESSAGE CONSIDERED

Senate File 283, by committee on county government, a bill for an act relating to mileage expense for witnesses and jurors.

Read first time and referred to committee on **appropriations.**

REREFERRED TO COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT
(House File 46)

The Speaker announced that House File 46, previously referred to the committee on **commerce,** was rereferred to the committee on **judiciary and law enforcement.**

SENATE FILE 262 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 262 be deferred temporarily and that the bill retain its place on the calendar.

SPECIAL PRESENTATION

In recognition of Vietnam Veterans' Day, the Speaker welcomed the following Veterans present in the House chamber:

Terry Kruse, Lone Tree; Robert Halterman, Norwalk; Gayln Gohlmann, Lost Nation; Glenn Signs, Des Moines; Dave Katsumes, Elgin; Neal Richards, Vinton; Clyde L. Keith, Jr., Des Moines; Bill Donald, Corydon; Jerry Houston, Dunlap; Keith Heinse, Moville; Harold Hagaman, Jr., Boone; Jim Quinlan, Altoona. The Veterans were accompanied by Jim Youmans, Commander, Persia; John Brokens, Adjutant, Des Moines; Ed Dustin, Fifth District Commander, Seymour; Val Likens, Service Officer, Des Moines; Ralph Marshall, Miles; and Warren Albaugh.

The House rose and expressed its gratitude and appreciation to the Veterans for their service and sacrifice.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 305, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause, with report of committee recommending passage was taken up for consideration.

(Senate File 305 pending at recess.)

On motion by Pope of Polk, the House was recessed at 11:52 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 305**, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

Avenson of Fayette offered the following amendment H–3297 filed from the floor by Avenson, Anderson of Jasper, Byerly, Connors, Cochran and Doderer:

H–3297

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 3, subsection 5, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 15, is amended to read as follows:

5. MENTAL HEALTH ADVISORY COUNCIL

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes.....$ 64,269 $ ~~50,000~~ 36,000

Sec. 2. Notwithstanding section 227.17, there is appropriated from the general fund of the state, for the fiscal year beginning July 1, 1980, and ending June 30, 1981, to the state mental aid fund the sum of four hundred forty thousand (440,000) dollars. Any unencumbered or unobligated balance in the fund on June 30, 1981, shall revert to the general fund.

Sec. 3. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 1, is amended to read as follows:

SECTION 1. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used by the following agency for the purposes designated:

	1979-1980 Fiscal Year	1980-1981 Fiscal Year
IOWA COMMISSION FOR THE BLIND.		
For salaries, support, maintenance and miscellaneous purposes	$ 949,000	$ ~~942,000~~ 867,000

Sec. 4. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsection 3, paragraph c, is amended to read as follows:

c. For Iowa industrial start-up training program	$ 200,000	$ ~~200,000~~ 50,000

Sec. 5. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 13, section 7, subsections 8 and 10, are amended to read as follows:

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8. SCHOOL FOOD SERVICE For the purpose of providing assistance to students enrolled in public school districts and nonpublic schools of the state for breakfasts, lunches and minimal equipment programs with the funds being used as state matching funds for federal programs and which shall be disbursed according to federal regulations	$ 3,488,000	$ ~~3,662,000~~ 3,481,000
10. SCHOOL BUDGET REVIEW COMMITTEE	$ ~~300,000~~ 271,812	$ ~~1,300,000~~ 300,000

a. From the funds appropriated to the school budget review committee for fiscal year 1980-1981 ~~nine hundred thousand (900,000) dollars shall be used exclusively for transportation costs unusually increased above the normal rate of inflation, including costs arising because of the need for replacement vehicles and the repair of vehicles and~~ two hundred thousand (200,000) dollars or as much thereof as necessary shall be used exclusively for grants to

public schools and for nonpublic school pupils for programs for instruction in the English language, a transitional bilingual program, or other special instruction program within the requirements of sections eighteen (18) and nineteen (19) of this Act. From the two hundred thousand (200,000) dollars for a transitional bilingual, instruction in the English language or other special instruction program, the school budget review committee may allocate an amount not to exceed ten thousand (10,000) dollars to the department of public instruction to cover the actual and necessary costs of administering the program as required in section nineteen (19) of this Act.

b. From the funds appropriated to the school budget review committee for the fiscal year 1979-1980 ~~one hundred thousand (100,000)~~ seventy-one thousand eight hundred twelve (71,812) dollars shall be used exclusively for supplemental aid to public school districts for transportation equipment needs which would become necessary because of the furnishing of transportation to nonpublic school pupils under chapter two hundred eighty-five (285) of the Code and any unused funds appropriated by this lettered ~~subparagraph~~ paragraph shall not revert until June 30, 1981.

Sec. 6. Acts of the Sixty-eighth General Assembly,

Page 3

1979 Session, chapter 14, section 1, subsection 1, is amended to read as follows:

1. For allocation by the state board of regents to the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa in such amounts as may be necessary to reimburse such institutions for deficiencies in their operating funds resulting from the pledging of tuitions, student fees and charges and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at such institutions ..... $ 4,250,000 $ ~~4,550,000~~ 4,365,000

Unobligated or unencumbered funds remaining on June 30, 1980, from funds appropriated by this

subsection for the fiscal year beginning July 1, 1979, shall revert to the general fund on September 30, 1980. Unobligated or unencumbered funds remaining on June 30, 1981, from funds appropriated by this subsection for the fiscal year beginning July 1, 1980, shall revert to the general fund on September 30, 1981.

Sec. 7. Notwithstanding chapters 273, 281, and 442, relating to the allocation of special education support services costs of area education agencies by the state comptroller, for the school year beginning July 1, 1980 and ending June 30, 1981, the state comptroller shall deduct from the amount certified to generate funds for special education support services for each area the following listed amounts and shall recalculate the amounts due from each district to its area education agency:

Area 1	$	467,382
Area 2	$	
Area 3	$	5,414
Area 4	$	76,382
Area 5	$	49,346
Area 6	$	101,791
Area 7	$	140,803
Area 9	$	24,102
Area 10	$	
Area 11	$	607,158

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Area 12	$	
Area 13	$	
Area 14	$	11,839
Area 15	$	
Area 16	$	

The amounts deducted shall not affect the calculation of the state cost per pupil or any district cost per pupil for the school year beginning July 1, 1981.

Sec. 8. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 1, paragraph a, is amended to read as follows:

a. Central administration.

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	$ 73,503	$	~~72,128~~ 61,591

Sec. 9. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 2,

as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 16, is amended to read as follows:

2. HEALTH FACILITIES DIVISION

a. Health facilities service.

For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 554,102 $ ~~548,903~~ 537,121

b. Health planning agency.

For salaries and support of not more than thirteen full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 66,940 $ ~~66,407~~ 57,487

c. Certificate of need.

For salaries and support of not more than six full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 192,108 $ ~~190,244~~ 186,178

Sec. 10. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsections 3,

Page 5

4, and 5 are amended to read as follows:

3. DISEASE PREVENTION DIVISION

For salaries and support of not more than thirty-seven point six full-time equivalent positions in the fiscal year beginning July 1, 1979 and ending June 30, 1980 and not more than thirty-one point six full-time equivalent positions in the fiscal year beginning July 1, 1980 and ending June 30, 1981, maintenance and miscellaneous purposes ..... $ 538,673 $ ~~536,095~~ 513,268

4. RECORDS AND STATISTICAL DIVISION

For salaries and support

of not more than twenty-nine full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 402,698 $ ~~400,444~~ 391,920

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than seventeen full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 544,584 $ ~~549,561~~ 538,410

It is the intent of the general assembly that the licensing and certification division prepare estimates of projected revenues to be generated by the licensing, certification and examination fees of each board as well as a projection of the fairly apportioned administrative costs attributable to each board. It is the further intent of the general assembly that each board annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and further that an imbalance in revenues and costs in one year shall be offset in the subsequent fiscal year.

Sec. 11. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 6, unnumbered paragraph 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 17, is amended to read as follows:

For salaries and support of

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not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes ..... $ 879,931 $ ~~881,373~~ 862,579

Sec. 12. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraph a, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 18, is amended to read as follows:

a. Community health division.

(1) For salaries and support of not more than forty-four full-time equivalent positions annually of which two shall be for deaf services, maintenance

and miscellaneous purposes .....$ 982,111 $ ~~1,445,376~~
1,415,828

(2) Of the appropriation for the 1980-1981 fiscal year, the sum of sixty thousand (60,000) dollars is allocated for deaf services, the sum of three hundred fifty thousand (350,000) dollars is allocated for the renal disease program, and the sum of twenty thousand (20,000) dollars is allocated for the emergency medical service program.

Sec. 13. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 4, subsection 7, paragraphs b and c, are amended to read as follows:

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code .....$ 45,000 $ ~~45,000~~
25,545

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section three hundred thirty-nine point seven (339.7) of the Code .....$ 28,000 $ ~~28,000~~
14,288

Sec. 14. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 9, section 6, subsection 2, is amended to read as follows:

2. For the war orphans

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educational aid fund .....$ 35,000 $ ~~35,000~~
26,610

Sec. 15. Notwithstanding section 135.15, any unencumbered or unobligated moneys in the plumbing code fund on the effective date of this Act shall immediately revert to the general fund of the state.

Sec. 16. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 1, is amended to read as follows:

1. DIVISION OF LANDS AND WATERS

For deposit in the state conservation fund from the general fund of the state for salaries, support, maintenance,

equipment and miscellaneous purposes for not more than two hundred eighty-eight full-time equivalent positions of the division, and for maintenance of state parks, waters, and forests, and including not more than one million two hundred seventy-five thousand one hundred two (1,275,102) dollars during the fiscal year beginning July 1, 1979 and one million two hundred ~~seventy-seven~~ sixty-one thousand ~~one~~ four hundred ~~eighty-seven (1,277,187)~~ thirty-seven (1,261,437) dollars during the fiscal year beginning July 1, 1980 which shall be available for the administration fund from the state conservation fund in compliance with the provisions of section one hundred seven point seventeen (107.17) of the Code ..... $ 5,077,176 $ ~~4,922,838~~ 4,907,088

Sec. 17. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 4, subsection 8, is amended to read as follows:

8. GREAT RIVER ROAD STUDY

From the general fund of the state for the great river road study ..... $ 25,000 $ ~~37,500~~

Sec. 18. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 10, subsection 1, paragraph a, is amended to read as follows:

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a. For salaries and support of not more than fifty-eight full-time equivalent positions, and maintenance and miscellaneous purposes ..... $ 1,968,880 $ ~~2,074,628~~ 1,984,628

Sec. 19. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 13, subsection 1, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 26, is amended to read as follows:

1. OPERATIONS

For salaries and support

and for maintenance and miscellaneous purposes ..... $ 230,192 $ ~~336,683~~
271,683

Sec. 20. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 14, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For salaries, support and maintenance of not more than one hundred eighty-six full-time equivalent positions and for miscellaneous purposes ..... $ 2,206,852 $ ~~2,213,998~~
2,013,998

Sec. 21. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 12, section 17, subsection 3, is amended to read as follows:

3. For state aid to agricultural societies (local fairs) ..... $ 210,000 $ ~~210,000~~
207,330

Sec. 22. One hundred ninety thousand (190,000) dollars of the remaining funds appropriated by Acts of the Sixty-fourth General Assembly, 1971 Session, chapter 19, section 1, for the fiscal year beginning July 1, 1972 for various state conservation commission capital projects shall revert to the general fund of the state on the effective date of this Act.

Sec. 23. Fifty-seven thousand six hundred sixty (57,660) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, section 1, subsection 3, for the Volga Lake project shall revert to the general fund of the state on the effective date of this Act.

Sec. 24. Twenty-two thousand five hundred forty (22,540) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, section 1, subsection 4, for the Brushy Creek project shall revert to the general

fund on the effective date of this Act.

Sec. 25. Thirty thousand (30,000) dollars of the remaining funds appropriated by Acts of the Sixty-fifth General Assembly, 1974 Session, chapter 1026, sections 1 and 3, for dredging and a study shall revert to the general fund of the state on the effective date of this Act.

Sec. 26. Four hundred twenty-five thousand (425,000) dollars of the remaining funds appropriated by Acts of the Sixty-sixth General Assembly, 1976 Session, chapter 1205, section 1, subsection 1, for

various state conservation commission capital projects shall revert to the general fund of the state on the effective date of this Act.

Sec. 27. Ten thousand (10,000) dollars of the remaining funds appropriated by Acts of the Sixty-seventh General Assembly, 1977 Session, chapter 25, section 4, subsection 6, for cost sharing of soil conservation practices shall revert to the general fund of the state on the effective date of this Act.

Sec. 28. Thirty thousand (30,000) dollars of the remaining funds appropriated by Acts of the Sixty-seventh General Assembly, 1978 Session, chapter 1009, section 1, subsection 7, for cost sharing of soil conservation practices shall revert to the general fund of the state on the effective date of this Act.

Sec. 29. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 2, section 22, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1980 ..... ~~$51,300,000~~ 49,600,000

Sec. 30. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 2, subsection 1, is amended to read as follows:

1. For the division of field operations, including salaries and support, maintenance and miscellaneous purposes ..... $15,000,000 ~~$15,000,000~~ 14,904,450

Notwithstanding the licensing inspection requirements of chapters 235, 237, 237A, and 238, the department of social services may reduce by one-half, as of the effective date of this Act through June 30, 1981, the department's expenditures for inspections under those chapters.

Sec. 31. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 1, is amended to read as follows:

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1. For aid to the blind ..... $ 20,000 $ ~~20,000~~ 15,500

Notwithstanding section 249A.10, the department of social services shall not make payments under the remedial eye care program for services provided after the effective date of this Act through June 30, 1981.

Sec. 32. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 4, paragraph d, as amended by Acts of the Sixty-eighth

General Assembly, chapter 1001, section 59, is amended to read as follows:

d. Any spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled ..... $88,260,000 ~~$97,750,000~~ 97,180,000

The department of social services shall not eliminate dental services, clinic services, medical supplies, other practitioners, optometric services, podiatric services, and chiropractic services, under the medical assistance program pursuant to chapter 249A for the remainder of the 1980-1981 fiscal year.

Sec. 33. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:

6. For children's services ..... $20,455,000 ~~$22,030,000~~ 21,980,000

Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center approved by the state board of public instruction, and carrying a normal courseload in pursuance of a regular high school diploma. The foster care shall cease upon graduation from high school.

Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 12, unnumbered paragraph 1, is amended to read as follows:

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For assistance to child care centers ..... $ 400,000 $ ~~400,000~~ 397,000

Notwithstanding section 237A.13, after the effective date of this Act the department of social services shall not apportion or reapportion funds appropriated to the department to assist child care centers if

those funds have not been apportioned or reapportioned by the effective date of this Act.

Sec. 35. Any administrative rules adopted pursuant to sections 30 through 35 of this Act shall be adopted under section 17A.4, subsection 2 and section 17A.5, subsection 2, paragraph b, subparagraph (1), and shall become effective immediately upon filing, unless a later effective date is specified in the rules.

Sec. 36. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 2, subsections 1 and 2, are amended to read as follows:

1. AD HOC COMMITTEES, COUNCILS, AND TASK FORCES

For the payment of expenses of ad hoc committees, councils and task forces appointed by the governor to research and analyze a particular subject area relevant to the problems and responsibilities of state and local government, including the employment of professional, technical and administrative staff and the payment of per diem, not exceeding forty dollars, and actual expenses of committee, council or task force members. It is the intent of the general assembly and a condition of this appropriation that personnel hired for the staffing of any ad hoc committee, council, or task force be terminated upon the completion of the committee, council or task force's final report ..... $ 50,000 $ ~~50,000~~ 30,000

2. OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

For salaires and support of not more than two full-time equivalent positions and mis-

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cellaneous purposes ..... $ 55,762 $ ~~55,134~~ 54,134

Sec. 37. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 3, subsection 1, paragraph a, subsection 2, unnumbered paragraph 1,

and subsection 3, are amended to read as follows:

a. For salaries and support of not more than sixty-six point twenty full-time equivalent positions, maintenance and miscellaneous purposes ..... $ 804,420 $ ~~810,963~~ 790,963

For the general office for salaries and support of not more than fifty-seven point fifty full-time equivalent positions, maintenance and miscellaneous purposes ..... $ 1,184,759 $ ~~1,195,247~~ 1,179,247

3. BUREAU OF LABOR

For salaries and support of not more than ninety-two point twelve full-time equivalent positions, maintenance and miscellaneous purposes ..... $ 1,181,330 $ ~~1,177,511~~ 1,161,511

Sec. 38. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 4, paragraphs a, b, and c, are amended to read as follows:

a. For the division of the state historical society for salaries and support of not more than seventeen full-time equivalent positions and maintenance and miscellaneous purposes. The division of the state historical society may publish and print the Iowa Journal and the Iowa Goldfinch and shall sell the publications and use the proceeds to pay the costs of publication and printing ..... $ 441,359 $ ~~441,390~~ 436,390

b. For the division of historic preservation for salaries and support of not more than sixteen point seventy-two full-time equivalent positions, maintenance, and miscellaneous purposes ..... $ 155,299 $ ~~161,742~~

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155,242

c. For the division of historic museum and archives for

salaries and support of not more than twenty-nine point fifty full-time equivalent positions, maintenance, and miscellaneous purposes ..... $ 465,335 $ ~~462,724~~ 452,724

Sec. 39. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 6, subsection 6, is amended to read as follows:

6. EXECUTIVE COUNCIL

For salaries and support of not more than two full-time equivalent positions, maintenance, and miscellaneous purposes ..... $ 52,321 $ ~~52,174~~ 51,424

Sec. 40. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 3, section 7, subsection 1, unnumbered paragraph 1, is amended to read as follows:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates, and staff, maintenance, equipment and miscellaneous purposes ..... $ 8,908,014 $ ~~8,707,393~~ 8,637,393

Sec. 41. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 1, paragraph a, subparagraph (1), is amended to read as follows:

(1) For the renovation, and remodeling of the Robert Lucas building ..... $ ~~3,000,000~~ 2,000,000

Sec. 42. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 14, section 15, subsection 3, paragraph b, is amended to read as follows:

b. For the state's share of the city of Ames twenty-fourth street and Stange road widening project covered under section three hundred seven A point five (307A.5) of the Code ..... $ ~~125,000~~ 102,000

Sec. 43. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 19, section 1, subsection 1,

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is amended to read as follows:

1. For the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, there is appropriated from the general fund of the state to the office for planning and programming for use by youth services in the division of manpower, the amount of one hundred fifty thousand (150,000) dollars for the fiscal year 1979-1980 and the amount of ~~two hundred~~ fifty thousand ~~(250,000)~~ (50,000) dollars for the fiscal year 1980-1981, or so much thereof as is necessary, for the purpose of carrying out the juvenile victim restitution program created by this Act.

Sec. 44. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 2, subsection 1, paragraph a, is amended to read as follows:

a. For salaries and support of not more than twenty-four full-time equivalent positions and for maintenance and miscellaneous purposes ..... $ 600,300 $ ~~614,200~~ 608,058

Sec. 45. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 3, subsection 1, paragraph a, is amended to read as follows:

a. For salaries and support of not more than one hundred fifty-three full-time equivalent positions, and for maintenance and miscellaneous purposes of the department, criminal justice information system, and radio communications ..... $ 4,199,650 $ ~~4,208,950~~ 4,165,950

Sec. 46. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 11, section 4, subsection 1, is amended to read as follows:

1. For salaries, support, maintenance and miscellaneous purposes ..... $ 5,229,300 $ ~~5,290,000~~ 5,104,000

Sec. 47. The funds available from allotments which are modified because of the execution of the authority under section 8.31 as contained in executive orders numbers 38 and 40 shall revert to the general fund of the state on the effective date of this Act or on the effective date of the allocation, whichever is later.

Sec. 48. Executive orders numbers 38 and 40 executed pursuant to section 8.31 shall remain in full force and effect for allocations of standing

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unlimited appropriations through June 30, 1981.

Sec. 49. Notwithstanding section 421.30 and executive orders numbers 38 and 40 executed pursuant to section 8.31, there is appropriated from the general fund of the state, for the fiscal year beginning July 1, 1980, and ending June 30, 1981, to the reassessment expense fund, a maximum of three hundred thousand (300,000) dollars, or so much thereof as may be necessary, to be used for the purposes specified in section 421.30.

Sec. 50. This Act, being deemed of immediate importance, takes effect from and after its publication in The Red Oak Express, a newspaper published in Red Oak, Iowa, and in The Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa."

Avenson of Fayette offered the following amendment H–3298, to amendment H–3297, filed by him from the floor and moved its adoption:

H–3298

Amend H–3297 as follows:

1. Page 10, line 46, by inserting after the word "diploma" the words "or a high school equivalency diploma, as provided in chapter 259A".

Amendment H–3298 was adopted.

Avenson of Fayette moved the adoption of amendment H–3297, as amended.

Roll call was requested by Avenson of Fayette and Groth of Buena Vista.

On the question "Shall amendment H–3297, as amended, be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane

Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 3:

Clark, B. J.	Connolly	McKean

Amendment H—3297, as amended, lost.

Bruner of Story offered amendment H—3283 filed by him and requested division as follows:

H—3283

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

H—3283A

1. Page 1, lines 16 and 17, by striking the words and figure "five hundred seventy-five thousand (575,000)" and inserting in lieu thereof the words and figure "four hundred forty thousand (440,000)".

H—3283B

2. Page 14, line 5, by striking the figure "21,634,600" and inserting in lieu thereof the figure "21,851,600".

Bruner of Story moved the adoption of amendment H–3283A.

Roll call was requested by Avenson of Fayette and Bruner of Story.

On the question "Shall amendment H–3283A be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Crawford
Danker	De Groot	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Johnson, J.	Lloyd-Jones	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Van Maanen
Welden	Welsh	Woods	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Cusack
Daggett	Davitt	Dieleman	Doderer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Miller	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Walter	Mr. Speaker	

Absent or not voting, 2:

Connolly	Pelton

Amendment H–3283A lost.

Branstad of Winnebago asked and received unanimous consent to withdraw amendment H–3222 filed by him on March 5, 1981.

Kirkenslager of Des Moines asked for unanimous consent to withdraw amendment H–3229.

Objection was raised.

Kirkenslager of Des Moines moved to withdraw amendment H–3229 filed by him and Spear of Lee on March 9, 1981.

Roll call was requested by Arnould of Scott and Welsh of Dubuque.

On the question "Shall the motion prevail to withdraw amendment H–3229?"

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

Absent or not voting, 3:

Clements	Connolly	Pelton

The motion prevailed and amendment H–3229 was withdrawn.

Welsh of Dubuque offered the following amendment H–3299 filed by him from the floor and moved its adoption:

H–3299

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. Page 7, by inserting after line 17 the following:

"The licensing and inspection fees for beauty salons and barber shops shall be reduced by the licensing and certification division commensurate with the reduction of fairly apportioned administrative costs due to the deletion, pursuant to this subsection, of certain inspections of beauty salons and barber shops."

Roll call was requested by Welsh of Dubuque and Sturgeon of Woodbury.

On the question "Shall amendment H–3299 be adopted?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Binneboese
Bruner	Byerly	Carl	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Running	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 61:

Anderson, J.	Bennett	Brandt	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Crawford	Daggett	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Miller	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renaud
Renken	Ritsema	Schnekloth	Schroeder

Shimanek	Shull	Smalley	Smith
Spear	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 2:

Connolly	Danker

Amendment H—3299 lost.

Welsh of Dubuque offered the following amendment H—3300 filed by him from the floor and moved its adoption:

H—3300

Amend Senate File 305 as amended, passed and reprinted by the Senate as follows:

1. Page 7, by striking line 6 and inserting in lieu thereof the figure "538,410".

Roll call was requested by Woods of Polk and Renaud of Polk.

On the question "Shall amendment H—3300 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Pavich	Pelton	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 57:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann

Maulsby	McKean	Menke	Miller
Mullins	Pellett	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 2:

Connolly	Harbor

Amendment H—3300 lost.

Norland of Worth offered the following amendment H—3280 filed by Norland, et al., and moved its adoption:

H—3280

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. Page 8, by inserting after line 33 the following:

"Sec. . If federal 314-D funds for regional supervisory nurses are rescinded on or before June 30, 1981, there is appropriated from those funds reverting to the general fund of this state under sections 8 through 13 of this Act to the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981, as much of those funds as is necessary, to be used by the community health division for maintaining the positions for regional supervisory nurses. If the federal 314-D funds are not rescinded by June 30, 1981, the funds reduced by sections 8 through 13 of this Act shall revert to the general fund of the state on June 30, 1981."

2. Page 20, line 24, by inserting after the word "Iowa." the words "However, sections 8 through 13 of this Act are not effective until June 30, 1981."

A non-record roll call was requested.

The ayes were 40, nays 59.

Amendment H—3280 lost.

Jochum of Dubuque offered the following amendment H—3260 filed by Jochum, et al. :

H—3260

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. Page 13, by striking lines 14 through 24.

Hoffmann of Muscatine in the chair at 2:59 p.m.

Jochum of Dubuque moved the adoption of amendment H—3260.

Roll call was requested by Jochum of Dubuque and Sturgeon of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—3260 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Johnson, J.
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poffenberger	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Welsh	Woods	

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Holt	Hummel
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Miller	Mullins
Pellett	Pelton	Petrick	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stromer	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Madam Speaker (Hoffmann)

Absent or not voting, 1:

Connolly

Amendment H—3260 lost.

Avenson of Fayette offered the following amendment H—3294 filed by Avenson, Anderson of Jasper, Byerly, Connors and Cochran from the floor:

H—3294

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. Page 13, line 24, by inserting after the figure "1981." the words "However, the department shall only eliminate the unemployed parent program on a case by case basis, and shall not eliminate any person from the program until the department, in cooperation with the department of job service, has arranged for the person one job interview with an employer who is currently hiring employees."

Speaker Stromer in the chair at 4:19 p.m.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—3294.

Jochum of Dubuque asked and received unanimous consent to defer action on amendment H—3252 for the consideration of amendment H—3282.

Chiodo of Polk offered amendment H—3282 filed by him and requested division as follows:

H—3282

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

H—3282A

1. Page 14, line 5, by striking the figure "21,634,600" and inserting in lieu thereof the figure "21,754,600".

H–3282B

6 2. Page 14, by striking lines 21 through 25.

Chiodo of Polk asked and received unanimous consent to temporarily defer action on amendment H–3282A.

Chiodo of Polk moved the adoption of amendment H–3282B.

Roll call was requested by Jochum of Dubuque and Arnould of Scott.

Rule 80 was invoked.

On the question "Shall amendment H–3282B be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Krewson
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 4:

Connolly	Daggett	Holt	Schroeder

Amendment H—3282B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor, for the remainder of the afternoon, on request of Van Maanen of Mahaska.

Jochum of Dubuque offered amendment H—3252 filed by him and requested division as follows:

H—3252

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

H—3252A

1. Page 14, line 5, by striking the figure "21,634,600" and inserting in lieu thereof the figure "21,711,600".

H—3252B

2. Page 14, line 25, by striking the word "ten" and inserting in lieu thereof the words "four and six-tenths".

Jochum of Dubuque asked and received unanimous consent to temporarily defer action on amendment H—3252A.

Jochum of Dubuque moved the adoption of amendment H—3252B.

A non-record roll call was requested.

The ayes were 44, nays 52.

Amendment H—3252B lost.

Arnould of Scott offered amendment H—3254 filed by him and requested division as follows:

H—3254

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

H—3254A

1. Page 14, line 5, by striking the figure "21,634,600" and inserting in lieu thereof the figure "21,643,000".

H—3254B

2. Page 14, by striking lines 26 through 28.

Arnould of Scott asked and received unanimous consent to temporarily defer action on amendment H—3254A.

Arnould of Scott moved the adoption of amendment H—3254B.

Roll call was requested by Jochum of Dubuque and O'Kane of Woodbury.

On the question "Shall amendment H—3254B be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Horn	Howell
Jay	Jochum	Krewson	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Woods		

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 6:

Connolly	Daggett	Halvorson, R. N.	Holt
Schroeder	Welsh		

Amendment H—3254B lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—3253 filed by him on March 11, 1981.

Shimanek of Jones asked and received unanimous consent to withdraw amendment H—3275 filed by Shimanek, et al., on March 12, 1981.

The House resumed consideration of amendment H—3283B.

Bruner of Story moved the adoption of amendment H—3283B.

Amendment H—3283B lost.

The following amendments were withdrawn by unanimous consent:

H—3282A filed by Chiodo of Polk.
H—3252A filed by Jochum of Dubuque.
H—3254A filed by Arnould of Scott.

Pavich of Pottawattamie offered the following amendment H—3279 filed by Pavich, et al., and moved its adoption:

H—3279

Amend Senate File 305, as amended, passed, and reprinted by the Senate, as follows:

1. Page 20, by inserting after line 2 the following:

"Sec. . There is appropriated from those funds reverting to the general fund of the state under section 46 of this Act to the department of public safety for the fiscal year beginning July 1, 1980, and ending June 30, 1981, twenty-five thousand (25,000) dollars, or so much thereof as is necessary, to be used by the Iowa highway safety patrol for the purchase of fuel for highway safety patrol motor vehicles."

Amendment H—3279 lost.

Anderson of Jasper offered the following amendment H–3296 filed by him from the floor and moved its adoption:

H–3296

Amend Senate File 305, as amended, passed, and reprinted by the Senate, as follows:

1. Page 20, by inserting after line 9 the following:

"Sec. . Section 7A.10, subsection 1, Code 1981, is amended to read as follows:

1. There is created a juvenile victim restitution program which shall be funded through funds appropriated by the general assembly ~~to the office for planning and programming~~. The primary purpose of the program is to provide funds to compensate victims for losses due to the delinquent acts of juveniles.

Sec. . Section 103A.4, Code 1981, is amended to read as follows:

103A.4 COMMISSIONER. The ~~director of the division of municipal affairs, in the office for planning and programming~~ commissioner of public health shall, in addition to ~~his~~ other duties, serve as the state building code commissioner, or may designate a building code commissioner.

Sec. . Section 368.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

A city development board is created. The ~~office for planning and programming~~ Iowa development commission shall provide office space, staff assistance, and shall budget funds to cover expenses and compensation of the board and committees. The board consists of three members appointed by the governor subject to confirmation by the senate. The appointments must be for six-year staggered terms beginning and ending as provided by section 69.19, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment, but no member shall serve more than two complete six-year terms.

Sec. . Section 387.2, unnumbered paragraph 1 and subsection 2, Code 1981, are amended to read as follows:

The Iowa rural community development committee is established within the ~~office for planning and programming~~ community betterment division of the Iowa development commission and is composed of the following:

2. The ~~director of the division of municipal affairs of the office for planning and programming,~~

~~the~~ director of the community betterment division of the Iowa development commission, the superintendent of grants-in-aid of the Iowa state conservation commission, and the dean and director of the Iowa State University of science and technology ~~co-operative~~

Page 2

cooperative extension service or their designees shall be nonvoting, ex officio members of the committee.

Sec. . Sections 7A.1 through 7A.8, Code 1981, are repealed. The office for planning and programming shall turn over all records, supplies, and equipment of the office under its control to the office of the governor.

The governor shall administer or reassign the grants and other funding initially contracted, received, and administered by the office for planning and programming. The functions of the office for planning and programming which are not statutorily mandated and not assigned to existing state agencies in this Act may be reassigned to existing state agencies by the governor.

If the effective date of this Act precedes April 1, 1981, this section and the preceding four sections of this Act which amend sections 7A.10, 103A.4, 368.9, and 387.2 are not effective until April 1, 1981."

Roll call was requested by Anderson of Jasper and Sturgeon of Woodbury.

On the question "Shall amendment H–3296 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Mann	Miller	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Rapp	Renaud	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Bruner	Carpenter

Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 4:

Connolly	Daggett	Holt	Schroeder

Amendment H—3296 lost.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—3295 filed by Avenson, Anderson of Jasper, Byerly, Connors and Cochran from the floor.

Avenson of Fayette offered the following amendment H—3301 filed by him from the floor and moved its adoption:

H—3301

Amend Senate File 305, as amended, passed and reprinted by the Senate, as follows:

1. Page 20, by inserting after line 19 the following:

"Sec. . A political subdivision shall be reimbursed by the state for any additional costs incurred by it as a result of the execution of the authority under section 8.31 as contained in executive orders 38 and 40, and the reduction, reversion, and allocation of previously appropriated funds contained in this Act, upon certification of such costs to the state comptroller. Such costs shall be certified by the political subdivision to the state comptroller prior to January 1, 1982. No claims for reimbursement under this section shall be paid until the unobligated state general fund balance on June 30 of the previous fiscal year exceeds sixty million dollars."

Roll call was requested by Avenson of Fayette and Davitt of Warren.

On the question "Shall amendment H—3301 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lageschulte	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 2:

Connolly	Daggett

Amendment H—3301 lost.

Pope of Polk asked for unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

Objection was raised.

Pope of Polk moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 62, nays 26.

The motion prevailed and House Rule 2 was suspended.

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 305)

The ayes were, 60:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Miller
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 38:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Running	Sturgeon	Swartz	Walter
Welsh	Woods		

Absent or not voting, 2:

Connolly	Daggett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

Welden of Hardin moved to reconsider the vote by which Senate File 305 passed the House on March 16, 1981.

A non-record roll call was requested.

The ayes were 36, nays 59.

The motion lost.

OBJECTION TO VOTE

Halvorson of Webster asked for unanimous consent to be recorded as voting "aye" on amendment H–3254B to Senate File 305.

Objection was raised.

Regular Calendar

Senate File 262, a bill for an act to revise the regulation of land disturbing activities, with report of committee recommending passage was taken up for consideration.

Cochran of Webster offered the following amendment H–3261 filed by Cochran, et al.:

H–3261

Amend Senate File 262 as passed by the Senate as follows:

1. Page 1, by striking lines 1 through 23 and inserting in lieu thereof the following:

"Section 1. Section 467A.64, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. If a political subdivision has adopted a sediment control ordinance which the commissioners find is at least equally effective as the commissioners' rules in preventing erosion from exceeding the established soil loss limits, the commissioners shall execute an agreement under chapter 28E allowing an agency authorized by the political subdivision to receive and file an affidavit from a person, prior to initiating a land disturbing activity in that subdivision, stating that the proposed activity will not exceed the established soil loss limits. A copy of the affidavit shall be mailed to the district as a part of the terms of the agreement. The affidavit shall be in a form prescribed by the department and made available by the district.

2. Prior to initiating a land disturbing activity in a political subdivision which has not adopted sediment control ordinances as described in subsection 1, a person engaged in the land disturbing activity shall file a signed affidavit with the soil conservation district that the project will not exceed the soil loss limits. The affidavit shall be in a form prescribed by the department and made available by the district.

Sec. 2. Section 467A.64, subsections 2 and 3, Code 1981, are amended to read as follows:"

2. Page 2, line 14, by striking the word "ten" and inserting in lieu thereof the words "~~ten~~ twenty-five".

3. Page 2, line 19, by inserting after the word "roads" the words "by a public body".

4. Page 2, line 20, by striking the words "permit issuing authority" and inserting in lieu thereof the words "~~permit issuing authority~~ agency authorized under subsection 1".

5. Page 2, lines 22 and 23, by striking the words "the permit issuing authority" and inserting in lieu thereof the words "~~the permit issing authority~~ it".

6. Page 2, by inserting after line 32 the following:

"Sec. 3. The soil conservation districts shall adopt rules to implement section 1 of this Act by October 1, 1981. The requirements of having an

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affidavit on file with the district provided in section 1 of this Act shall not apply in a district until that district has adopted the rules implementing section 1 of this Act."

7. Renumber the sections to conform with this amendment.

Johnson of Linn offered the following amendment H–3302, to amendment H–3261, filed by Johnson of Linn, Brandt, Diemer, Cochran and Pellett from the floor and moved its adoption:

H–3302

Amend amendment H–3261 to Senate File 262 as passed by the Senate as follows:

1. Page 1, by striking line 10, and inserting in lieu thereof the following: "and the political subdivision jointly agree is at least as equally effective as the".

2. Page 1, line 13, by inserting after the word "commissioners" the following: "and the political subdivision".

3. Page 1, by inserting after line 45, the following amendment:

"6. Page 2, line 28, by inserting after the word "district" the words "or the political subdivision".

Amendment H—3302 was adopted.

On motion by Cochran of Webster, amendment H—3261, as amended, was adopted.

Diemer of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 262)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connors	Cook	Corey
Crabb	Crawford	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Mann

Absent or not voting, 5:

Clements Connolly Cusack Daggett
Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE CONCURRENT RESOLUTION 21
By Menke, Pope, Avenson, Bennett, Halvorson of Clayton, Hansen of O'Brien, Hoffmann, Anderson of Jasper, Byerly, Cochran and Connors

Whereas, the people of Nigeria chose a democratic form of government through their Constitution signed in 1979 and established a National Assembly and nineteen unicameral state assemblies and have sought to strengthen their legislatures by sending delegations to visit, observe, and exchange ideas with legislators and staff of the United States; and

Whereas, the Iowa General Assembly is one of twenty-four United States legislatures participating in the Legislative Leaders Exchange program, a cooperative effort among the National Assembly of Nigeria, the State Legislative Leaders Conference, and the twenty-four United States legislatures; and

Whereas, in September, 1980, sixteen American state legislators and senior legislative professional staff participated in a seminar conducted in Lagos, Nigeria, which was the first of a two-part international exchange program between state legislative leaders of Nigeria and the United States; and

Whereas, on March 18, 19, and 20, 1981, nine members of the Nigerian delegation will be visiting the Iowa General Assembly completing the second part of the international exchange and training program; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the members of the Iowa General Assembly congratulate the nation of Nigeria for establishing a democratic form of government and participate in welcoming the visiting delegation from Nigeria and lend Iowa's support to making the visit of the Nigerian delegation enjoyable as well as instructional; and

Be It Further Resolved, That copies of this resolution

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be prepared and given to the Honorable Speaker O. J. Udomesiet, the Honorable Deputy Speaker F. S. Okpozo, the Honorable Majority Leader Yusuf Muhtar, the Honorable Minority Leader Z. Yakubu, the Honorable Judiciary Chairman B. O. Okwara,

the Honorable Judiciary Chairman C. J. Ayabowei, the Honorable Whip Bappa Haruna Disina, the Honorable Member E. O. Isemin, and Staff Member Tony Nwannah.

Laid over under Rule 30.

HOUSE RESOLUTION 11

By Davitt, Pellett, Pope, Avenson, Branstad, Crabb, Bennett, Cochran, Howell, Dieleman, Swearingen, Renaud, Hummel, Poffenberger, Running, Horn, Poncy, Daggett, Miller, Connolly, Binneboese, Arnould, Doderer, Stueland, Sullivan, Welsh, Groth, Holt, Van Maanen, Anderson of Audubon, Schnekloth, Connors, Woods, Clements, Diemer, Hanson of Delaware, Mann, Pavich, Trucano, Hansen of O'Brien, Welden, Tofte, Corey, Clark of Cerro Gordo, Mullins, Jay, Lonergan, Rapp, Brandt, Lageschulte, Walter, Carl, Tyrrell, Smalley, Johnson of Howard, Renken, Maulsby, Jochum, O'Kane, Crawford, Sturgeon, Halvorson of Webster, Chiodo, Hall, Bruner, De Groot, Spear, Lind, Krewson, Hoffmann, Carpenter, Johnson of Woodbury, McKean, Petrick, Halvorson of Clayton, Danker, Kirkenslager, Oxley, Lloyd-Jones, Johnson of Linn, Anderson of Jasper, Egenes, Cusack, Norland, Shull, Conlon, Cook, Smith, Gettings, Harbor, Shimanek, Swartz, Menke, Ritsema, Pelton, Byerly and Gross

Whereas, March 19th has been recognized by the President and the Congress of the United States as "Agriculture Day"; and

Whereas, Iowa is recognized as one of the greatest, if not the greatest, agricultural areas of the world; and

Whereas, agriculture is the leading industry of the United States with assets of $927 million, is the leading employer with over 15 million people, is the leading inflation fighter with productivity growth five times greater than nonfarm business over the past five years, and is the nation's leading exporter with exports of $40 billion in 1980; *Now Therefore*,

Be It Resolved by the House of Representatives, That the members of the House join with others and recognize March 19, 1981, as "Agriculture Day" and help to tell the story of what agriculture means to America.

Laid over under Rule 30.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 1981, he approved and transmitted to the Secretary of State the following bills:

House File 232, an act relating to the funding of specified programs of the Department of Social Services during the fiscal year beginning July 1, 1980 and ending June 30, 1981, and providing effective dates.

House File 282, an act authorizing the performance of marriage ceremonies by Court of Appeals Judges.

House File 398, an act relating to the funding of the operations of the utilities division of the Iowa State Commerce Commission, and providing for semiannual remainder assessments against public utilities, and for a supplemental appropriation of two hundred thousand dollars to the Commerce Commission for the fiscal year commencing July 1, 1980, and ending June 30, 1981, for operational purposes, to be effective upon publication.

Senate File 58, an act amending a provision of the Iowa Consumer Credit Code to allow short-term loans to be repayable in full at the end of the loan term.

Senate File 86, an act relating to the uses of unencumbered funds in the schoolhouse fund collected under the levy provided in section 297.5 prior to July 1, 1981, and providing that the act takes effect upon publication.

Senate File 112, an act relating to the accounting for pay periods, effective upon publication.

Senate File 147, an act to eliminate the requirement of publication of a synopsis of the annual report of insurance companies doing business in this state.

Senate File 201, an act relating to the conditions and limitations applicable to investments by life insurance companies and associations in indebtedness secured by interests in real property.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

DEPARTMENT OF SUBSTANCE ABUSE

The Iowa Comprehensive State Plan for Substance Abuse 1980-81 has been received pursuant to Chapter 125.7, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 284 Labor and Industrial Relations

Relating to workers' compensation benefits for persons employed outside of the state.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that certificates of recognition have been issued as follows:

1981-17	David Durrell
1981-18	Joe Gibbons
1981-19	Scott Von Stein

PAT H. HARPER
Chief Clerk of the House

PRESENTATION OF VISITORS

Mullins of Kossuth presented to the House Irene Hofstetter from Bern, Switzerland, a Youth For Understanding Exchange Student, presently attending Corwith-Wesley High School, Corwith.

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Crestview Elementary School, West Des Moines, accompanied by Marcia Vukovich and Sara Sedgwick. By Carpenter of Polk.

AMENDMENTS FILED

H–3289	H.F. 441	Hall of Linn
H–3290	H.F. 749	Mann of Greene
H–3291	H.F. 441	Hall of Linn
H–3292	H.F. 752	Spear of Lee
H–3293	H.F. 744	Mann of Greene
H–3303	H.C.R. 15	Doderer of Johnson Poffenberger of Dallas
H–3304	H.F. 744	Tyrrell of Iowa
H–3305	S.F. 87	Spear of Lee
H–3306	H.F. 738	Schnekloth of Scott
H–3307	H.F. 738	Schnekloth of Scott

On motion by Pope of Polk, the House adjourned at 6:25 p.m., until 9:00 a.m., Tuesday, March 17, 1981.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day—Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 17, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Lynn Groe, pastor of St. John's Lutheran Church, Plainfield.

The Journal of Monday, March 16, 1981 was approved.

IMMEDIATE MESSAGE
(Senate File 262)

Diemer of Black Hawk asked and received unanimous consent that Senate File 262 be immediately messaged to the Senate.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 21

Pope of Polk asked and received unanimous consent to suspend House Rule 30 for the immediate consideration of House Concurrent Resolution 21, congratulating the nation of Nigeria for establishing a democratic form of government and welcoming the visiting delegation from Nigeria, filed on March 16, 1981 and found on pages 825 and 826 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 21)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 21 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER WITHDRAWN
(House File 743)

Carpenter of Polk asked and received unanimous consent to withdraw the motion to reconsider House File 743, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act, filed by her on March 11, 1981.

(House File 468)

Schnekloth of Scott asked and received unanimous consent to withdraw the motion to reconsider House File 468, a bill for an act relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price, filed by him on March 12, 1981.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 73, a bill for an act relating to repairs and improvements in drainage and levee districts.

Also: That the Senate has on March 13, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 348, a bill for an act relating to licensing of real estate salespersons, associate brokers and brokers.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 430, a bill for an act eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 170, a bill for an act relating to payment of salary and expenses of members of the state functional classification review board.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 220, a bill for an act prohibiting the revoking of an anatomical gift by a person other than the donor.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 322, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty.

Also: That the Senate has on March 13, 1981, passed (with amendment S—3182 to page 1 adopted) the following bill in which the concurrence of the House is asked:

Senate File 325, a bill for an act relating to licensure of speech pathologists and audiologists.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 332, a bill for an act relating to the office of appellate defender.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

Also: That the Senate has on March 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 362, a bill for an act relating to the state sales, services and use tax by allowing retailers to provide their own tax exemption certificates.

LINDA HOWARTH MACKAY, Secretary

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 16, 1981, he approved and transmitted to the Secretary of State the following bill:

Senate File 106, an act correcting the law relating to the appointment and confirmation of certain gubernatorial appointments.

AMENDMENTS FILED

H—3308	H.F. 348	Senate Amendment
H—3309	H.F. 764	Spear of Lee
H—3310	S.F. 159	Lloyd-Jones of Johnson
H—3311	H.F. 762	Shimanek of Jones

On motion by Pope of Polk, the House adjourned at 9:22 a.m., until 9:00 a.m., Wednesday, March 18, 1981.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day—Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 18, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend John Oren, pastor of the Nora Springs United Methodist Church, Nora Springs.

The Journal of Tuesday, March 17, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton, for March 18 and 19, on request of Shimanek of Jones; Diemer of Black Hawk, for March 18 and 19, on request of Shull of Warren; Tyrrell of Iowa, for March 18 and 19, on request of Maulsby of Calhoun.

SENATE MESSAGES CONSIDERED

Senate File 170, by Miller of Des Moines, a bill for an act relating to the payment of salary and expenses of members of the state functional classification review board.

Read first time and referred to committee on **appropriations.**

Senate File 220, by Coleman, a bill for an act prohibiting the revoking of an anatomical gift by a person other than the donor.

Read first time and referred to committee on **human resources.**

Senate File 322, by committee on natural resources, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty.

Read first time and referred to committee on **natural resources.**

Senate File 325, by committee on state government, a bill for an act relating to licensure of speech pathologists and audiologists.

Read first time and referred to committee on **state government.**

Senate File 332, by committee on state government, a bill for an act relating to the office of appellate defender.

Read first time and referred to committee on **state government.**

Senate File 358, by committee on commerce, a bill for an act relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

Read first time and referred to committee on **commerce.**

Senate File 362, by committee on ways and means, a bill for an act relating to the state sales, services and use tax by allowing retailers to provide their own tax exemption certificate, by requiring payments of use taxes to be applied first to accrued penalty and interest and by making corrective changes.

Read first time and referred to committee on **ways and means.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 21, providing for the Iowa General Assembly to congratulate the nation of Nigeria for establishing a democratic form of government and welcoming the visiting delegation to Iowa.

Also: That the Senate has on March 16, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 320, a bill for an act relating to the performance of audiometric examinations under the Iowa occupational hearing loss Act.

LINDA HOWARTH MACKAY, Secretary

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the

House and the President of the Senate, and presented to the Governor for his approval on the 17th day of March, 1981: House File 211.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 285 County Government

Relating to the jurisdictional transfer of highways and streets, effective upon publication.

S.B. 286 Transportation

Relating to the operation of motor vehicles by defining chauffeur and resident, specifying certain duties for all peace officers, making failure to use lights or proper operation of lights a scheduled violation, and removing a reference to the operation of a vehicle without an operators license or permit in the operator's immediate possession from the list of scheduled violations and subject to a penalty provided by law.

S.B. 287 Judiciary and Law Enforcement

Legalizing certain city waterworks.

S.B. 288 State Government

Relating to the status of the Iowa department of substance abuse.

S.B. 289 State Government

Making changes in the responsibilities of the state and counties for providing and funding substance abuse services.

S.B. 290 State Government

Relating to a statewide system for voluntary certification of persons engaging in certain electrical work and certain plumbing work.

S.B. 291 State Government

Relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property.

S.B. 292 State Government

Relating to the annual license fee for mobile home parks.

S.B. 293 State Government

To redefine the duties of the state historical board, to provide for the appointment of an executive director and a state historical board.

S.B. 294 State Government

Relating to certain obligations under chapter 258A of licensees under chapter 116.

S.B. 295 Judiciary and Law Enforcement

Correcting erroneous, inconsistent, and obsolete provisions of the Code, including penalty provisions.

S.B. 296 Human Resources

Allowing registered nurses to issue no more than a forty-eight-hour supply of prescription drugs or controlled substances under specified conditions.

S.B. 297 Judiciary and Law Enforcement

Relating to the authority of a city to pursue actions under chapter 728 of the Code.

S.B. 298 Cities

To include professional office buildings for physicians among the purposes for which bonds may be issued by cities and counties under Chapter 419.

S.B. 299 Natural Resources

Relating to the registration and operation of snowmobiles.

S.B. 300 Human Resources

Relating to the involuntary transfer of patients in skilled nursing facilities and intermediate care facilities, and applying certain penalties.

S.B. 301 Human Resources

Relating to the computation of age and to make appropriations.

PRESENTATION OF VISITOR

Howell of Floyd presented to the House, Kari Weum, Foreign Exchange Student from Norway, presently staying with Reverend John Oren, Nora Springs.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

House File 462, a bill for an act relating to the withdrawal of land from a benefited fire district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3313.**

Committee Bill (Formerly Study Bill 248), to repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

House File 444, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–3312.**

House File 522, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

Fiscal Note is required.

Recommended **Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 35), relating to the operation of recreational vehicle parks.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 208), creating the children's trust fund, providing for the deposit of certain fees in the fund and appropriating the proceeds in the fund.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 584), to establish a hunter safety education program and subjecting violators to a penalty, to be effective January 1, 1982.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3312	H.F. 444	Committee on Education
H–3313	H.F. 462	Committee on County Government
H–3314	H.F. 744	Clements of Scott

H—3315	H.F. 753	Gross of Ringgold Renaud of Polk Hansen of O'Brien
H—3316	H.F. 744	Clements of Scott
H—3317	S.F. 87	Clements of Scott
H—3318	H.F. 747	Conlon of Muscatine
H—3319	H.F. 417	Miller of Buchanan
H—3320	H.F. 625	Miller of Buchanan Anderson of Audubon
H—3321	H.F. 725	Shull of Warren

On motion by Pope of Polk, the House adjourned at 9:22 a.m., until 9:00 a.m., Thursday, March 19, 1981.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day—Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 19, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Monsignor J. E. Tolan, pastor of the St. Joseph Parish, Wall Lake, offered a prayer in song.

The Journal of Wednesday, March 18, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lynn Leibel, Council Bluffs.

ADOPTION OF HOUSE RESOLUTION 11

Davitt of Warren called up for consideration House Resolution 11, to recognize March 19, 1981, as "Agriculture Day," filed on March 16, 1981 and found on page 826 of the House Journal.

The following amendment H—3322, filed by Davitt of Warren from the floor, was adopted by unanimous consent:

H—3322

Amend House Resolution 11 as follows:
1. Page 1, line 7, by striking the word "million" and inserting in lieu thereof the word "billion".

Davitt of Warren moved the adoption of House Resolution 11.

The motion prevailed and the resolution, as amended, was adopted.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Stromer invited the House Pages to the front of the rostrum for a special presentation. The Speaker thanked all of them for their service and dedication to the House of Representatives and

presented to the following a Certificate of Excellence for serving with honor and distinction as a House Page during the First Regular Session:

Brian Comfort
Douglas Demers
Amy Engelbert
Rebecca Griffin
Edward Mauro
Ruth McCarthy
Tina Meth
Jennifer Mullins
Karolyn Price
Dave Schieffer
Angela Cruse
Molly Eness
Michael Frantz
Charlene King
Margene A. Mayer
Tammela Meerdink
Barbara Miller
Tari Lynn Peterson
Sara Rickert
Shileen Sween

The House rose and expressed its appreciation.

PRESENTATION OF NIGERIAN DELEGATION

Harbor of Mills escorted to the Speaker's station and presented members of the Nigerian delegation who are visiting the Iowa General Assembly as part of an international exchange program between state legislative leaders of Nigeria and the United States. The delegation is visiting the United States to observe and exchange ideas with legislators and staff.

Deputy Speaker F. S. Okpozo addressed the House, thanking them for their hospitality and generosity during the visit to the Iowa House of Representatives.

The House rose and expressed its welcome.

INTRODUCTION OF BILL

House File 768, by committee on commerce, a bill for an act requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

Read first time and **placed on the calendar.**

SENATE MESSAGE CONSIDERED

Senate File 320, by committee on labor and industrial relations, a bill for an act relating to the performance of audiometric examinations under the Iowa occupational hearing loss Act.

Read first time and referred to committee on **labor and industrial relations.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 22

By Stueland, Petrick, Anderson of Audubon, Pellett, Cochran, Lloyd-Jones, Smalley, Mann, Hoffmann, Tofte, Johnson of Linn, Gross, Diemer, Shull, Corey, Crawford, Bruner, Halvorson of Clayton, Johnson of Woodbury, Hansen of O'Brien, Holt, Hall, Cook, Smith, Crabb, De Groot, Davitt, Tyrrell, Menke, McKean, Schroeder, Jay, Pelton, Hanson of Delaware, Danker, Harbor, Sullivan, Welden, Shimanek, Clark of Lee, Branstad, Brandt, Johnson of Howard, Lind, Howell, Swartz, Schnekloth, Renken, Trucano, Anderson of Jasper, Swearingen, Daggett, Clark of Cerro Gordo, Krewson, Mullins, Maulsby, Doderer, Conlon, Lageschulte, Avenson, Carpenter and Van Maanen

Whereas, water is essential to the existence of life; and

Whereas, the greatest amount of the water used in the state of Iowa comes from underground aquifers; and

Whereas, the pollution of underground aquifers by sanitary landfill leachates would seriously endanger the continuing existence of life in the state of Iowa; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to appoint a joint subcommittee composed of members of the House and Senate Committees on Natural Resources to conduct a study during the 1981 interim of the problem of underground water pollution resulting from the use of sanitary landfill waste disposal sites.

Be It Further Resolved, That the study shall examine the following items:

1. The scope of use of sanitary landfill waste disposal sites.
2. The problems caused by leachate to underground water.
3. The alternatives to the use of sanitary landfills as the primary solid waste disposal option.
4. The economic, environmental, and energy consideration of these alternatives.

Be It Further Resolved, That the subcommittee shall

Page 2

examine the resource recovery systems being used in Ames, in St. Louis, and in the Boston metropolitan area as well as the proposals for the Quad City and Des Moines metropolitan areas. The subcommittee shall consult with the Iowa Department of Environmental Quality, the Iowa Natural Resources Council, and the Iowa Geological Survey while conducting the study and shall submit a final report on the study, with any legislative recommendations to the Legislative Council and to the General Assembly meeting in the year 1982.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 23

By Maulsby and Johnson of Woodbury

Whereas, the Iowa school foundation plan was enacted ten years ago to provide a more equitable means of funding educational programs for the children of this state; and

Whereas, the Iowa school foundation plan has been extensively amended since its enactment; and

Whereas, persons knowledgeable about educational issues have called attention to inequities in the Iowa school foundation plan and the inability of various sizes and types of school districts to provide equal educational programs for the children of their districts; and

Whereas, it appears that a study of the Iowa school foundation plan and its effects upon the educational programs of school districts is necessary; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is directed to establish a comprehensive interim study of the state school foundation aid program and its effect upon the educational programs of the various school districts in this state. The study shall include a study of the current means of financing educational programs in this state and alternative methods.

The study shall be conducted by a joint subcommittee consisting of members of both political parties of the Committees on Education of the House and Senate.

Be It Further Resolved, That the subcommittee shall submit a report of its recommendations, including legislative bill drafts to implement the recommendations, to the Legislative Council and to the General Assembly meeting in 1982.

Laid over under Rule 30.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of March, 1981: House File 414.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nine YU-JYO Camp Fire Girls from Bailey Park School, Grinnell, accompanied by Leslie Czechowski. By Carl of Poweshiek.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber late Thursday afternoon, March 12, 1981, and Monday, March 16, 1981. Had I been present, I would have voted "aye" on House Files 372, 731, 739, 742, and Senate File 262, and "nay" on Senate File 305.

CONNOLLY of Dubuque

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

DEPARTMENT OF GENERAL SERVICES

The Risk Management Report of Findings and Recommendations has been received pursuant to Sec. 18.169, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 302 Transportation

Authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds.

S.B. 303 Judiciary and Law Enforcement

To legalize the sale of certain property in Sioux City, Woodbury County, Iowa.

S.B. 304 County Government

Relating to office hours for county offices.

S.B. 305 Commerce

Relating to the regulation of public utilities, to take effect upon publication.

SUBCOMMITTEE ASSIGNMENTS

House File 46

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Ritsema and Doderer.

Senate File 260

Transportation: Mann, Chair; Danker and Anderson of Jasper.

Senate File 277

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Welsh.

Senate File 292

County Government: Schroeder, Chair; Gross and Renaud.

Senate File 293

County Government: Hanson of Delaware, Chair; Branstad and Swartz.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 283

Human Resources: Clark of Cerro Gordo, Chair; Mullins, Clements, Arnould, Connors, Cusack, Maulsby and Walter.

Study Bill 285

County Government: Renken, Chair; Gettings and Branstad.

Study Bill 287

Judiciary and Law Enforcement: Gross, Chair; Ritsema and Sturgeon.

Study Bill 295

Judiciary and Law Enforcement: Corey, Chair; Gross and Jay.

Study Bill 296

Human Resources: Clark of Cerro Gordo, Chair; Kirkenslager, Gross, Krewson, Menke and Miller.

Study Bill 297

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger and Rapp.

Study Bill 304

County Government: Johnson of Linn, Chair; Gettings and Gross.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:30 p.m., March 18, 1981

Convened: 3:35 p.m.

Adjourned: 5:00 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: Pelton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–3324.**

Committee Bill (Formerly House File 361), relating to penalties for assault related crimes.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 421), relating to the long-arm jurisdictional provisions in the Code.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 541), relating to the rules of evidence.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 85), relating to the disclaimer of succession to property and providing a January 1 effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 260), relating to assignments of instruments and accounts.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON STATE GOVERNMENT

House File 487, a bill for an act relating to the sale of unnecessary state property to the political subdivisions of the state.

Fiscal Note is not required.

Recommended **Do Pass.**

House File 643, a bill for an act relating to strategy discussions by a school board in negotiating with school employees who are not under a collective bargaining agreement.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3325.**

Committee Bill (Formerly Study Bill 98), relating to the licensing and examining board, including the board of medical examiners, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 246), relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 265), relating to the powers and duties of the governor during a disaster emergency, to be effective upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

House File 241, a bill for an act relating to the use of flashing warning lights and stop arms by school bus drivers.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3323	H.F. 725	Spear of Lee
H—3324	S.F. 268	Committee on Judiciary and Law Enforcement
H—3325	H.F. 643	Committee on State Government
H—3326	H.F. 738	Schnekloth of Scott
H—3327	H.F. 749	Clark of Cerro Gordo
H—3328	S.F. 130	Danker of Pottawattamie Binneboese of Plymouth Renken of Grundy

On motion by Hansen of O'Brien, the House adjourned at 9:37 a.m., until 10:00 a.m., Monday, March 23, 1981.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day—Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 23, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father Dan Lynch, pastor of St. Mary's Catholic Church, Storm Lake.

The Journal of Thursday, March 19, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Reams, New Hampton.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Miller of Buchanan; Woods of Polk on request of Chiodo of Polk.

INTRODUCTION OF BILLS

House File 769, by committee on state government, a bill for an act relating to meetings and payment for service on county commissions of veteran affairs, changing certain benefits provided by the county commissions, and clarifying and correcting certain references.

Read first time and **placed on the calendar.**

House File 770, by committee on human resources, a bill for an act relating to the operation of recreational vehicle parks.

Read first time and **placed on the calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1981, passed the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 10, proposing a compact between the states of Iowa, Kansas, Missouri and Nebraska regarding the Missouri River.

Also: That the Senate has on March 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 28, a bill for an act to allow instructional staff of a professional school to serve on the licensing board of that profession.

Also: That the Senate has on March 18, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 172, a bill for an act to establish short term liquor licenses and beer permits.

Also: That the Senate has on March 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council.

Also: That the Senate has on March 18, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 262, a bill for an act to revise the regulation of land disturbing activities.

Also: That the Senate has on March 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 284, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance.

LINDA HOWARTH MACKAY, Secretary

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session at 11:48 a.m., Speaker Stromer in the chair.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 114, a bill for an act to provide for the reversion of all unencumbered balances in the depreciation fund of the state

vehicle dispatcher as of November 30, 1980 to the general fund of the state, with report of committee recommending passage was taken up for consideration.

Shull of Warren offered the following amendment H–3276 filed by him and moved its adoption:

H–3276

Amend Senate File 114, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 8, by striking the word "Evening" and inserting in lieu thereof the words "Fort Madison Daily".

Amendment H–3276 was adopted.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 114)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crawford	Daggett	Danker	Davitt
De Groot	Diemer	Egenes	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker			

The nays were, 7:

Binneboese	Dieleman	Doderer	Gettings
McKean	O'Kane	Sturgeon	

Absent or not voting, 8:

Avenson	Crabb	Cusack	Hoffmann
Poncy	Renaud	Walter	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 152, a bill for an act providing that manufacturers and nonresident vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance, with report of committee recommending passage was taken up for consideration.

Cook of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 152)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope

Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Cusack	Hoffmann	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 350, a bill for an act relating to the computation of interest on overpayments made under the individual income, corporate income and franchise taxes and providing for its effect upon publication for overpayments resulting from returns due on or after April 30, 1981, was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 350)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann

Maulsby	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 4:

Branstad	Bruner	O'Kane	Sturgeon

Absent or not voting, 3:

Cusack	McKean	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1981, he approved and transmitted to the Secretary of State the following bill:

House File 211, an act relating to the salary rate to be paid to judicial magistrates in counties which appoint an additional judicial magistrate and providing an effective date.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 1981: House Files 73 and 430.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

March 20, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 177, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 6, 1981 and in the Marshalltown Times-Republican, Marshalltown, Iowa on March 16, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

MUSICAL PRESENTATION

Susan M. Bender and Susan Gail Woodcock from the University of Iowa entertained in the House chamber during the noon hour performing Blue Grass, Pop, Country Western and Folk Music. Those present responded with a standing ovation in appreciation.

COMMUNICATIONS RECEIVED

The following communications have been received and are on file in the office of the Chief Clerk:

OFFICE OF PLANNING AND PROGRAMMING

A report to the Sixty-ninth General Assembly on the status of the Community Based Juvenile Victim Restitution Program, authorized by the 1979 session of the Sixty-eighth General Assembly has been received.

STATE ATTORNEY GENERAL

A report on the Prosecutor Internship Program for the fiscal year 1980 has been received pursuant to Section 13.2 (12) Code of Iowa.

PRESENTATION OF VISITOR

Connors of Polk presented to the House the Honorable Mary O'Halloran, former member of the House representing Black Hawk County. She is presently Regional Director of the U.S. Department of Energy.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 306 Ways and Means

Establishing judicial district advisory committees composed of county supervisors.

HOUSE CONCURRENT RESOLUTION 24
By Doderer, Lloyd-Jones, Anderson of Jasper, Sturgeon, Lonergan, O'Kane, Howell, Bruner, Carl, Arnould, Renaud, Dieleman, Connors, Rapp, Brandt, Running and Connolly

Whereas, March 24, 1980 is the date of the assassination of Archbishop Oscar Romero in El Salvador while saying Mass; and

Whereas, the State Department on February 19, 1981, released the Reagan Administration's position on the situation in El Salvador and has articulated the Administration's policy toward that country; and

Whereas, the Administration's policy is one which seeks to solve a political and social problem by supporting a repressive nonrepresentative government; and

Whereas, a major component of the stated policy involves military training and advice; and

Whereas, United States support of repressive regimes is contrary to the principles of liberty and democracy upon which our country was founded; and

Whereas, such support in the past has created distrust of United States leaders and foreign policy at home and abroad; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly, representing the people of Iowa, in the name of justice and democracy, and to further the best long term interests of Iowa and the nation, appeals to the Iowa congressional delegation and President Reagan to halt military aid to El Salvador immediately and to encourage a political solution to that country's current problems.

Laid over under Rule 30.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-20 The "Nikes" basketball team

1981-21 Jim Gibbons

1981-22 Nate Carr

1981-23 Aplington Pantherettes

1981-24 Eaglettes Girls Basketball Team

1981-25 The Belmond Broncos Boys Basketball Team

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:30 p.m., March 19, 1981

Convened: 3:40 p.m.

Adjourned: 4:30 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Arnould and Jochum.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

House File 292, a bill for an act providing that domestic fire and casualty insurers may engage in certain options transactions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3329.**

House File 588, a bill for an act relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certain real property purchase-money loans.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3333.**

Committee Bill (Formerly Study Bill 305), relating to the regulation of public utilities, to take effect upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 633), permitting the county board of supervisors to classify secondary roads and provide maintenance standards for each classification.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 285), relating to the jurisdictional transfer of highways and streets, effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 277), requiring prime suppliers of liquid

fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Senate File 220, a bill for an act prohibiting the revoking of an anatomical gift by a person other than the donor.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 1), relating to the interrelationship of certain code provisions concerning child foster care licensing and child day care registration.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 216), relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 267), relating to reports of reportable disease.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 277, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Fiscal Note is required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 46), providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON NATURAL RESOURCES

House File 632, a bill for an act to require a permit for drilling operations for metallic minerals exploration.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 291), relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 212), providing for the staggered registration of vehicles subject to registration with a December 1, 1981 effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3329	H.F. 292	Committee on Commerce
H–3330	H.F. 760	Mann of Greene
H–3331	H.F. 766	Hanson of Delaware Poffenberger of Dallas Mann of Greene
H–3332	H.F. 625	Cook of Hardin
H–3333	H.F. 588	Committee on Commerce
H–3334	S.F. 268	Spear of Lee
H–3335	S.F. 268	Spear of Lee

On motion by Pope of Polk, the House adjourned at 12:08 p.m., until 9:00 a.m., Tuesday, March 24, 1981.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day—Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 24, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend David F. Raymond, pastor of the Congregational United Church of Christ, Newton.

The Journal of Monday, March 23, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Wettach, Mt. Pleasant.

INTRODUCTION OF BILL

House File 771, by committee on commerce, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, the review of annual reports by the commission, the exemption of certain telephone companies from rate regulation, the exemption of certain water companies from commission regulation, the retroactive refund of excess charges collected after notice to the utility, the requirement that the commission approve temporary rates to be collected during rate-making proceedings, and time limitations for commission decisions in rate-making proceedings, to take effect upon publication.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 28, by Small, a bill for an act to allow instructional staff of a professional school to serve on the licensing board of that profession.

Read first time and referred to committee on **state government.**

Senate File 284, by committee on commerce, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance.

Read first time and referred to committee on **commerce.**

ADOPTION OF HOUSE CONCURRENT RESOLUTION 16

Pope of Polk called up for consideration House Concurrent Resolution 16, relating to a joint convention of the General Assembly to be held on April 22, 1981 for the Pioneer Lawmakers' program, filed on February 26, 1981 and found on page 570 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 16)

Pope of Polk asked and received unanimous consent to immediately message House Concurrent Resolution 16 to the Senate.

OFFICIAL DELEGATION

Speaker Stromer announced the appointment of the following members as the official delegation to the funeral services for Philip E. Burks, senior research analyst for the Iowa Legislative Service Bureau: Daggett of Taylor, Pope of Polk, Krewson of Polk, Cochran of Webster, Avenson of Fayette and Stromer of Hancock.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 20, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 47, a bill for an act relating to the contents of a permit or license application.

Also: That the Senate has on March 20, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 160, a bill for an act to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them.

Also: That the Senate has on March 18, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 48, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 199, a bill for an act authorizing the appointment of legal counsel for county officers under certain circumstances.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 235, a bill for an act to prohibit the possession and operation of a radar jamming device and providing a penalty.

Also: That the Senate has on March 20, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 278, a bill for an act relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 310, a bill for an act increasing the penalty to be paid to redeem property sold for delinquent taxes.

Also: That the Senate has on March 20, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 377, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

Also: That the Senate has on March 20, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

Also: That the Senate has on March 20, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act relating to the qualifications of the superintendent of a state mental health institute.

LINDA HOWARTH MACKAY, Secretary

PETITION FILED

The following petition was received and placed on file:

By Johnson of Howard, from nine constituents from the fourteenth district opposing Senate File 131, an act to repeal requirements for licensing of barbers and the elimination of the Barber's Examining Board.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 1981, he approved and transmitted to the Secretary of State the following bills:

House File 414, an act relating to funds available to school districts, including authorizing the levy of a tax for cash reserve, and the imposition of an income surtax retroactive to January 1, 1981, and including the computation of state school foundation aid, and providing that the act takes effect upon its publication.

Senate File 200, an act relating to the calendar of prisoners in the county jail or detention facility.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 307 Judiciary and Law Enforcement

Requiring that a person transferred from certain institutions be accompanied by a person of the same gender, requiring jails to be equipped with separate facilities for prisoners of both genders, requiring an employee of the same gender as a prisoner to be on the jail premises when the prisoner is on the premises, prohibiting discrimination because of sex, amending certain provisions relating to surviving spouses, and amending certain sections which refer to only one gender to include both genders.

S.B. 308 Cities

To amend provisions of the Iowa Urban Renewal Law.

S.B. 309 Agriculture

To repeal the soil conservancy district law.

S.B. 310 Agriculture

Providing for an income and franchise tax deduction for income or rent received from the sale or lease of agricultural land to a beginning farmer and providing for a January 1 effective date.

S.B. 311 Agriculture

Providing that the Iowa Family Farm Development Authority establish the net worth level for an individual to qualify as a beginning farmer.

S.B. 312 Agriculture

Providing that the Iowa Family Farm Development Authority be authorized to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of Chapter 175, Code 1981.

S.B. 313 Judiciary and Law Enforcement

Relating to administration of small estates and the total value of the probate and nonprobate property of a decedent.

S.B. 314 Human Resources

To delete the term "mental illness" and other related terms from the Code, and amending related penalty provisions.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:30 p.m., March 23, 1981

Convened: 3:35 p.m.

Adjourned: 4:55 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 155), allowing gifts of insurance policies and annuity contracts under the Iowa uniform gifts to minors Act and allowing testamentary gifts and gifts by fiduciaries under the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 237), regulating the offer and sale of business opportunities and providing penalties for violations.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 241), raising the minimum dollar amount for which a conservatorship is required for a minor.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 253), to establish a sentencing guidelines commission.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 295), correcting erroneous, inconsistent, and obsolete provisions of the Code, including penalty provisions.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 297), relating to the authority of a city to pursue actions under chapter 728 of the Code.

Fiscal Note is required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 303), to legalize the sale of certain property in Sioux City, Woodbury County, Iowa.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 281), relating to unemployment compensation by mandating rate table three for calendar year 1982, by modifying the qualifications for a zero contribution rate, by extending the time period for set contribution rates for certain new employers, by surcharging the contribution rates of certain employers with negative balance accounts, by relieving reimbursable employers of certain charges paid to part-time employees, by providing for the deduction of only a portion of pension or retirement payments, by making changes in conformity with federal requirements regarding job service's fiscal year, taxation of separation pay, release of information to child support enforcement agencies, and extended benefit contribution, eligibility, and requalification requirements.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3336	H.F. 764	Conlon of Muscatine
H–3337	H.F. 764	Conlon of Muscatine
H–3338	S.F. 87	Conlon of Muscatine
H–3339	S.F. 268	Spear of Lee
H–3340	H.F. 210	Howell of Floyd

H—3341	H.F. 210	Howell of Floyd
H—3342	H.F. 441	Hall of Linn
H—3343	S.F. 324	Clark of Lee
H—3344	S.F. 116	Doderer of Johnson Swearingen of Keokuk
H—3345	H.F. 625	Cochran of Webster Anderson of Audubon Davitt of Warren
H—3346	H.F. 625	Jochum of Dubuque

On motion by Pope of Polk, the House adjourned at 9:12 a.m., until 9:00 a.m., Wednesday, March 25, 1981.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 25, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father John W. Dalton, pastor of St. Patrick's Catholic Church, Cedar Rapids.

The Journal of Tuesday, March 24, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Boeke, Osage.

PETITIONS FILED

The following petitions were received and placed on file:

By Cochran of Webster, from one hundred eighteen constituents of the forty-fifth district opposing House File 36, an act prohibiting strikers from receiving general relief and veterans relief.

From ten constituents of the forty-fifth district opposing parimutuel betting in Iowa.

INTRODUCTION OF BILLS

House File 772, by committee on natural resources, a bill for an act establishing a hunter safety education program and subjecting violators to a penalty, to be effective July 1, 1983.

Read first time and **placed on the calendar.**

House File 773, by committee on state government, a bill for an act relating to the penalty to be imposed on licensees who tender the department of beer and liquor control three or more insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

Read first time and **placed on the calendar.**

House File 774, by committee on energy, a bill for an act requiring prime suppliers of liquid fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances.

Read first time and **placed on the calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1981, passed (with amendment S–3036 to page 1 adopted) the following bill in which the concurrence of the House is asked:

Senate File 29, a bill for an act relating to the costs of providing a record of teacher contract termination proceedings.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 244, a bill for an act relating to mortgage loan disclosure, reporting, and record-keeping.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty.

LINDA HOWARTH MACKAY, Secretary

MOTION TO RECONSIDER WITHDRAWN
(House File 641)

Krewson of Polk asked and received unanimous consent to withdraw the motion to reconsider filed by him on March 12, 1981, on House File 641, a bill for an act providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 22

Stueland of Clinton called up for consideration House Concurrent Resolution 22, requesting in interim study committee to study the pollution of underground aquifiers by sanitary landfill leachates, filed on March 19, 1981 and found on pages 842 and 843 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

GOVERNOR'S ITEM VETO MESSAGE

March 24, 1981

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 305, an act relating to the reduction, reversion, and allocation of funds previously appropriated by the General Assembly and providing a publication clause.

Senate File 305 is approved March 24, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 34 which reads as follows:

> Sec. 34. Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 8, subsection 6, as amended by Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 60, is amended to read as follows:
>
> 6. For children's services .....$20,455,000 ~~$22,030,000~~ 21,634,600
>
> Notwithstanding section 234.1, subsection 4 and section 234.35, the department of social services shall not provide foster care, after the effective date of this Act through June 30, 1981, to any persons eighteen years of age or older unless those persons meet the current requirements for foster care and have been classified as mentally retarded or developmentally disabled. However, the department shall provide foster care, after the effective date of this Act through June 30, 1981, to those persons who are eighteen or nineteen years old, regularly attending a high school as full-time students or enrolled in an alternative education center approved by the state board of public instruction, and carrying a normal courseload in pursuance of a regular high school

diploma. The foster care shall cease upon graduation from high school.

Notwithstanding the Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 8, section 16, the department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the foster parent payment rates by ten percent.

The department of social services, as of the effective date of this Act through June 30, 1981, shall reduce the subsidized adoption rates by ten percent.

Unlike most appropriation bills, this measure reduces appropriations rather than increases them. I commend the Iowa General Assembly for making a diligent effort to seek reductions in state spending where it is appropriate and feasible. Our legislators recognize, as do I, that we are in a difficult financial position given the state of our economy. We must continue to seek ways to curtail spending as is possible.

Section 34 would reduce the Department of Social Services' appropriation for children's services by $395,000 in fiscal year 81 through a reduction in the payment levels for foster parent payments and subsidized adoptions by 10 percent, and by the ending of eligibility for foster care payments to individuals 18 years of age or older except those mentally retarded, developmentally disabled, or still in school. While I can accept the discontinuance of eligibility for those who are 18 years of age or older according to the standards of this bill, we believe there are problems with the immediate reduction in the foster parent and subsidized adoption payments.

The 10 percent reduction in foster parent payments and subsidized adoption payments cannot be implemented until May 1. There would be but two months worth of savings until the end of the current fiscal year. The Co-Chairmen of the Department of Social Services Appropriations Subcommittee have informed us it is their intention to restore the current level of payments beginning July 1, 1981. Therefore, it makes more sense for us to leave the payment level where it is today and where it would be again on July 1, rather than go through a two-month, temporary reduction with all the difficulties and concerns that might then arise. Let it be remembered foster care and subsidized adoptions are important and effective ways to keep children in homes and out of institutions.

The legislature will be considering a supplemental appropriations bill for the Department of Social Services later this session. They can adjust the amounts to be appropriated to reflect this item veto and provide the Department with only the funds that are actually necessary to meet the cost of the foster care program for the remainder of the fiscal year.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 305 are hereby approved as of this date.

Sincerely,

Robert D. Ray
Governor

On motion by Pope of Polk, the House was recessed at 9:20 a.m., until 4:30 p.m.

AFTRNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 775, by committee on judiciary and law enforcement, a bill for an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels.

Read first time and **placed on the calendar.**

House File 776, by committee on human resources, a bill for an act creating the children's trust fund and the children's trust fund advisory council, providing a temporary increase in certain fees and for the deposit of the increase in the fund and appropriating the proceeds in the fund.

Read first time and referred to committee on **ways and means.**

House File 777, by committee on judiciary and law enforcement, a bill for an act relating to assignments of instruments and accounts.

Read first time and **placed on the calendar.**

House File 778, by committee on judiciary and law enforcement, a bill for an act relating to the disclaimer of succession to property and providing a January 1 effective date.

Read first time and **placed on the calendar.**

House File 779, by committee on judiciary and law enforcement, a bill for an act relating to the rules of evidence.

Read first time and **placed on the calendar.**

House File 780, by committee on judiciary and law enforcement, a bill for an act relating to the long-arm jurisdictional provisions in the Code.

Read first time and **placed on the calendar.**

House File 781, by committee on state government, a bill for an act relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions.

Read first time and **placed on the calendar.**

House File 782, by committee on state government, a bill for an act relating to the powers and duties of the governor during a disaster emergency, to be effective upon publication.

Read first time and **placed on the calendar.**

House File 783, by committee on state government, a bill for an act relating to the licensing and examining boards, including the board of medical examiners, and providing a penalty.

Read first time and **placed on the calendar.**

House File 784, by committee on human resources, a bill for an act relating to reports of reportable disease.

Read first time and **placed on the calendar.**

House File 785, by committee on judiciary and law enforcement, a bill for an act permitting a city and county to agree to the appointment of a special assistant county attorney to prosecute violations of chapter 728 on behalf of the city.

Read first time and **placed on the calendar.**

House File 786, by committee on county government, a bill for an act permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads.

Read first time and **placed on the calendar.**

House File 787, by committee on judiciary and law enforcement, a bill for an act to legalize the sale of certain property in Sioux City, Woodbury County, Iowa.

Read first time and **placed on the calendar.**

House File 788, by committee on human resources, a bill for an act excluding child day care providers and babysitters from the child foster care licensing requirements, requiring family and group day care providers who are foster care licensees to register under chapter 237A, and providing that foster children are considered children of the family or group day care provider.

Read first time and **placed on the calendar.**

House File 789, by committee on labor and industrial relations, a bill for an act relating to unemployment compensation by mandating rate table three for calendar years 1982 and 1983, by modifying the qualifications for a zero contribution rate, by extending the time period for set contribution rates for certain new employers, by surcharging the contribution rates of certain employers with negative balance accounts, by relieving reimbursable employers of certain charges paid to part-time employees, by providing for the deduction of only a portion of pension or retirement payments, by making changes in conformity with federal requirements regarding job service's fiscal year, taxation of separation pay, release of information to child support enforcement agencies, and extended benefit contribution, eligibility, and requalification requirements.

Read first time and **placed on the calendar.**

House File 790, by committee on commerce, a bill for an act relating to the time the lien for rates or charges for utility services attaches.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 10, by committee on agriculture, a joint resolution proposing a compact between the states of Iowa, Kansas, Missouri and Nebraska regarding the Missouri River.

Read first time and referred to committee on **agriculture.**

Senate File 29, by DeKoster, a bill for an act relating to the costs of providing a record of teacher contract termination proceedings.

Read first time and referred to committee on **education.**

Senate File 199, by committee on county government, a bill for an act authorizing the appointment of legal counsel for county officers under certain circumstances.

Read first time and referred to committee on **county government.**

Senate File 244, by Schwengels, a bill for an act relating to mortgage loan disclosure, reporting, and record-keeping.

Read first time and referred to committee on **commerce.**

Senate File 278, by Gratias, a bill for an act relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities.

Read first time and referred to committee on **human resources.**

Senate File 310, by committee on county government, a bill for an act increasing the penalty to be paid to redeem property sold for delinquent taxes.

Read first time and referred to committee on **county government.**

Senate File 397, by committee on county government, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

Read first time and referred to committee on **county government.**

Senate File 409, by committee on human resources, a bill for an act relating to the qualifications of the superintendent of a state mental health institute.

Read first time and referred to committee on **human resources.**

MOTION TO RECONSIDER WITHDRAWN
(House File 641)

Trucano of Polk asked and received unanimous consent to withdraw the motion to reconsider filed by her on March 12, 1981 on House File 641, a bill for an act providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services.

PRESENTATION OF VISITORS

Chiodo of Polk presented to the House, former members, the Honorable Lyle Scheelhaase representing Woodbury County and the Honorable Arlo Hullinger, representing Decatur County.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 315 County Government

To delay implementation of administrative rules establishing minimum standards for county jails.

S.B. 316 Ways and Means

To place a limitation on the amount of money which may be credited to the reassessment expense fund from the general fund of the state.

S.B. 317 Ways and Means

To prohibit the adoption of rules by the state conservation commission regulating barge traffic and barge fleeting.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 358, a bill for an act relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 479), relating to the time the lien for rates or charges for utility services attaches.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 169), relating to the licensure of insurance agents and providing a civil penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Senate File 158, a bill for an act relating to the disposition of unused highway right of way.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 589), relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 21), to extend the property tax levy for flood and erosion control to all taxable property outside the corporate limits of a city.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 81), relating to state and county funding of mental health and mental retardation services.

Fiscal Note is required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 170), relating to honoring county warrants.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 230), relating to the tort liability of governmental subdivisions.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 304), relating to office hours for county offices.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 213), providing for the issuance of a restricted license to a student between the ages of sixteen and eighteen who drops out of school without completing an approved driver's education course.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 545), relating to the cost of a construction contract above which a school district must submit its construction plans to the building consultant of the department of public instruction.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 351), prescribing certain rights for residents of health care facilities and providing for violations.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3347	H.F. 749	Hall of Linn Welden of Hardin
H–3348	H.F. 210	Schroeder of Pottawattamie
Krewson of Polk		Connors of Polk
Lloyd-Jones of Johnson		Holt of Clay
Renaud of Polk		Smalley of Polk
Chiodo of Polk		O'Kane of Woodbury
Pavich of Pottawattamie		
H–3349	H.F. 506	Jay of Appanoose Groth of Buena Vista Halvorson of Webster Sullivan of Van Buren
H–3350	H.F. 769	Renken of Grundy Conlon of Muscatine
H–3351	H.F. 753	Clements of Scott
H–3352	H.F. 751	Spear of Lee
H–3353	S.F. 268	Spear of Lee
H–3354	H.F. 766	Arnould of Scott
H–3355	H.F. 749	Schroeder of Pottawattamie
H–3356	H.F. 522	Spear of Lee

On motion by Pope of Polk, the House adjourned at 4:59 p.m., until 9:00 a.m., Thursday, March 26, 1981.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 26, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. Paul Heath, pastor of the First United Methodist Church, Cedar Falls.

The Journal of Wednesday, March 25, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk, for the morning session, on request of Johnson of Howard.

SENATE MESSAGE CONSIDERED

Senate File 235, by Kinley and Jensen, a bill for an act to prohibit the possession and operation of a radar jamming device and providing a penalty.

Read first time and referred to committee on **transportation.**

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-six members present, fourteen absent.

HOUSE RULE 61 SUSPENDED

Danker of Pottawattamie asked and received unanimous consent to suspend House Rule 61, regarding committee notice and agenda, for the committee on county government meeting today.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 15

The House resumed consideration of **House Concurrent Resolution 15,** directing the legislative fiscal bureau to recommend to the General Assembly a cost effective way to audit and review the state board of regents, filed on February 16, 1981 and found on pages 425 and 426 of the House Journal.

Doderer of Johnson offered the following amendment H–3303 filed by her and Poffenberger of Dallas and moved its adoption:

H–3303

Amend House Concurrent Resolution 15 as follows:

1. Page 1, by inserting after line 12 the following:

"*Be It Further Resolved,* That the audit and review of the state board of regents and the institutions under its jurisdiction shall not duplicate the preliminary audit required by section 11.2 of the Code which is made at least quarterly, and which is presently conducted by five full-time auditors from the auditor of state's office in order to meet the standards required by subsection 7 of section 8.6 of the Code, nor shall the audit duplicate the annual audit of the board of regents and institutions under its control required by sections 11.2, 11.4, and 11.5 of the Code which audits are required to embrace the standards specified by those sections; and".

2. Page 1, line 14, by striking the word "shall" and inserting in lieu thereof the word "may".

Amendment H–3303 was adopted.

Crawford of Story asked for unanimous consent to defer action on House Concurrent Resolution 15.

Objection was raised.

Crawford of Story rose on a point of order and invoked Joint Rule 16 requesting a fiscal note.

The Speaker ruled the point not well taken inasmuch as fiscal notes are not required on concurrent resolutions.

Johnson of Linn moved the adoption of House Concurrent Resolution 15.

The motion prevailed and the resolution, as amended, was adopted.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 116, a bill for an act relating to the state fair board convention, with report of committee recommending passage was taken up for consideration.

Doderer of Johnson offered the following amendment H–3344 filed by her and Swearingen of Keokuk. Division was requested as follows:

H–3344

Amend Senate File 116 as follows:

H–3344A

1. Page 1, by inserting before line 1 the following:

"Sec. . Section 173.1, subsection 1, Code 1981, is amended to read as follows:

1. The governor of the state, the state secretary of agriculture, and the president of the Iowa State University of science and technology or their qualified representatives."

H–3344B

2. Page 1, by adding after line 11 the following:

"Sec. . Section 173.2, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 11. The president, or an accredited representative, of the Iowa home economists association.

NEW SUBSECTION. 12. The president, or an accredited representative, of the Iowa dietetics association.

NEW SUBSECTION. 13. The president, or an accredited representative, of the Iowa arts council.

NEW SUBSECTION. 14. The president, or an accredited representative, of the Iowa board of public instruction."

3. By renumbering and correcting internal references as required by this amendment.

On motion by Doderer of Johnson, amendment H—3344A was adopted.

Doderer of Johnson asked for unanimous consent to temporarily defer action on Senate File 116 and amendment H—3344B.

Objection was raised.

Doderer of Johnson moved the adoption of amendment H—3344B.

Amendment H—3344B was adopted.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 116)

The ayes were, 92:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Arnould	Avenson	Brandt	Crabb
Crawford	Shull	Smalley	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 159,** a bill for an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

Lloyd-Jones of Johnson asked and received unanimous consent to withdraw amendment H—3310 filed by her on March 17, 1981.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 159)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Avenson	Crabb	Crawford	Jochum
Smalley	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 148, a bill for an act to allow monthly refunding of motor vehicle registration reciprocity fees, with report of committee recommending passage was taken up for consideration.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 148)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Crabb	Crawford	Smalley
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 251, a bill for an act relating to the reciprocity of certain fish and game licenses for nonresidents, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 79 was invoked.

On the question "Shall the bill pass?" (S.F. 251)

The ayes were, 80:

Anderson, J.	Arnould	Bennett	Binneboese
Brandt	Branstad	Bruner	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Cook	Corey
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Hummel	Jay	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renken	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Mr. Speaker

The nays were, 15:

Anderson, R.	Byerly	Chiodo	Cochran
Connors	Gettings	Horn	Johnson, J.
Lind	O'Kane	Renaud	Ritsema
Running	Sturgeon	Woods	

Absent or not voting, 5:

Avenson	Crabb	Crawford	Smalley
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 210, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions, with report of committee recommending passage was taken up for consideration.

Howell of Floyd offered the following amendment H–3340 filed by him and moved its adoption:

H–3340

Amend House File 210 as follows:
1. Page 1, line 22, by inserting after the word "purpose" the words ", or as a senior citizen center,".
2. Title page, line 3, by inserting after the word "expositions" the words "or as a senior citizen center".

Roll call was requested by Byerly of Polk and Woods of Polk.

On the question "Shall amendment H–3340 be adopted?"

The ayes were, 48:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Carl	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Diemer	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hoffmann	Horn	Howell
Jay	Jochum	Lloyd-Jones	Lonergan
McKean	O'Kane	Oxley	Pavich
Poffenberger	Poncy	Rapp	Renaud
Running	Shimanek	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

The nays were, 47:

Anderson, J.	Arnould	Bennett	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Daggett
Danker	De Groot	Egenes	Gross
Halvorson, R. A.	Hanson, D.	Harbor	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	Menke	Miller
Mullins	Pellett	Pelton	Petrick
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Swearingen	Tofte
Tyrrell	Van Maanen	Mr. Speaker	

Absent or not voting, 5:

Crabb	Crawford	Norland	Smalley
Welden			

Amendment H—3340 was adopted.

Howell of Floyd offered the following amendment H—3159 filed by him and Dieleman of Marion:

H—3159

Amend House File 210 as follows:
1. Page 1, line 23, by inserting after the word "state" the words ", other than the Iowa state fair,".

Schroeder of Pottawattamie offered the following amendment H—3348, to amendment H—3159, filed by Schroeder, et al. :

H—3348

Amend amendment H—3159 to House File 210 as follows:
1. Page 1, by striking lines 2 and 3 and inserting in lieu thereof the following:
"1. Page 1, by striking lines 23 through 32 and inserting in lieu thereof the following: "or of any fair or exposition held in the state, other than the Iowa state fair, which is a member of the association of Iowa fairs, or (b) pollution control facilities which ~~shall be~~ are suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the

purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Pollution control facilities" also means land, buildings, improvements or other facilities to be used for the sanitary disposal or for recycling of solid waste. "Improve", "improving" and "improvements" shall" ".

(House File 210 and amendment H—3348, to amendment H—3159, pending at recess.)

On motion by Pope of Polk, the House was recessed at 10:32 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 25
By Welsh

Whereas, the state Department of Transportation is responsible for the purchase of right-of-way for primary and interstate roads in this state; and

Whereas, issues have been raised regarding the procedures followed by the department in acquiring private property for highway right-of-way; and

Whereas, the current practices of the state Department of Transportation should be reviewed to determine whether the current procedures followed by the department are efficient and economical; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the program evaluation division of the Legislative Fiscal Bureau be directed to conduct an evaluation of the current administrative structure of the right-of-way division of the state Department of Transportation and the procedures followed by the department in the acquisition of right-of-way for highway purposes and report its findings to the 1982 Session of the Sixty-ninth General Assembly.

Laid over under Rule 30.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 210**, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions, and amendment H–3348, to amendment H–3159, found on pages 890 and 891 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H–3348.

Smith of Scott offered the following amendment H–3359, to amendment H–3159, filed by her from the floor:

H–3359

Amend amendment H–3159 to House File 210 as follows:

1. Page 1, by striking lines 1 through 3 and inserting in lieu thereof the following:

"Amend House File 210 as follows:

1. Page 1, by striking lines 23 through 32 and inserting in lieu thereof the following: "or of any fair or exposition held in the state, other than the Iowa state fair, which is a member of the association of Iowa fairs, or of one or more physicians for a professional office building, including appropriate ancillary facilities, or (b) pollution control facilities which ~~shall be~~ are suitable for use by any industry, commercial enterprise or utility. "Pollution control facilities" means any land, buildings, structures, equipment, pipes, pumps, dams, reservoirs, improvements, or other facilities useful for the purpose of reducing, preventing, or eliminating pollution of the water or air by reason of the operations of any industry, commercial enterprise or utility. "Pollution control facilities" also means land, buildings, improvements or other facilities to be used for the sanitary disposal or for recycling of solid waste. "Improve", "improving" and "improvements" shall" ".

Halvorson of Webster rose on a point of order that amendment H–3359 was not germane.

The Speaker ruled the point well taken and amendment H–3359 not germane.

Miller of Buchanan offered the following amendment H—3361, to amendment H—3159, filed by him from the floor:

H—3361

Amend amendment H—3159, to House File 210 as follows:

1. Page 1, by inserting after line 3 the following:

" . Page 1, line 24, by inserting after the word "fairs," the words "or a provider of cable television services,"."

Schroeder of Pottawattamie rose on a point of order that amendment H—3361 was not germane.

The Speaker ruled the point well taken and amendment H—3361 not germane.

Schroeder of Pottawattamie rose on a point of order that amendment H—3159 was not germane.

The Speaker ruled the point not well taken and amendment H—3159 germane.

Howell of Floyd moved the adoption of amendment H—3159.

A non-record roll call was requested.

The ayes were 67, nays 26.

Amendment H—3159 was adopted.

Hansen of O'Brien offered the following amendment H—3182 filed by him and Halvorson of Clayton:

H—3182

Amend House File 210 as follows:

1. Page 1, line 24, by inserting after the word "fairs," the words "or as part of any amusement park, or as part of any low-rent housing,".

2. Title page, line 3, by inserting after the word "expositions" the words "or to be used as part of an amusement park or part of low-rent housing".

Woods of Polk offered the following amendment H—3362, to amendment H—3182, filed from the floor by Woods, Chiodo, Byerly and Welsh:

H–3362

Amend amendment H–3182 to House File 210 as follows:

1. Page 1, by striking line 3 and inserting in lieu thereof the following:

" "fairs," the words "including the state fair, which may use revenue bonds to fund facilities for parimutuel betting as provided for by rule by the state fair board, any other provision of the Code to the contrary notwithstanding, or as part of any amusement park,".

Dieleman of Marion rose on a point of order that amendment H–3362 was not germane.

The Speaker ruled the point not well taken and amendment H–3362 germane to amendment H–3182.

Woods of Polk asked and received unanimous consent to substitute amendment H–3363, (to amendment H–3182) for amendment H–3362, and to withdraw amendment H–3362.

Woods of Polk offered amendment H–3363 filed by him from the floor and moved its adoption:

H–3363

Amend amendment H–3182 to House File 210 as follows:

1. Page 1, by striking line 3 and inserting in lieu thereof the following:

" "fairs," the words "except that the state fair may use revenue bonds to fund facilities for parimutuel betting as provided for by rule of the state fair board, any other provision of the Code to the contrary notwithstanding, or as part of any amusement park,".

Roll call was requested by Dieleman of Marion and De Groot of Lyon.

On the question "Shall amendment H–3363, to amendment H–3182, be adopted?"

The ayes were, 31:

Arnould	Avenson	Brandt	Bruner
Byerly	Chiodo	Conlon	Connolly
Connors	Cusack	Davitt	Gettings

Gross	Hall	Hanson, D.	Horn
Hummel	Jochum	Kirkenslager	Krewson
Miller	Pavich	Rapp	Renaud
Running	Schroeder	Sturgeon	Trucano
Walter	Welsh	Woods	

The nays were, 65:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Branstad	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Howell	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lloyd-Jones
Lonergan	Mann	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 4:

Lind	Maulsby	Sullivan	Swartz

Amendment H—3363 lost.

Schroeder of Pottawattamie rose on a point of order that amendment H—3182 was not germane.

The Speaker ruled the point well taken and amendment H—3182 not germane.

Howell of Floyd asked and received unanimous consent to withdraw amendments H—3234 and H—3341 (to amendment H—3234) filed by him on March 10 and March 24, 1981 respectively.

Oxley of Linn moved to reconsider the vote by which amendment H—3340 was adopted by the House on March 26, 1981.

A non-record roll call was requested.

The ayes were 56, nays 41.

The motion prevailed and the House reconsidered amendment H–3340.

Schroeder of Pottawattamie rose on a point of order that amendment H–3340 was not germane.

The Speaker ruled the point well taken and amendment H–3340 not germane.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 210)

The ayes were, 64:

Anderson, J.	Bennett	Brandt	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Daggett	Danker	Davitt
Dieleman	Diemer	Gettings	Gross
Hall	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann	Holt	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Lloyd-Jones
Lonergan	McKean	Menke	Norland
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Renaud
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Walter	Welsh	Woods	Mr. Speaker

The nays were, 35:

Anderson, R.	Arnould	Avenson	Binneboese
Branstad	Bruner	Byerly	Carl
Clark, J. H.	Crawford	Cusack	De Groot
Doderer	Egenes	Groth	Halvorson, R. N.
Hanson, D.	Hummel	Johnson, R.	Krewson
Mann	Maulsby	Miller	Mullins
O'Kane	Pelton	Rapp	Renken
Ritsema	Shimanek	Smalley	Sturgeon
Tyrrell	Van Maanen	Welden	

Absent or not voting, 1:

Crabb

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 441**, a bill for an act relating to the fencing of railroad rights of way and providing penalties, and amendment H–3271 filed by Lloyd-Jones, et al., as follows:

H–3271

Amend House File 441 as follows:
1. Page 1, by striking lines 1 through 18.
2. Page 1, by striking lines 28 through 30 and inserting in lieu thereof the words "violation. All".

Lloyd-Jones of Johnson asked and received unanimous consent to defer action on amendment H–3271 for the consideration of amendment H–3291.

Hall of Linn offered the following amendment H–3291 filed by him:

H–3291

Amend House File 441 as follows:
1. Page 1, by inserting after line 33 the following:
"Sec. . Corporations organized under chapters 504 and 504A are not subject to section 327G.3 or the penalties provided in sections 327G.6 or 327G.9 until one year from the date of acquisition of any right of way as to which those sections are applicable, or one year from the effective date of this Act, whichever is later."

Hall of Linn offered the following amendment H–3364, to amendment H–3291, filed from the floor by Hall, Hummel and Diemer and moved its adoption:

H–3364

Amend amendment H–3291 to House File 441 as follows:
1. Page 1, by striking lines 5 and 6 and inserting in lieu thereof the following: "504 and 504A are not subject to the penalties provided in sections 327G.6 or 327G.9 for failure to comply with the requirements of section 327G.3".

Amendment H—3364 was adopted.

On motion by Hall of Linn, amendment H—3291, as amended, was adopted, placing out of order amendment H—3289 filed by Hall of Linn on March 16, 1981.

Lloyd-Jones of Johnson asked and received unanimous consent to withdraw amendment H—3271 filed by Lloyd-Jones, et al., on March 12, 1981.

Hall of Linn asked and received unanimous consent to withdraw amendment H—3342 filed by him on March 24, 1981.

Conlon of Muscatine rose on a point of order and invoked House Rule 37.

The Speaker ruled the point well taken and House File 441 referred to the committee on appropriations.

Pope of Polk moved that House Rule 37 be suspended for the consideration of House File 441.

A non-record roll call was requested.

The ayes were 55, nays 39.

The motion prevailed and House Rule 37 was suspended.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 441)

The ayes were, 69:

Anderson, J.	Bennett	Branstad	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Diemer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Hummel

Jay	Johnson, J.	Johnson, R.	Kirkenslager
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pellett	Petrick
Poffenberger	Pope	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welsh
Mr. Speaker			

The nays were, 29:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Conlon	Connolly	Cusack
Dieleman	Doderer	Horn	Jochum
Lloyd-Jones	Lonergan	O'Kane	Pavich
Pelton	Poncy	Rapp	Running
Smalley	Sturgeon	Walter	Welden
Woods			

Absent or not voting, 2:

Johnson, W.	Krewson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 733, a bill for an act relating to the possession, use, or sale of fireworks and providing penalties, was taken up for consideration.

Conlon of Muscatine offered amendment H–3243 filed by him and requested division as follows:

H–3243

Amend House File 733 as follows:

H–3243A

1. Page 1, line 4, by striking the word and figure "or 321G" and inserting in lieu thereof the following: "~~or~~ 321G, or county or municipal ordinances governing the same subject matter".

2. Page 1, line 8 by inserting after the figure "727.2" the words "or county or municipal ordinances governing the same subject matter".

H–3243B

3. Page 2, by striking lines 13, 14 and 15 and inserting in lieu thereof the following:
"The council of a city or a county board of supervisors may adopt ordinances which prohibit the possession of fireworks."

On motion by Conlon of Muscatine, amendment H–3243A was adopted.

Schroeder of Pottawattamie offered the following amendment H–3272 filed by him and moved its adoption:

H–3272

Amend House File 733 as follows:
1. Page 1, line 29, by inserting after the word "pistols." the words " "Fireworks" does not include "explosives" as defined in section 101A.1."

Amendment H–3272 was adopted.

Spear of Lee offered the following amendment H–3268 filed by him and moved its adoption:

H–3268

Amend House File 733 as follows:
1. Page 2, by striking lines 7 through 9 and inserting in lieu thereof the words "sale, or use of torpedoes for use by railroads for signal purposes, or the possession, sale, or use of blank cartridges for a show or the theater, for signal purposes in athletic sports, for field trials or dog training, or by a recognized".

Amendment H–3268 was adopted.

The House resumed consideration of amendment H–3243B.

Conlon of Muscatine moved the adoption of amendment H–3243B.

A non-record roll call was requested.

The ayes were 46, nays 52.

Amendment H–3243B lost.

Arnould of Scott offered the following amendment H—3273 filed by him and moved its adoption:

H—3273

Amend House File 733 as follows:

1. Page 2, line 13, by inserting after the word "person" the words "who uses or explodes fireworks or is".

2. Page 2, by striking lines 17 and 18 and inserting in lieu thereof the following: "for sale, exposes for sale or sells at retail fireworks commits a serious misdemeanor."

Amendment H—3273 was adopted, placing out of order amendment H—3266 filed by Jay of Appanoose and Ritsema of Sioux on March 12, 1981.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 733)

The ayes were, 54:

Anderson, J.	Arnould	Bennett	Brandt
Branstad	Carpenter	Clark, B. J.	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Gross	Halvorson, R. A.	Hansen, I.
Harbor	Hoffmann	Holt	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Krewson	Mann	Maulsby	McKean
Menke	Miller	Pellett	Pelton
Petrick	Pope	Rapp	Renken
Schnekloth	Schroeder	Shimanek	Shull
Spear	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Mr. Speaker		

The nays were, 45:

Anderson, R.	Avenson	Binneboese	Bruner
Byerly	Carl	Chiodo	Clark, J. H.
Clements	Cochran	Conlon	Connolly

Connors	Davitt	Egenes	Gettings
Groth	Hall	Halvorson, R. N.	Hanson, D.
Horn	Howell	Johnson, R.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mullins	Norland	O'Kane	Oxley
Pavich	Poffenberger	Poncy	Renaud
Ritsema	Running	Smalley	Smith
Sturgeon	Sullivan	Swartz	Walter
Woods			

Absent or not voting, 1:

Cusack

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 751, a bill for an act to provide for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire, was taken up for consideration.

Spear of Lee offered the following amendment H–3352 filed by him and moved its adoption:

H–3352

Amend House File 751 as follows:
1. Page 1, line 12, by striking the words "at all times" and inserting in lieu thereof the words "~~at all times~~".

Amendment H–3352 was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 751)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors

Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Cusack	Jochum	Lageschulte	Poffenberger

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 733)

I move to reconsider the vote by which House File 733 passed the House on March 26, 1981.

COREY of Louisa

(House Concurrent Resolution 15)

We move to reconsider the vote by which House Concurrent Resolution 15 was adopted by the House on March 26, 1981.

DODERER of Johnson
CRAWFORD of Story

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 1981, he approved and transmitted to the Secretary of State the following bills:

House File 73, an act relating to repairs and improvements in drainage and levee districts.

House File 430, an act eliminating the requirement that spouses execute the same joint instrument to convey the homestead.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday morning, March 26, 1981. Had I been present, I would have voted "aye" on Senate File 116.

SHULL of Warren

PROOF OF PUBLICATION
(House File 787)

Published copy of House File 787 and verified proof of publication of said bill in The Sioux City Journal, a newspaper printed and published in Sioux City, Woodbury County, Iowa, on March 12, 1981 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-nine eighth grade students from Pella Christian Elementary School, Pella, accompanied by Dan Jonker. By Dieleman of Marion.

Twenty senior students from Monticello Junior-Senior High School, Monticello, accompanied by Keith Stamp. By Shimanek and McKean of Jones.

Thirty government students from North Winneshiek Junior-Senior High School, Decorah, accompanied by Ms. Krum-Gesme and Mr. Abraham. By Tofte of Winneshiek.

Thirty-nine eighth grade students from Mar-Mac Middle School, McGregor, accompanied by Mr. Vick and Mr. Elliott. By Halvorson of Clayton.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 318 Cities

Relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures.

S.B. 319 Judiciary and Law Enforcement

Relating to the requirements for giving a notice to cure in a consumer credit transaction.

S.B. 320 Judiciary and Law Enforcement

Relating to properties that are exempt from judicial process.

S.B. 321 Transportation

Relating to motorized bicycle licenses.

S.B. 322 Commerce

To amend the city finance laws to authorize the issuance and sale of pledge orders to refund revenue obligations.

SUBCOMMITTEE ASSIGNMENTS

House File 264

Cities: Shull, Chair; Smith, Crawford, Hall and O'Kane.

House File 443

Cities: Hoffmann, Chair; Diemer and Horn.

House File 604

Ways and Means: Bennett, Chair; Petrick and Dieleman.

House File 634

Appropriations: **(additional members)** Pope and Norland.

House File 690

Cities: Shull, Chair; Johnson of Linn and Hall.

House File 761

Appropriations: Halvorson of Clayton, Chair; Harbor and Doderer.

Senate File 220

Human Resources: Clark of Cerro Gordo, Chair; Spear and Walter.

Senate File 244

Commerce: Hansen of O'Brien, Chair; Sturgeon and Hummel.

Senate File 263

Ways and Means: Diemer, Chair; Shull and Rapp.

Senate File 284

Commerce: Schroeder, Chair; Chiodo, Johnson of Linn, Woods and Halvorson of Clayton.

Senate File 299

Commerce: Smith, Chair; Hoffmann and Hansen of O'Brien.

Senate File 308

Commerce: Halvorson of Clayton, Chair; Woods and Hummel.

Senate File 320

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

Senate File 362

Ways and Means: Hummel, Chair; Krewson and Howell.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 96

Cities: Hoffmann, Chair; Krewson, Crabb, Hall and Spear.

Study Bill 282

Commerce: Hoffmann, Chair; Jochum and Smith.

Study Bill 284

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

Study Bill 298

Cities: Shull, Chair; Smith, Crawford, Hall and O'Kane.

Study Bill 306

Ways and Means: Shull, Chair; Renken and Dieleman.

Study Bill 307

Judiciary and Law Enforcement: Poffenberger, Chair; Gross, Halvorson of Clayton, Doderer and Sturgeon.

Study Bill 309

Agriculture: De Groot, Chair; Cochran and Anderson of Audubon.

Study Bill 310

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Study Bill 311

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Study Bill 312

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Study Bill 313

Judiciary and Law Enforcement: Poffenberger, Chair; Conlon and Rapp.

Study Bill 314

Human Resources: Clark of Cerro Gordo, Chair; Krewson, Poffenberger, Carl, Cusack, De Groot and Lonergan.

Study Bill 316

Ways and Means: Petrick, Chair; Lageschulte and Pavich.

Study Bill 317

Ways and Means: Clark of Lee, Chair; Schnekloth and O'Kane.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 3:30 p.m., March 25, 1981

Convened: 3:40 p.m.

Adjourned: 4:40 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 527), relating to nonprofit marketing associations regulated under chapter 500.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 717), to allow state cost sharing funds to be used for "no-till" incentive payments.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 55), relating to transactions involving the storage or sale of grain, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON APPROPRIATIONS

Senate File 170, a bill for an act relating to the payment of salary and expenses of members of the state functional classification review board.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3358.**

Senate File 283, a bill for an act relating to mileage expense for witnesses and jurors.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON CITIES

Committee Bill (Formerly House File 264), redefining the types of projects for which industrial revenue bonds may be issued under chapter 419 for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste and providing for its effect upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 552), relating to the certified eligible list for promotion for city civil service.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 318), relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 28), relating to the siting of hazardous waste treatment, storage and disposal facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 307), requiring that a person transferred from certain institutions be accompanied by a person of the same gender, requiring jails to be equipped with separate facilities for prisoners of both genders, requiring an employee of the same gender as a prisoner to be on the jail premises when the prisoner is on the premises, prohibiting discrimination because of sex, amending certain provisions relating to surviving spouses, and amending certain sections which refer to only one gender to include both genders.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 313), to amend chapter 635 relating to administration of small estates.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 319), relating to the requirements for giving a notice to cure in a consumer credit transaction.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 320), relating to properties that are exempt from judicial process.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 320, a bill for an act relating to the performance of audiometric examinations under the Iowa occupational hearing loss Act.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 378), relating to the licensing and operation of games of skill, chance, and raffles.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 103), relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 105), relating to the operations of the citizens' aide office.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 293), to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 294), relating to certain obligations under chapter 258A of licensees under Chapter 116.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 554), to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 302), authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 321), to delay implementation of mandatory educational requirements for motorcycles and mopeds.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON WAYS AND MEANS

Senate File 237, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–3357.**

Committee Bill (Formerly House File 420), to provide that transfers of property or interests in property pursuant to a decree of dissolution of marriage are not subject to the real estate transfer tax and the requirements relating to the filing of a declaration of value.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3357	S.F. 237	Committee on Ways and Means
H–3358	S.F. 170	Committee on Appropriations
H–3360	H.F. 522	Spear of Lee
H–3365	H.F. 771	Johnson of Linn Bruner of Story Chiodo of Polk Swearingen of Keokuk Shull of Warren
H–3366	H.F. 780	Ritsema of Sioux
H–3367	H.F. 772	Spear of Lee
H–3368	H.C.R. 24	Clements of Scott
H–3369	H.F. 789	Halvorson of Clayton Egenes of Story Gettings of Wapello Avenson of Fayette Pope of Polk

H—3370	H.F. 503	Shimanek of Jones Schroeder of Pottawattamie
H—3371	H.F. 781	De Groot of Lyon Van Maanen of Mahaska Cochran of Webster
H—3372	H.F. 789	Miller of Buchanan
H—3373	H.F. 756	Harbor of Mills
H—3374	H.F. 767	Poffenberger of Dallas Carpenter of Polk Hummel of Benton Schroeder of Pottawattamie Halvorson of Clayton Smith of Scott Mann of Greene
H—3375	H.F. 767	Pelton of Clinton Davitt of Warren
H—3376	H.F. 767	Swartz of Marshall Pelton of Clinton Poffenberger of Dallas
H—3377	S.F. 87	Mann of Greene
H—3378	S.F. 87	Mann of Greene

On motion by Pope of Polk, the House adjourned at 3:43 p.m., until 10:00 a.m., Monday, March 30, 1981.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day—Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 30, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Jerry Jordan, pastor of the Parkersburg United Methodist Church, Parkersburg.

The Journal of Thursday, March 26, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Crawford of Story; Groth of Buena Vista on request of Halvorson of Webster; Cusack of Scott on request of Arnould of Scott; Connors of Polk, for the morning session, on request of Anderson of Jasper; Walter of Pottawattamie on request of Pavich of Pottawattamie.

INTRODUCTION OF BILLS

House File 791, by committee on judiciary and law enforcement, a bill for an act to establish a sentencing guidelines commission.

Read first time and **placed on the calendar.**

House File 792, by committee on state government, a bill for an act relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property.

Read first time and **placed on the calendar.**

SENATE MESSAGE CONSIDERED

Senate File 48, by DeKoster, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Read first time and referred to committee on **commerce.**

CONSIDERATION OF BILLS
Regular Calendar

House File 757, a bill for an act relating to easements for certain sewer, water, or gas or power lines within a city, was taken up for consideration.

Clements of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 757)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Avenson	Brandt	Chiodo	Clark, J. H.
Connors	Cusack	Egenes	Groth
Harbor	Jay	Jochum	Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 462, a bill for an act relating to the withdrawal of land from a benefited fire district, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H–3313 filed by the committee on county government and moved its adoption:

H–3313

Amend House File 462 as follows:

1. Page 1, by striking lines 3 through 25 and inserting in lieu thereof the following:

"NEW SECTION. DETACHMENT OF LAND FROM DISTRICT. The trustees of a township, after notice and a public hearing, may withdraw the township or part of the township from a benefited fire district. Notice of the time, date and place of the hearing shall be published at least two weeks before the hearing in a newspaper having general circulation within the township. The notice shall also identify the area to be withdrawn. After the hearing on the proposed withdrawal, the township trustees, by majority vote, may withdraw the township or a part of the township from the benefited fire district. If the township trustees take final action to withdraw on or before March 1 of a fiscal year, the effective date of the withdrawal is the following July 1. However, if final action to withdraw is taken after March 1, the withdrawal is not effective until July 1 of the following calendar year. If bonds issued under section 357B.4 are outstanding at the time of withdrawal, the board of supervisors shall continue to levy an annual tax against the taxable property being withdrawn to pay its share of the outstanding obligation of the district relating to those bonds."

The committee amendment H–3313 was adopted.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 462)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Avenson	Clark, J. H.	Connors	Cusack
Groth	Harbor	Petrick	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 789, a bill for an act relating to unemployment compensation by mandating rate table three for calendar years 1982 and 1983, by modifying the qualifications for a zero contribution rate, by extending the time period for set contribution rates for certain new employers, by surcharging the contribution rates of certain employers with negative balance accounts, by relieving reimbursable employers of certain charges paid to part-time employees, by providing for the deduction of only a portion of pension or retirement payments, by making changes in conformity with federal requirements regarding job service's fiscal year, taxation of separation pay, release of information to child support enforcement agencies, and extended benefit contribution, eligibility, and requalification requirements, was taken up for consideration.

Miller of Buchanan offered the following amendment H–3372 filed by him and moved its adoption:

H–3372

Amend House File 789 as follows:
1. By striking page 4, line 5 through page 5, line 20.

A non-record roll call was requested.

The ayes were 41, nays 53.

Amendment H–3372 lost.

Halvorson of Clayton offered the following amendment H–3369 filed by Halvorson, et al., and moved its adoption:

H–3369

Amend House File 789 as follows:
1. Page 6, line 8, by inserting after the word "year." the words "If an employer is not required to contribute for a rate year to the trust fund under this unnumbered paragraph but would be required to contribute for the next rate year under this lettered paragraph, the employer's contribution rate for the next rate year is either the employer's experience rate computed under this lettered paragraph or one and eight-tenths percent, whichever is less. For subsequent years, either the employer is not required to contribute under this unnumbered paragraph or the employer's contribution rate is the employer's experience rate computed under this lettered paragraph."

Amendment H–3369 was adopted.

The following amendments filed from the floor and not called up for consideration were out of order under House Rule 36.8:

H–3380 filed by Tyrrell of Iowa.
H–3382 filed by Tyrrell of Iowa.
H–3383 filed by Lind of Black Hawk.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 789)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Clements	Renken

Absent or not voting, 5:

Clark, J. H.	Connors	Cusack	Groth
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 789)

Halvorson of Clayton moved to reconsider the vote by which House File 789 passed the House on March 30, 1981.

A non-record roll call was requested.

The ayes were 27, nays 64.

The motion lost.

On motion by Pope of Polk, the House was recessed at 11:52 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

Regular Calendar

House File 746, a bill for an act relating to the issuance by the commissioner of health of citations to health care facilities, was taken up for consideration.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 746)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth

Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Tyrrell

Absent or not voting, 5:

Clark, J. H.	Cusack	Doderer	Groth
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 1:54 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Speaker Stromer in the chair.

The House rose in silent prayer for President Ronald Reagan and others wounded today by an attempted assassin in Washington, D.C. Daggett of Taylor offered a prayer for their recovery and for guidance and wisdom for those responsible for their care.

COMMUNICATION FROM SECRETARY OF STATE

March 27, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that Senate File 86, was published in The Montezuma Republican, Montezuma, Iowa on March 19, 1981, and in the Charles City Press, Charles City, Iowa on March 19, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PROOF OF PUBLICATION
(House File 745)

Published copy of House File 745 and verified proof of publication of said bill in The Anamosa Journal-Eureka, a newspaper printed and published in Anamosa, Jones County, Iowa, on March 18, 1981 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen senior students from South Hamilton Junior-Senior High School, Jewell, accompanied by Dick Steffen. By Egenes of Story.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 323 Ways and Means

Creating a criminal justice improvement fund, imposing ten percent additional penalty assessment surcharges on fines and forfeitures, ninety percent of which are credited to the fund, and making appropriation from the fund.

S.B. 324 Ways and Means

Relating to highway funding by converting motor fuel and special fuel excise taxes to a percentage of the product price, establishing a special bridge fund, reducing the shrinkage allowance, and providing that fines and forfeited bail by collected weight, registration, and embargo violators be credited to the road use tax fund with certain exceptions, and making appropriations.

S.B. 325 Ways and Means

To increase the cigarette tax rate from 13 cents to 18 cents per package.

S.B. 326 Ways and Means

Relating to the sales, services and use tax on communication ser-

vices by providing that the tax applies to communication services occurring partly without the state if it is transmitted from or received in the state.

S.B. 327 Ways and Means

Relating to the state cigarette and little cigar tax by increasing the rate of tax, setting the discount percent on the sale of cigarette and little cigar tax stamps and imposing a one-time inventory tax.

S.B. 328 Ways and Means

Requiring insurance companies to pay premium taxes on a quarterly basis.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 70), relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

Fiscal Note is required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 231), to adopt the American Society for Testing and Materials (ASTM) emergency specification for gasoline.

Fiscal Note is not required.

Without Recommendation.

Committee Bill (Formerly Study Bill 311), relating to beginning farmers by authorizing the family farm development authority to establish a program for insuring or guaranteeing contracts of sale of agricultural land made to beginning farmers, providing income and franchise tax deductions for capital gain, certain interest, and rental income received from the sale or lease of agricultural land to a beginning farmer and providing for a January 1 effective date for certain sections.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 262), authorizing and regulating the sale of real property title insurance.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Committee Bill (Formerly Study Bill 315), to delay implementation of administrative rules establishing minimum standards for county jails.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 269), to include classes offered by area schools as eligible for supplementary weighting.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 693), to require the department of public instruction to adopt rules relating to admission of school districts to athletic conferences.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 194), relating to conservation easements.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3379 H.F. 754 Woods of Polk

H–3381 H.F. 744
Mann of Greene

H–3384 H.F. 762
Doderer of Johnson

H–3385 H.F. 779
Spear of Lee

H–3386 H.F. 774
Johnson of Woodbury
Pelton of Clinton

H–3387 H.F. 786
Spear of Lee

H–3388 H.F. 771
Sturgeon of Woodbury

H–3389 H.F. 771
Sturgeon of Woodbury
Chiodo of Polk
Bruner of Story
O'Kane of Woodbury
Avenson of Fayette
Halvorson of Webster
Rapp of Black Hawk
Jochum of Dubuque
Anderson of Jasper
Brandt of Black Hawk
Connors of Polk
Doderer of Johnson
Connolly of Dubuque
Dieleman of Marion
Lloyd-Jones of Johnson
Jay of Appanoose
Spear of Lee
Lonergan of Boone
Sullivan of Van Buren
Carl of Poweshiek
Norland of Worth
Gettings of Wapello
Running of Linn
Pavich of Pottawattamie
Binneboese of Plymouth

H–3390 H.F. 771
Chiodo of Polk
Bruner of Story
O'Kane of Woodbury
Avenson of Fayette
Halvorson of Webster
Swartz of Marshall
Rapp of Black Hawk
Jochum of Dubuque
Sturgeon of Woodbury
Jay of Appanoose
Connors of Polk
Doderer of Johnson
Connolly of Dubuque
Dieleman of Marion
Lloyd-Jones of Johnson
Lonergan of Boone
Sullivan of Van Buren
Carl of Poweshiek
Norland of Worth
Gettings of Wapello
Running of Linn
Pavich of Pottawattamie
Davitt of Warren
Renaud of Polk
Welsh of Dubuque
Byerly of Polk
Hall of Linn
Binneboese of Plymouth
Anderson of Jasper

H–3391 H.F. 771
O'Kane of Woodbury
Cochran of Webster
Bruner of Story
Avenson of Fayette
Halvorson of Webster
Rapp of Black Hawk
Sturgeon of Woodbury
Brandt of Black Hawk
Chiodo of Polk
Jay of Appanoose
Connors of Polk
Oxley of Linn
Connolly of Dubuque
Lloyd-Jones of Johnson
Anderson of Jasper

Spear of Lee
Sullivan of Van Buren
Gettings of Wapello
Running of Linn
Renaud of Polk
Arnould of Scott
Binneboese of Plymouth

H–3392 H.F. 774

H–3393 S.F. 87
H–3394 H.F. 780
H–3395 H.F. 771
Brandt of Black Hawk
Poncy of Wapello
Chiodo of Polk
Bruner of Story
Halvorson of Webster
Connors of Polk
Gettings of Wapello
Welsh of Dubuque

H–3396 H.F. 771
Avenson of Fayette
Chiodo of Polk
Cochran of Webster
Sturgeon of Woodbury
Connors of Polk
Connolly of Dubuque
Lonergan of Boone
Norland of Worth
Running of Linn
Welsh of Dubuque

H–3397 H.F. 786
H–3398 H.F. 771
Bruner of Story
Avenson of Fayette
O'Kane of Woodbury
Swartz of Marshall
Jochum of Dubuque
Brandt of Black Hawk
Doderer of Johnson
Connolly of Dubuque
Lloyd-Jones of Johnson
Carl of Poweshiek
Lonergan of Boone
Norland of Worth
Poncy of Wapello
Pavich of Pottawattamie
Davitt of Warren
Welsh of Dubuque
Howell of Floyd
Conlon of Muscatine
Miller of Buchanan
Clements of Scott
Conlon of Muscatine
Rapp of Black Hawk
Sturgeon of Woodbury
Connolly of Dubuque
Avenson of Fayette
O'Kane of Woodbury
Jochum of Dubuque
Lloyd-Jones of Johnson
Running of Linn
Binneboese of Plymouth
Bruner of Story
O'Kane of Woodbury
Halvorson of Webster
Rapp of Black Hawk
Anderson of Jasper
Doderer of Johnson
Lloyd-Jones of Johnson
Carl of Poweshiek
Gettings of Wapello
Pavich of Pottawattamie
Howell of Floyd
Spear of Lee
Rapp of Black Hawk
Chiodo of Polk
Cochran of Webster
Halvorson of Webster
Sturgeon of Woodbury
Anderson of Jasper
Connors of Polk
Poncy of Wapello
Dieleman of Marion
Lonergan of Boone
Norland of Worth

	Gettings of Wapello	Running of Linn
	Pavich of Pottawattamie	Hall of Linn
		Binneboese of Plymouth
H—3399	S.F. 268	Spear of Lee
H—3400	H.F. 771	Jochum of Dubuque
	Avenson of Fayette	Bruner of Story
	Chiodo of Polk	O'Kane of Woodbury
	Halvorson of Webster	Cochran of Webster
	Rapp of Black Hawk	Sturgeon of Woodbury
	Brandt of Black Hawk	Connors of Polk
	Connolly of Dubuque	Gettings of Wapello
	Running of Linn	Pavich of Pottawattamie
	Welsh of Dubuque	Binneboese of Plymouth
	Anderson of Jasper	Howell of Floyd
H—3401	H.F. 771	Egenes of Story
		Davitt of Warren
		Miller of Buchanan
		Byerly of Polk
		Cochran of Webster
H—3402	H.F. 771	Egenes of Story
		Miller of Buchanan
		Johnson of Linn
		Davitt of Warren
		Cochran of Webster
		Byerly of Polk

On motion by Pope of Polk, the House adjourned at 3:48 p.m., until 9:00 a.m., Tuesday, March 31, 1981.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 31, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. Lyle W. Lieder, pastor of the Clear Lake United Methodist Church, Clear Lake.

Speaker Stromer presented Betty Leggett Lieder, American Mother of the Year, who accompanied her husband.

The Journal of Monday, March 30, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, Marshalltown.

PETITION FILED

The following petition was received and placed on file:

By Swearingen of Keokuk, from fifteen members of the Ainsworth Lions Club of the 88th District favoring House File 461 and Senate File 220, an act prohibiting the revoking of an anatomical gift by a person other than the donor.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Woods of Polk, for the morning session, on request of Running of Linn.

INTRODUCTION OF BILLS

House File 793, by committee on county government, a bill for an act relating to the jurisdictional transfer of highways and streets, effective upon publication.

Read first time and **placed on the calendar.**

House File 794, by committee on judiciary and law enforcement, a bill for an act relating to the Iowa Probate Code by increasing the amount that may pass to a minor without the necessity of appointing a conservator; by defining sale of property in probate proceedings; by providing that certain hearings are not necessary if a certain type of notice is used; and by providing that if a claimant is represented by an attorney, the attorney of record for the claimant shall be notified of the disallowance of the claim.

Read first time and **placed on the calendar.**

House File 795, by committee on agriculture, a bill for an act relating to nonprofit marketing associations regulated under chapter 500.

Read first time and **placed on the calendar.**

House File 796, by committee on education, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen.

Read first time and **placed on the calendar.**

House File 797, by committee on cities, a bill for an act relating to the certified eligible list for promotion for city civil service.

Read first time and **placed on the calendar.**

House File 798, by committee on cities, a bill for an act providing that facilities to be used for the sanitary disposal for recycling of solid waste and land, buildings, or improvements suitable for use of physicians for office buildings and ancillary facilities are projects for which revenue bonds under chapter 419 may be issued and providing for its effect upon publication.

Read first time and **placed on the calendar.**

House File 799, by committee on education, a bill for an act relating to the cost of a construction contract above which a school district must submit its construction plans to the building consultant of the department of public instruction.

Read first time and **placed on the calendar.**

House File 800, by committee on cities, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures.

Read first time and **placed on the calendar.**

House File 801, by committee on judiciary and law enforcement, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including firefighters and penal and correction facility staff, and providing penalties.

Read first time and **placed on the calendar.**

House File 802, by committee on judiciary and law enforcement, a bill for an act relating to gifts allowed under the uniform gifts to minors Act.

Read first time and **placed on the calendar.**

House File 803, by committee on human resources, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance and aid to dependent children benefits.

Read first time and **placed on the calendar.**

House File 804, by committee on judiciary and law enforcement, a bill for an act correcting erroneous, inconsistent, and obsolete provisions of the Code, including penalty provisions.

Read first time and **placed on the calendar.**

House File 805, by committee on agriculture, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

Read first time and **placed on the calendar.**

House File 806, by committee on county government, a bill for an act to delay implementation of administrative rules establishing minimum standards for county jails.

Read first time and **placed on the calendar.**

House File 807, by committee on education, a bill for an act to include classes offered by area schools as eligible for supplementary weighting.

Read first time and **placed on the calendar.**

House File 808, by committee on transportation, a bill for an act providing for the staggered registration of certain vehicles subject to registration with a December 1, 1983 effective date.

Read first time and **placed on the calendar.**

House File 809, by committee on natural resources, a bill for an act relating to conservation easements.

Read first time and **placed on the calendar.**

SENATE MESSAGE CONSIDERED

Senate File 377, by committee on human resources, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

Read first time and referred to committee on **human resources.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act relating to elections by revising the statutes governing the furnishing of nomination papers and registration for elections.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 759, a bill for an act relating to the number of years city records are required to be kept, was taken up for consideration.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 759)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Byerly	Clark, J. H.	Holt	Poncy
Welsh	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, the review of annual reports by the commission, the exemption of certain telephone companies from rate regulation, the exemption of certain water companies from commission regulation,

the retroactive refund of excess charges collected after notice to the utility, the requirement that the commission approve temporary rates to be collected during rate-making proceedings, and time limitations for commission decisions in rate-making proceedings, to take effect upon publication, was taken up for consideration.

Sturgeon of Woodbury offered the following amendment H–3388 filed by him and moved its adoption:

H–3388

1 Amend House File 771 as follows:
2 1. Page 1, line 8, by striking the figure "1984"
3 and inserting in lieu thereof the figure "1982".

Roll call was requested by Sturgeon of Woodbury and O'Kane of Woodbury.

On the question "Shall amendment H–3388 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Egenes	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Rapp	Renaud	Running	Smalley
Spear	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smith	Stueland	Swearingen	Tofte
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Clark, B. J.	Clark, J. H.	Harbor	Poncy
Tyrrell	Woods		

Amendment H—3388 lost.

Chiodo of Polk offered the following amendment H—3390 filed by Chiodo, et al., and moved its adoption:

H—3390

Amend House File 771 as follows:

1. Page 1, by inserting after line 13 the following:

"3. The continuous audit established under this section shall include, but not be limited to, a review and comparative rating of the efficiency of operation of each rate-regulated public utility according to standards determined by the commission. The annual report of the commission under section 17.1 shall include a list of all rate-regulated public utilities and the comparative efficiency rating of each. The commission shall consider these efficiency ratings in proceedings under this chapter involving the reasonableness of the rates and charges of public utilities, and the commission may increase or diminish the respective rates of return on common stock equity that otherwise would be allowed to reflect relatively higher or lower degrees of efficiency of operation."

Roll call was requested by Avenson of Fayette and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H—3390 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Kirkenslager	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley

Pavich	Poncy	Rapp	Renaud
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smith	Stueland	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 2:

Clark, J. H.	Woods

Amendment H—3390 lost.

O'Kane of Woodbury offered the following amendment H—3391 filed by O'Kane, et al.:

H—3391

Amend House File 771 as follows:

1. Page 1, line 32, by inserting after the word "proceedings" the words ", the consumer advocate".

2. Page 2, line 1, by inserting after the word "utility" the words ", the consumer advocate".

3. Page 2, line 11, by inserting after the word "commission" the words "or the consumer advocate".

4. Page 6, by inserting after line 13 the following:

"Sec. 8. Sections 9 through 15 of this Act are enacted as a new chapter of the Code.

Sec. 9. NEW SECTION. DEFINITIONS. As used in this Act unless the context otherwise requires:

1. "Commission" means the Iowa state commerce commission.

2. "Public utility" means a public utility as defined in section 476.1.

3. "Consumer" means a person who is or may be a direct user or the recipient of private residential services provided by a public utility.

Sec. 10. NEW SECTION. OFFICE ESTABLISHED. The division of consumer advocacy is established within the office of the attorney general.

Sec. 11. NEW SECTION. CONSUMER ADVOCATE APPOINTED.

1. The attorney general shall appoint the consumer advocate. The consumer advocate must be an attorney licensed to practice law in this state and must be qualified by training or experience to perform the duties of the office. Compensation for the position shall be set by the general assembly.

2. The consumer advocate, while serving in such capacity shall not engage in a business, vocation, or other employment, or have other interests inconsistent with the responsibilities of the office. The consumer advocate shall not seek or accept employment with or render beneficial services for compensation to a public utility or the commission during the tenure of office and for two years after employment as consumer advocate is terminated.

3. The consumer advocate shall not seek election or accept appointment to a political office during employment as consumer advocate.

Sec. 12. NEW SECTION. STAFF. The consumer advocate may appoint assistant consumer advocates who shall be attorneys-at-law and may appoint clerical, technical and professional staff as necessary to discharge the duties of the office. The consumer advocate may contract for additional services as necessary. The assistant consumer advocates and clerical staff are subject to chapter 19A. Technical

Page 2

and professional staff are exempt from chapter 19A and shall be paid compensation comparable to that paid to persons in similar positions in private industry. Employees of the consumer advocate shall not engage in a business, vocation, or employment or render services that may conflict with their official responsibilities.

Sec. 13. NEW SECTION. DUTIES.

1. The consumer advocate shall provide legal representation to consumers in the state in proceedings and investigations relating to public utilities before the commission, other state agencies, federal agencies and state and federal courts. The consumer advocate has powers as necessary to carry out the duties of the office, including but not limited to the power to:

a. Recommend to the commission by petition the commencement of a proceeding or action or to appear, as a party, in the name of the citizens of this state in a proceeding or action before the commission and to advocate a position deemed to be in the interest of consumers of this state, whether consistent or inconsistent with positions previously adopted by the commission.

b. Investigate complaints made to the commission by a consumer and to initiate proceedings or other action on behalf of the consumer.

c. Have access to and use of all files, records, and data of the commission or collected by the commission relating to proceedings, investigations or other activities before the commission or conducted by the commission.

d. Seek review of a determination, finding, or order of the commission or of a hearing officer designated by the commission, in the name of the citizens of this state.

e. Prepare and issue reports and recommendations, to propose orders to the commission, the governor, and the general assembly on a matter or subject within the jurisdiction of the commission and to make recommendations for legislation relating to commission procedures, rules, jurisdiction, personnel and functions.

f. Appear in the name of the consumer advocate or the public before other state agencies, federal agencies and in state and federal courts in connection with matters involving public utilities.

g. Meet and confer with consumers and consumer groups.

2. To assist the consumer advocate in carrying

Page 3

out the powers under this section, the complaint officer of the commission shall forward to the office of the consumer advocate a copy of all complaints, petitions and applications filed with the commission, including but not limited to petitions, applications or complaints from a public utility, immediately upon their receipt.

3. In addition to other authority conferred upon the consumer advocate by this Act the consumer advocate may represent an interest of concern to consumers upon written request as provided in this subsection. The request shall be in the form of a petition signed by twenty-five consumers and shall state the interest of concern. The request shall designate at least

two of the signatories as principal sponsors of the petition. The consumer advocate shall notify the principal sponsors of the petition within a reasonable time after receipt of the petition of action taken or intended to be taken by the office on the petition. If the consumer advocate declines or is unable to represent the interest, the consumer advocate shall so notify the principal sponsors and shall state the reasons.

4. The consumer advocate may proceed in the name of the office, an individual consumer or group of consumers or may join with the individual consumer or group of consumers in initiating a proceeding.

Sec. 14. NEW SECTION. PAYMENT OF EXPENSES.

1. When the division of consumer advocacy represents the consumer interest in a proceeding initiated by application of a public utility for a product or service or in a proceeding initiated by application of a public utility to initiate, discontinue or change a service, or in a proceeding resulting from complaints or petitions of consumers concerning a public utility, the consumer advocate may assess the public utility an amount not to exceed one-tenth of one percent of the revenues of the public utility from its intrastate sales in the calendar year last preceding the initiation of the proceeding. The assessment shall not exceed the actual costs incurred by the office of consumer advocate in the proceeding year including but not limited to pro rata consumer advocate office and salary expenses. If the assessment exceeds five hundred thousand dollars the consumer advocate shall send the public utility an itemized statement of the amount, as of the date of the statement, of the applicable costs.

2. Assessments shall be paid by the public utility to the treasurer of state within thirty days after

Page 4

the date of the assessment. The treasurer of state, upon receipt of a payment by a public utility pursuant to this section, shall deposit the payment in the general fund of the state.

Sec. 15. NEW SECTION. FUNDS. For purposes of 42 U.S.C. s. 6805 (1979) the division of consumer advocacy is the office in the state responsible for assisting consumers in presentations before the Iowa state commerce commission and shall be the recipient of any federal funds available to the state to implement that section."

5. By renumbering sections.

Johnson of Linn rose on a point of order that amendment H—3391 was not germane.

The Speaker ruled the point well taken and amendment H—3391 not germane.

O'Kane of Woodbury moved that the rules be suspended to consider and adopt amendment H—3391.

Roll call was requested by Howell of Floyd and Avenson of Fayette.

On the question "Shall the rules be suspended to consider and adopt amendment H—3391?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connors	Cusack	Davitt
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Trucano	Walter	Welsh

The nays were, 56:

Anderson, J.	Bennett	Branstad	Byerly
Carpenter	Clark, B. J.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 4:

Clark, J. H.	Connolly	Dieleman	Woods

The motion lost.

Johnson of Linn offered amendment H–3365 filed by Johnson, et al. Division was requested as follows:

H–3365

Amend House File 771 as follows:

H–3365A

1. Page 1, line 33, by inserting after the word "commission" the word "staff".

H–3365B

2. Page 2, line 2, by inserting after the word "commission" the word "staff".
3. Page 2, line 9, by inserting after the word "commission" the word "staff".
4. Page 2, line 11, by inserting after the word "commission" the word "staff".
5. Page 5, by striking lines 15 and 16 and inserting in lieu thereof the words "receipt of the request. If the"
6. Page 6, line 14, by striking the words "4 and 5" and inserting in lieu thereof the words "5 and 6".

Johnson of Linn asked and received unanimous consent to defer action on amendments H–3365A and H–3365B.

Jochum of Dubuque offered the following amendment H–3400 filed by Jochum, et al. :

H–3400

Amend House File 771 as follows:
1. By striking page 2, line 2 through page 6, line 16, and inserting in lieu thereof the following:
"commission for good cause shown.
Sec. 4. Section 476.1, unnumbered paragraph 3, Code 1981, is amended to read as follows:
Mutual telephone companies in which at least fifty percent of the users are owners, co-operative telephone

corporations or associations, telephone companies having less than ~~two~~ fifteen thousand stations, municipally owned utilities, and unincorporated villages which own their own distribution system ~~shall not be~~ are not subject to the rate regulation provided for in this chapter;.

PARAGRAPH DIVIDED. ~~provided, however, that nothing contained in this chapter shall be construed to~~ This chapter does not apply to water works having less than two thousand customers, municipally owned water works, or rural water districts incorporated and organized pursuant to chapters 357A and 504A.

PARAGRAPH DIVIDED. ~~Telephone companies~~ A telephone company otherwise exempt from rate regulation and having telephone exchange facilities which cross state lines may elect, in writing, filed with the commission, to have ~~their~~ its rates regulated by the commission. When ~~such~~ an election, in writing, has been filed with the commission, the commission shall assume rate regulation jurisdiction over ~~said companies~~ the company.

Sec. 5. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. If the commission determines after notice and hearing that a new or changed rate, charge, schedule, or regulation is essential to protect the public interest or to enable a utility to provide reasonably adequate service or preserve its property while a proceeding is in progress under section 476.6 or 476.7, the commission may approve, subject to terms, conditions, and limitations it deems proper, a reasonable and temporary rate, charge, schedule, or regulation which shall be in effect until a decision is rendered by the commission in the proceeding. When temporary authority is granted by the commission under this section, a party acting upon any part of that order shall be deemed to have accepted and waived all objections to the terms, conditions, and limitations contained in the temporary authority. This section does not require and does not authorize the commission to require that a utility refund any portion of amounts collected under a temporary order

Page 2

issued under this section.

Sec. 6. Section 476.3, Code 1981, is amended to read as follows:

476.3 COMPLAINTS—INVESTIGATION. Every public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed

with the commission. ~~Whenever~~ When there is filed with the commission by any person or body politic, or filed by the commission upon its own motion, a written complaint requesting the commission to determine the reasonableness of the rates, charges, schedules, service, regulations, or anything done or omitted to be done by any public utility subject to this chapter, in contravention of the provisions ~~thereof, such~~ of this chapter, the written complaint ~~thus made~~ shall be forwarded by the commission to ~~such~~ the public utility, which shall be called upon to satisfy the complaint or to answer ~~the same~~ it in writing within a reasonable time to be specified by the commission. If a complaint is filed by staff of the commerce commission alleging that rates are excessive, the disputed amount shall be specified in the complaint. If ~~such~~ the public utility ~~shall~~ does not satisfy the commission with respect to the complaint within the time specified and there ~~shall appear~~ appears to be any reasonable ground for investigating ~~said~~ the complaint, ~~it shall be the duty of~~ the commission ~~to~~ shall promptly initiate a formal proceeding. ~~Such a~~ The formal proceeding may be initiated at any time by the commission on its own motion. ~~Whenever such~~ If a proceeding ~~has been~~ is initiated upon application or motion, the commission shall set the case for hearing and give ~~such~~ notice ~~thereof~~ as it deems appropriate. ~~Whenever~~ When the commission, after a hearing held after reasonable notice, finds any public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the commission shall determine just, reasonable, and nondiscriminatory rates, charges, schedules, service, or regulations to be ~~thereafter~~ observed and enforced. However, if upon a complaint filed by commission staff alleging excessive rates the commission finds that the rates charged by the utility produce an excessive return on common stock equity, the commission shall order a refund, with interest determined and calculated in the manner specified in section 476.6, subsection 7, of amounts collected by the public utility after initiation of the formal proceeding in excess of the amounts that

Page 3

would have been collected under the rates as finally approved by the commission pursuant to the formal proceeding. However, the commission shall not require a refund of an amount, exclusive of interest, that

exceeds the amount specified in the complaint.

Sec. 7. Section 476.6, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

476.6 CHANGE OF RATES—HEARING.

1. A public utility subject to rate regulation shall not make effective a new or changed rate, charge, schedule, or regulation until the rate, charge, schedule, or regulation has been filed with and approved by the commission, except as otherwise provided in this section or section 4 of this Act. At the time of filing, all statements of fact, expert opinions, substantiating documents, and exhibits which will be used to support the request shall be included. However, a utility shall not be denied the right to submit additional information after the date of filing if necessary to refute points raised after the date of filing which are in opposition to the approval requested in the filing. The commission shall not approve a charge nor shall a public utility make a charge for telephone directory assistance.

2. All public utilities, including those exempted from rate regulation by section 476.1, shall give written notice of a proposed increase of a rate or charge to all affected customers served by the public utility. Public utilities which are exempt from rate regulation shall give notice at least thirty days prior to the effective date of the increase. Public utilities which are subject to rate regulation shall give notice not later than forty-five days after the request for the increase is filed with the commission.

3. If a public utility is subject to rate regulation the notice required by subsection 2 shall state that the customer has a right to file a written objection to the rate increase and may request the commission to hold a public hearing to determine if the rate increase should be allowed. The commission shall prescribe the manner and method by which the written notice to each affected customer shall be served.

4. This chapter does not prohibit a public utility from establishing a sliding scale of rates and charges or from making provision for the automatic adjustment of rates and charges for public utility service, provided that a schedule showing the sliding scale or automatic adjustment of rates and charges is first

filed with and approved by the commission.

5. When there is filed with the commission by

a public utility subject to rate regulation new or changed rates, charges, schedules, or regulations, the commission may docket the case as a formal proceeding and set the case for hearing. The commission shall give notice of formal proceedings as it deems appropriate.

6. If, after hearing and decision on all issues presented for determination in a formal proceeding, the commission finds the proposed rates, charges, schedules, or regulations to be unlawful, the commission shall order the utility to file rates, charges, schedules, or regulations which, when approved by the commission and placed in effect, will satisfy the requirements of this chapter. The rates, charges, schedules, or regulations so approved shall be lawful and effective fourteen days after the date of approval, or at a later date when the public utility places them into effect.

7. If a decision is not rendered by the commission within twelve months after the date of filing, the utility has the right to place into effect as of the expiration of the twelve-month period plus extensions any or all of the rates, charges, schedules, or regulations requested, by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected in excess of the amounts which would have been collected under the rates, charges, schedules, or regulations finally approved by the commission. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds, which rate shall not be less than five percent, compounded annually. The twelve-month period specified in this subsection shall be extended for a period equal to any delay or postponement of the proceedings or the final decision which occurs at the request or by agreement of the utility. If a utility elects to place a rate, charge, schedule, or regulation into effect under the authority of this subsection, temporary authority which has been granted to the utility by the commission under section 5 of this Act, and the terms, conditions, and limitations contained in the temporary authority, terminate on the date the new rate, charge, schedule, or regulation is placed into effect under this subsection.

Sec. 8. The Iowa state commerce commission shall investigate the practice of allowing a public utility

Page 5

to recover advertising costs from its customers. The commission shall recommend to the general assembly whether or not it is appropriate to adopt legislation to disallow a portion of advertising costs when determining costs of operations for rate-making purposes. The Code editor shall not codify this section.

Sec. 9. Section 5 of this Act applies only with respect to proceedings commenced under section 476.6 or 476.7 on or after the effective date of this Act. Section 6 of this Act applies only to complaints filed with the commission under section 476.3 on or after the effective date of this Act. Section 7 of this Act applies only to new or changed rates, charges, schedules, or regulations filed with the commission under section 476.6 on or after the effective date of this Act."

2. By renumbering sections as necessary.

Speaker pro tempore Menke of O'Brien in the chair at 10:29 a.m.

Ritsema of Sioux offered the following amendment H—3405, to amendment H—3400, filed by him from the floor and moved its adoption:

H—3405

Amend amendment H—3400 to House File 771 as follows:

1. Page 2, by striking lines 49 and 50 and inserting in lieu thereof the following: "collected by the public utility pursuant to the unlawful rates and found to be in excess of the amounts that".

Amendment H—3405 was adopted.

Bruner of Story offered the following amendment H—3404, to amendment H—3400, filed by him from the floor and moved its adoption:

H—3404

Amend amendment H—3400 to House File 771 as follows:

1. Page 3, line 15, by striking the figure "4" and inserting in lieu thereof the figure "5".

Amendment H—3404 was adopted.

Jochum of Dubuque moved the adoption of amendment H—3400, as amended.

Roll call was requested by Jochum of Dubuque and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H—3400, as amended, be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Cochran	Connolly
Connors	Cusack	Davitt	Doderer
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Kirkenslager
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Ritsema
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lind
Mann	Maulsby	McKean	Miller
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stromer	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Menke)

Absent or not voting, 3:

Clark, J. H.	Gettings	Woods

Amendment H—3400, as amended, lost.

The House resumed consideration of amendments H—3365A and H—3365B. The division previously requested on amendment H—3365 was removed.

Johnson of Linn moved the adoption of amendment H—3365.

A non-record roll call was requested.

The ayes were 93, nays 1.

Amendment H—3365 was adopted.

Speaker Stromer in the chair at 11:03 a.m.

Egenes of Story offered the following amendment H—3401 filed by Egenes, et al., and moved its adoption:

H—3401

Amend House File 771 as follows:

1. Page 2, by striking lines 21 through 25 and inserting in lieu thereof the following: "or associations, ~~telephone companies having less than two thousand stations,~~ municipally owned utilities, and unincorporated villages which own their own distribution system ~~shall not be~~ are not subject to the rate regulation provided for in this chapter;. A telephone company having less than fifteen thousand stations also is not subject to the rate regulation provided for in this chapter; provided however, that the company shall be subject to rate regulation upon receipt by the commission of a petition that is signed by twenty percent or more of the company's subscribers and that requests that the company be subject to rate regulation."

2. Page 2, by striking lines 26 through 31 and inserting in lieu thereof the following:

"PARAGRAPH DIVIDED. ~~provided, however, that nothing contained in this chapter shall be construed to~~ This chapter does not apply to municipally owned water works, or rural water districts incorporated and organized pursuant to chapters 357A and 504A. This chapter also does not apply to a water works having less than two thousand customers; provided however, that the company shall be subject to this chapter upon receipt by the commission of a petition that is signed by twenty percent or more of the subscribers of the water works and that requests that the water works be subject to this chapter."

A non-record roll call was requested.

The ayes were 29, nays 64.

Amendment H—3401 lost.

Egenes of Story asked and received unanimous consent to withdraw amendment H—3402 filed by Egenes, et al., on March 30, 1981.

Sturgeon of Woodbury offered the following amendment H—3389 filed by Sturgeon, et al.:

H—3389

Amend House File 771 as follows:

1. Page 4, by inserting after line 28 the following:

"Sec. . Section 476.5, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

476.5 RATE REGULATION.

1. COMPLIANCE WITH RATE SCHEDULE. A public utility subject to rate regulation shall not charge directly or indirectly a greater or lesser fee for its services than that prescribed in its rate schedule.

2. PREFERENCES PROHIBITED. A public utility subject to rate regulation shall not give unreasonable preferences or advantages as to rates to any person and shall not subject any person to an unreasonable prejudice or disadvantage. However, a public utility furnishing communications services may provide a service rendered by it without charge or at reduced rates to its active or retired officers, directors, or employees or such officers, directors, or employees of other public utilities furnishing communication services, provided the services are for personal use and not for engaging in a business for profit.

3. PERMISSIBLE ELECTRIC RATE SCHEDULE. The commerce commission shall not approve as just and reasonable a rate schedule for a public utility furnishing electricity, unless the rate schedule meets the following standards:

a. The rate schedule shall not provide for decreasing rates for increased consumption of electricity for any billing period.

b. The rate schedule shall not provide separate charges for energy costs, demand or capacity costs, or customer costs.

c. The rate schedule shall reflect the costs of providing services at different times of the year to the extent that the costs vary seasonally for the utility.

d. The utility shall provide a rate schedule for interruptible services to its electricity users, charged at an amount which reflects the cost of providing the interruptible service.

e. The utility shall provide a rate schedule for electricity users subject to load management control techniques that are reliable, create useful energy or capacity management advantages to the electric utility, and are cost-effective. For purposes of this paragraph, a load management control technique is cost-effective if the technique is likely to reduce maximum kilowatt demand on the electric utility, and

Page 2

the long run cost savings to the utility of the reduction are likely to exceed the long run costs to the utility associated with implementation of the techniques.

f. The rate schedule shall be on a time of day basis for those classes of electricity users for which the time of day basis is cost-effective. For purposes of this paragraph, a time of day rate schedule is cost-effective if the long run benefits of the rate schedule to the utility are likely to exceed the metering costs or other costs associated with the implementation of the time of day rate schedule.

g. A separate rate schedule shall be provided for residential electrical users whose monthly kilowatt use does not exceed a fixed amount, which may be a discount of the rate schedule for regular residential users to reflect an absence of increased demand for electricity in the long run.

4. PERMISSIBLE NATURAL GAS RATE SCHEDULE. The commerce commission shall not approve as just and reasonable a rate schedule for a public utility furnishing natural gas if that rate schedule provides for decreasing rates for increased consumption of natural gas during any billing period."

2. By renumbering sections and correcting internal references.

Johnson of Linn rose on a point of order that amendment H—3389 was not germane.

The Speaker ruled the point well taken and amendment H—3389 not germane.

Sturgeon of Woodbury moved that the rules be suspended to consider and adopt amendment H–3389.

Roll call was requested by Sturgeon of Woodbury and Howell of Floyd.

On the question "Shall the rules be suspended to consider and adopt amendment H–3389?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Shimanek	Shull
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 7:

Byerly	Clark, B. J.	Clark, J. H.	Kirkenslager
Norland	Ritsema	Woods	

The motion lost.

Rapp of Black Hawk offered the following amendment H–3395 filed by Rapp, et al.:

H—3395

Amend House File 771 as follows:

1. Page 4, by inserting after line 28 the following new paragraph:

"For the purpose of this section, an electricity rate schedule shall be considered to be discriminatory if the schedule, including charges for energy costs, demand or capacity costs, and customer costs, provides for decreasing rates for increased consumption of electricity for any billing period."

Johnson of Linn rose on a point of order that amendment H—3395 was not germane.

The Speaker ruled the point well taken and amendment H—3395 not germane.

Rapp of Black Hawk asked for unanimous consent to suspend the rules to consider amendment H—3395.

Objection was raised.

(House File 771 pending at recess.)

On motion by Pope of Polk, the House was recessed at 11:54 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

The House stood at ease at 1:32 p.m., until the fall of the gavel.

The House resumed session at 2:59 p.m., Speaker Stromer in the chair.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 771**, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, the review of annual reports by the commission, the exemption of certain telephone companies from rate regulation, the exemption of certain water companies from commission regulation, the retroactive refund of excess

charges collected after notice to the utility, the requirement that the commission approve temporary rates to be collected during rate-making proceedings, and time limitations for commission decisions in rate-making proceedings, to take effect upon publication.

Rapp of Black Hawk moved that the rules be suspended to consider amendment H–3395, found on page 951 of the House Journal.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion lost.

Bruner of Story offered the following amendment H–3396 filed by Bruner, et al.:

H–3396

Amend House File 771 as follows:

1. Page 6, by inserting after line 13 the following:

"Sec. 8. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. ENERGY CONSERVATION IMPROVEMENTS.

1. As used in this section, unless the context otherwise requires:

a. "Energy conservation improvement" means the purchase or installation of any device, method, or material that increases the efficiency in the residential use of electricity or natural gas, including but not limited to:

(1) Insulation and ventilation.

(2) Storm or thermal doors or windows.

(3) Caulking and weatherstripping.

(4) Furnace efficiency modifications.

(5) Thermostat or lighting controls.

(6) Awnings.

(7) Systems to turn off or vary the delivery of energy. The term "energy conservation improvement" does not include any device or method which creates, converts, or actively uses energy from renewable sources such as solar, wind, and biomass.

b. "Investments" means investments and expenses incurred by a public utility in connection with an energy conservation improvement including, but not limited to:

(1) The differential in interest cost between

the market rate and the rate charged on a no-interest or below-market-interest loan made by a public utility to a customer for the purchase or installation of an energy conservation improvement.

(2) The difference between the utility's cost of purchase or installation of energy conservation improvements and any price charged by a public utility to a customer for such improvements.

2. The commission shall, prior to January 1, 1982, and after consultation with the Iowa energy policy council, initiate a pilot program to examine and demonstrate the feasibility of the use of public utility investments in energy conservation improvements to residential buildings.

3. As part of this program, the commission shall require at least one public utility to make investments for energy conservation improvements, subject to the following conditions:

a. The commission specifically shall determine the interest rates, prices, and terms under which the energy conservation improvements are to be offered

Page 2

to customers of the public utility.

b. The commission shall assure that a customer of a public utility is permitted to choose the contractors to complete the energy conservation improvements, but that bidding contractors satisfy minimum standards of competency with respect to the types of improvements involved.

c. The commission shall not order a public utility to make an investment for energy conservation improvement unless the commission first finds that the improvement will result in energy savings, and at a total cost to the public utility that is less than the cost to the public uility to produce or purchase an equivalent amount of new energy.

d. The public utility shall not undertake an energy conservation improvement with respect to residential property unless the utility is the primary supplier of energy used for heating and cooling the property.

e. Investments by the public utility shall be treated for rate-making purposes in the same manner as investments for new plant construction.

4. An energy conservation improvement made to or installed in a residential building pursuant to the energy conservation improvement program shall be the exclusive property of the customer as against the public utility, except to the extent of any

security interest taken by the public utility to assure payment of a loan made by the public utility to the customer.

5. If investments by a public utility in energy conservation improvements are prohibited or restricted in any manner by federal law and there is a provision in that law under which the prohibition or restriction may be waived, the commission or other state officer or agency shall take whatever steps may be necessary to obtain the waiver for public utilities participating in the energy conservation improvement program.

Sec. 9. Section 476.8, Code 1981, is amended to read as follows:

476.8 UTILITY CHARGES AND SERVICE.

1. Every public utility is required to furnish reasonably adequate service and facilities. "Reasonably adequate service" as used in this section includes, for public utilities furnishing gas or electricity, programs and assistance to customers to encourage energy conservation and the use of renewable energy sources as defined in section 476.21 in addition to the furnishing of energy. The commission shall adopt rules under chapter 17A further defining

Page 3

"reasonably adequate service" as it applies to energy conservation programs and assistance. The rules shall protect the public utility's right to recover costs plus a reasonable rate of return for services provided by the public utility.

2. The charge made by any public utility for ~~any~~ heat, light, gas, water, or power produced, transmitted, delivered, or furnished, or communications services, or for any service rendered or to be rendered in connection therewith shall be reasonable and just, and every unjust or unreasonable charge for such service is ~~prohibited and declared~~ unlawful. In determining reasonable and just rates, the commission shall consider all factors relating to value and shall not be bound by rate base decisions or rulings made prior to the adoption of this chapter.

3. The commission, in determining the value of materials or services to be included in valuations or costs of operations for rate-making purposes, may disallow any unreasonable profit made in the sale of materials to or services supplied for any public utility by any firm or corporation owned or controlled directly or indirectly by ~~such~~ the utility or any affiliate, subsidiary, parent company, associate, or any corporation whose controlling stockholders

are also controlling stockholders of ~~such~~ the utility. The burden of proof ~~shall be~~ is on the public utility to prove that no unreasonable profit is made.

Sec. 10. Section 476A.6, subsection 3, Code 1981, is amended to read as follows:

3. The construction, maintenance, and operation of the facility will cause minimum adverse land use, environmental, and aesthetic impact and are consonant with reasonable utilization of air, land, and water resources for beneficial purposes considering available technology and the economics of available alternatives~~.~~; and,

Sec. 11. Section 476A.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The applicant has in effect a comprehensive energy management program designed to reduce peak loads and to increase efficiency of use of energy by all classes of customers of the utility, and the facility in the application is necessary notwithstanding the existence of the comprehensive energy management program. As used in this subsection, "maintenance of a comprehensive energy management program" includes at a minimum the following:

a. Establishment of load management and interruptible service programs for utility customers,

Page 4

where cost effective.

b. Development of wheeling agreements and other energy sharing agreements with utility companies located near the utility's service area which have excess capacity.

c. Offering all customers energy conservation information and services, including provisions for loans for home insulation and energy conservation devices.

d. Compliance with commission rules regarding energy management procedures and energy conservation strategies and services.

Sec. 12. Sections 9, 10, and 11 of this Act take effect January 1 following enactment. The commission shall adopt rules as required by section 9, subsection 1 of this Act not later than six months after the effective date of that section."

2. By renumbering sections of the bill and correcting internal references as necessary.

Johnson of Linn rose on a point of order that amendment H—3396 was not germane.

The Speaker ruled the point well taken and amendment H—3396 not germane.

Bruner of Story moved that the rules be suspended to consider amendment H—3396.

Roll call was requested by Bruner of Story and Doderer of Johnson.

On the question "Shall the rules be suspended to consider amendment H—3396?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Smalley
Spear	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Clark, J. H.

The motion lost.

Rapp of Black Hawk offered the following amendment H—3398 filed by Rapp, et al., and moved its adoption:

H—3398

Amend House File 771 as follows:

1. Page 6, by inserting after line 16 the following:

"Section 6 of this Act applies to a proceeding commenced by a public utility under section 476.6 prior to the effective date of this Act, unless the public utility commenced the collection of new or changed rates under bond prior to the effective date of this Act."

Roll call was requested by Rapp of Black Hawk and Binneboese of Plymouth.

On the question "Shall amendment H—3398 be adopted?"

The ayes were, 48:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Kirkenslager	Krewson	Lloyd-Jones	Lonergan
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Ritsema	Running	Smalley
Spear	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Byerly

Amendment H—3398 lost.

Egenes of Story moved that House Rule 36.8 be suspended for the consideration of amendment H—3403 filed by Egenes, Trucano and Ritsema from the floor, as follows:

H—3403

Amend House File 771 as follows:

1. Page 5, by striking lines 9 through 13 and inserting in lieu thereof the following: "principles. The commission shall render a decision".

A non-record roll call was requested.

The ayes were 40, nays 58.

The motion lost.

Chiodo of Polk moved that House Rule 36.8 be suspended for the consideration of amendment H—3406 filed by him from the floor as follows:

H—3406

Amend House File 771 as follows:

1. Page 4, line 11, by striking the words "after the date of filing of the complaint".

2. Page 4, lines 15 and 16, by striking the words "after the date of filing of the complaint".

A non-record roll call was requested.

The ayes were 45, nays 54.

The motion lost.

Egenes of Story moved that House Rule 36.8 be suspended for the consideration of amendment H—3403.

Roll call was requested by Anderson of Jasper and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall House Rule 36.8 be suspended to consider amendment H—3403?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Ritsema
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clements	Conlon	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Diemer	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

The motion lost.

The House stood at ease at 4:09 p.m., until the fall of the gavel.

The House resumed session at 4:30 p.m., Speaker Stromer in the chair.

The following amendment H—3422, filed by Bruner of Story from the floor, was adopted by unanimous consent:

H–3422

Amend House File 771 as follows:

1. Title page, line 11, by inserting after the word "proceedings," the following: "a commerce commission investigation of the practice of allowing a public utility to recover advertising costs from its customers,".

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 771)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 3:

Davitt	O'Kane	Sturgeon

Absent or not voting, 1:

Krewson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST
(House File 771)

Johnson of Linn moved to reconsider the vote by which House File 771 passed the House on March 31, 1981.

Roll call was requested by Anderson of Jasper and Sturgeon of Woodbury.

On the question "Shall the motion to reconsider House File 771 prevail?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Egenes	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Pavich	Poncy
Rapp	Renaud	Ritsema	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 1:

Oxley

The motion lost.

SENATE MESSAGES CONSIDERED

Senate File 213, by committee on county government, a bill for an act relating to the members of the Iowa beer and liquor control council.

Read first time and referred to committee on **state government.**

Senate File 324, by committee on commerce, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

Read first time and referred to committee on **state government.**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 1981, he approved and transmitted to the Secretary of State the following bills:

Senate File 172, an act to establish short term liquor licenses and beer permits.

Senate File 228, an act repealing a requirement for transference of certain male prisoners.

Senate File 262, an act to revise the regulation of land disturbing activities.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 31st day of March, 1981: House Files 47 and 160.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

March 31, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that Senate File 112, was published in the Ankeny Press-Citizen, Ankeny, Iowa on March 19, 1981, and in the Lee Town News, Des Moines, Iowa on March 19, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 30, 1981. Had I been present, I would have voted "aye" on House Files 462, 757 and 789.

WALTER of Pottawattamie

I was inadvertently absent from the House chamber on March 31, 1981. Had I been present, I would have voted "aye" on House File 771.

KREWSON of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty sixth grade students from Britt Elementary School, Britt, accompanied by Rita Klipping and Violet Sankey. By Stromer of Hancock.

Thirty-two students from Walsh and Washington Junior High Schools, Ottumwa, accompanied by Mrs. Corbett and Mr. Irelan. By Poncy of Wapello.

Twenty-nine ninth grade students from Logan Junior High School, Waterloo, accompanied by David Miller and Mrs. Zander. By Brandt and Rapp of Black Hawk.

Thirty-six eighth grade students from Maquoketa Junior High School, Maquoketa, accompanied by William Mueller. By McKean of Jones and Welsh of Dubuque.

Forty-two twelfth grade students from Carson Macedonia High School, Carson, accompanied by Mrs. Rosemary Witt. By Schroeder of Pottawattamie.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 329 Ways and Means

Relating to the definition of special truck.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-26	Waukon "Indians" Boys Basketball Team
1981-27	Maple Valley Ramblers Boys Basketball Team
1981-28	Western Christian Boys Basketball Team
1981-29	Central DeWitt Boys Basketball Team
1981-30	Wahlert High School Boys Basketball Team
1981-31	Remsen Union Girls Basketball Team
1981-32	Paullina Panthers Boys Basketball Team

PAT H. HARPER
Chief Clerk of the House

AMENDMENTS FILED

H–3407	H.F. 754	Johnson of Linn
H–3408	H.F. 763	Hansen of O'Brien Welden of Hardin Doderer of Johnson
H–3409	H.F. 792	Spear of Lee
H–3410	H.F. 744	Halvorson of Clayton Shimanek of Jones
H–3411	S.F. 87	Clements of Scott
H–3412	S.F. 87	Running of Linn
H–3413	H.F. 774	O'Kane of Woodbury
H–3414	H.F. 792	Spear of Lee
H–3415	H.F. 632	De Groot of Lyon
H–3416	H.F. 522	Spear of Lee

H—3417	H.F. 773	Crawford of Story
H—3418	H.F. 791	Spear of Lee
H—3419	H.F. 792	Spear of Lee
H—3420	H.F. 241	Miller of Buchanan
		Kirkenslager of Des Moines
		Lind of Black Hawk
		Spear of Lee
H—3421	H.F. 764	Groth of Buena Vista
H—3423	H.F. 774	Davitt of Warren
		Howell of Floyd
H—3424	H.F. 774	Davitt of Warren
		Howell of Floyd

On motion by Pope of Polk, the House was recessed at 5:25 p.m., until 7:30 p.m.

EVENING SESSION

The House reconvened at 7:30 p.m. for a joint Senate and House memorial session, De Groot of Lyon in the chair.

JOINT MEMORIAL SERVICE

House Chamber 7:30 p.m.

Prelude

Pastoral Symphony ..... G. F. Handel
Arioso ..... Alexander Schreiner
The Peaceful Forests ..... Heinrich Isaak

Representative Jim Clements, Davenport

Invocation ..... Representative Lester Menke, Calumet

"The Old Rugged Cross Made the Difference" .... The Gaither Trio
Senator Jack Hester, Honey Creek
Kandy Hester, Accompanist

MEMORIALS—HOUSE

Reading: Representative Doug Ritsema, Orange City

"If I Can Help Somebody" ..... A. Bazel Androzzo
Claretta De Groot, Clerk to Representative Kenneth De Groot
Representative Jim Clements, Davenport, Accompanist

MEMORIALS—HOUSE AND SENATE

Reading: Senator Rolf V. Craft, Decorah

"God of Our Fathers" ..... Warren-Reynolds
Legislative Chorus: Senator Ray Taylor, Steamboat Rock, Director
Representative Jim Clements, Davenport, Accompanist

MEMORIALS—HOUSE

Reading: Representative Kenneth Miller, Independence

"Give Me the Roses While I Live" ..... Traditional
Representative Andy McKean, Morley, Soloist and Accompanist

MEMORIALS—SENATE

Reading: Senator Bass Van Gilst, Oskaloosa

"Now Let Us Come Before Him" ..... Bach
"Celebration"
Joyce Lewis, Mary Jane Tesdall, Paul Stageberg, Bill Pratt

MEMORIALS—HOUSE

Reading: Representative W. W. "Bill" Dieleman, Pella

"America The Beautiful" ..... Ward-Whitman
Legislative Chorus

Benediction ..... Senator Arthur L. Gratias, Nora Springs

"God Bless America" ..... Peter C. Lutkin
Legislative Chorus

Postlude
"I Will Lift Up Mine Eyes" ..... Alexander Schreiner

Representative Jim Clements, Davenport

IN MEMORIAM

SERVED IN THE HOUSE OF REPRESENTATIVES AND SENATE

Honorable Carl T. Anderson (Washington County) House—53rd. (Henry and Washington Counties) Senate—54th, 55th, 56th and 57th.

Honorable Joseph B. Flatt (Madison County) House— 58th. (Adair, Cass and Madison Counties) Senate—59th, 60th, 60x, 61st, 62nd and 63rd.

Honorable Lawrence Putney (Tama County) House—51st, 52nd, 53rd, 54th and 55th. (Benton, Grundy and Tama Counties) Senate—56th, 57th, 58th, 60th and 60x.

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Alfred P. Breitbach, (Dubuque County) 60th, 61st and 62nd.

Honorable Dale Theron Crozier (Linn County) 61st and 63rd.

Honorable Carl Hirsch (Warren County) 57th, 58th, 59th and 60th.

Honorable G. T. Kuester (Cass County) 52nd and 53rd.

Honorable Casey Loss (Kossuth County) 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 60x and 61st.

Honorable Eldon M. Morgan (Mahaska County) 61st.

Honorable Henry C. Nelson (Winnebago County) 56th, 57th, 58th, 59th, 60th and 60x. Speaker of the House 59th.

Honorable John P. Shannahan (Woodbury County) 61st.

Honorable Robert Earl Rider, Sr. (Marshall County) 61st.

Honorable Warren Wells (Pottawattamie County) 53rd.

Honorable Fred L. Wright (Benton County) 60th.

Honorable Ray Yenter (Johnson County) 39th, 40th and 41st.

SERVED IN THE SENATE

Honorable John W. Billingsley (Jasper County) 46th and 47th.

Honorable Charles B. Hoeven (Lyon, O'Brien, Osceola and Sioux Counties) 47th and 48th (President Pro Tempore in 48th).

Honorable Donald S. McGill (Appanoose, Lucas, Monroe and Wayne Counties) 61st, 62nd and 63rd.

Honorable Orval C. Walter (Adams and Taylor Counties) 59th, 60th and 60x.

* * * * *

Candlelighters: Representative Dorothy Carpenter, West Des Moines
Representative Bill Sullivan, Cantril

Senator C. B. (Bill) Hutchins, Guthrie Center
Senator Michael (Mick) Lura, Marshalltown

* * * * *

Hosts: Representative Frank Crabb, Denison
Representative Lee Holt, Spencer
Representative Dennis Renaud, Altoona
Representative Marcia Walter, Council Bluffs
Senator Julia B. Gentleman, Des Moines
Senator Dale L. Tieden, Elkader

* * * * *

LEGISLATIVE CHORUS
Director: Senator Ray Taylor, Steamboat Rock
Accompanist: Representative Jim Clements, Davenport

* * * * *

HOUSE MEMORIAL COMMITTEE
Honorable Frank Crabb, Denison, Chair
Honorable Kenneth De Groot, Doon
Honorable W. W. (Bill) Dieleman, Pella
Honorable Rollin K. Howell, Marble Rock

* * * * *

SENATE MEMORIAL COMMITTEE
Honorable Dale Tieden, Elkader, Chair
Honorable C. W. (Bill) Hutchins, Guthrie Center
Honorable Michael (Mick) Lura, Marshalltown
Honorable Bass Van Gilst, Oskaloosa

On motion by Menke of O'Brien, the House adjourned at 8:13 p.m., until 9:00 a.m., Wednesday, April 1, 1981.

JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 1, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Paul Ofstedal, coordinator for Congressional Life for the Iowa District of the American Lutheran Church, Storm Lake.

The Legislative Chorus, directed by Senator Ray Taylor and accompanied by Representative James Clements, sang "God of Our Fathers" and "God Bless America."

The Journal of Tuesday, March 31, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. B. H. Osten, Northwood.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago, from one hundred eighty-five cosmetologists and twenty-three jobbers favoring reinstatement of cosmetology and barber inspectors.

INTRODUCTION OF BILLS

House File 810, by committee on transportation, a bill for an act to regulate the modification of the height of certain motor vehicles from the ground subject to penalties provided by law.

Read first time and **placed on the calendar.**

House File 811, by committee on commerce, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Read first time and referred to committee on **ways and means.**

House File 812, by committee on transportation, a bill for an act to delay the implementation of the requirement until July 1, 1982 that certain persons who apply for a license to operate a motorcycle or a motorized bicycle shall complete an approved education course for the operation of a motorcycle or motorized bicycle.

Read first time and **placed on the calendar.**

House File 813, by committee on judiciary and law enforcement, a bill for an act relating to properties that are exempt from judicial process.

Read first time and **placed on the calendar.**

House File 814, by committee on agriculture, a bill for an act relating to motor fuel tests.

Read first time and referred to committee on **commerce.**

House File 815, by committee on ways and means, a bill for an act providing certain exemptions from the real estate transfer tax and the mandatory requirement relative to the filing of a declaration of value.

Read first time and **placed on the ways and means calendar.**

House File 816, by committee on judiciary and law enforcement, a bill for an act regulating the offer and sale of business opportunities and providing penalties for violations.

Read first time and **placed on the calendar.**

House File 817, by committee on agriculture, a bill for an act to allow state cost sharing funds to be used for "no-till" incentive payments.

Read first time and referred to committee on **appropriations.**

House File 818, by committee on transportation, a bill for an act authorizing the use of railroad assistance funds for the restoration,

conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds.

Read first time and referred to committee on **appropriations.**

House File 819, by committee on state government, a bill for an act relating to the licensing and operation of games of skill, chance, and raffles.

Read first time and **placed on the calendar.**

House File 820, by committee on energy, a bill for an act providing a procedure for the siting of certain hazardous waste facilities, imposing a surcharge on the fee for land burial of hazardous waste and providing penalties.

Read first time and referred to committee on **ways and means.**

SENATE MESSAGE CONSIDERED

Senate File 384, by committee on state government, a bill for an act relating to elections by revising the statutes governing the furnishing of nomination papers, nominations by parties, nonparty political organizations and petition, nominations of presidential electors, information requested for registration, closing registration for elections, reporting on party registration, allowing employees time off work to vote, and delivering absentee ballots.

Read first time and referred to committee on **state government.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 256, a bill for an act relating to powers of credit unions as these relate to amendment of bylaws, reciprocity and share draft reserves.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 355, a bill for an act requiring the Iowa housing finance authority to expand at least fifty percent of proceeds from bond sales for the construction of new housing.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act relating to the siting of hazardous waste treatment.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 425, a bill for an act relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

LINDA HOWARTH MACKAY, Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 26, 1981 and is on file in the office of the Chief Clerk.

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the Senate.

These include 7 claims of a general nature. This supplements our filing of December 22, 1980.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

MAURICE E. BARINGER
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

OFFICE STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
6608-69-25	Francis Bisenius Wallingford Transportation Reimbursement	$ 160.00	Disapproved
9763-69-25	Larry A. Smith Dubuque License Refund	Undetermined	Disapproved
9834-69-25	Mike Lines, Inc. Fredericksburg Prorate Refund	255.40	Disapproved
9846-69-25	Don Hughes LeMars Prorate Refund	1,816.09	Disapproved
9862-69-25	Rhodes Clinic, P.C. Pocahontas Outdated XIX claim	98.00	Disapproved
9865-69-25	Les Brown Denison Prorate Refund	206.13	Disapproved
9883-69-25	Darrell W. Pudenz Breda Prorate Refund	400.35	Disapproved

On motion by Pope of Polk, the House was recessed at 9:27 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 821, by committee on state government, a bill for an act relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, by extending operations of the Iowa department of substance abuse through 1983, by providing for a program evaluation of the department and providing penalties.

Read first time and **placed on the calendar.**

House File 822, by committee on judiciary and law enforcement, a bill for an act relating to the administration of small estates.

Read first time and **placed on the calendar.**

House File 823, by committee on judiciary and law enforcement, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction.

Read first time and **placed on the calendar.**

House File 824, by committee on agriculture, a bill for an act relating to beginning farmers by authorizing the family farm development authority to establish a program to aid beginning farmers in the acquisition of agricultural land and depreciable property, providing income and franchise tax deductions for capital gains, certain interest, and rental income received from the sale or lease of agricultural land to a beginning farmer and providing for a January 1 effective date for certain sections.

Read first time and referred to committee on **ways and means.**

House File 825, by committee on human resources, a bill for an act relating to the rights of residents of health care facilities and providing penalties.

Read first time and **placed on the calendar.**

House File 826, by committee on state government, a bill for an act relating to certain obligations under chapter 258A of licensees under chapter 116.

Read first time and **placed on the calendar.**

House File 827, by committee on county government, a bill for an act relating to the tort liability of governmental subdivisions.

Read first time and **placed on the calendar.**

House File 828, by committee on state government, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state

historical board, and to provide that the Act takes effect January 1, 1982.

Read first time and **placed on the calendar.**

House File 829, by committee on state government, a bill for an act relating to the investigations, communications and reports of the citizens' aide office.

Read first time and **placed on the calendar.**

House File 830, by committee on agriculture, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties.

Read first time and referred to committee on **ways and means.**

SENATE MESSAGES CONSIDERED

Senate File 256, by Rush and Murray, a bill for an act relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 289, by committee on natural resources, a bill for an act relating to trespass on private property and imposing a penalty.

Read first time and referred to committee on **agriculture.**

Senate File 355, by Holden, Small, Drake, Coleman, Gratias and Rodgers, a bill for an act requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing.

Read first time and referred to committee on **state government.**

Senate File 420, by committee on energy, a bill for an act relating to the siting of hazardous waste treatment, storage and disposal facilities, providing penalties and imposing a surcharge on the fee for land burial of hazardous waste.

Read first time and referred to committee on **ways and means.**

Senate File 425, by committee on state government, a bill for an act relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

Read first time and referred to committee on **state government.**

The House stood at ease at 3:38 p.m., until the fall of the gavel.

The House resumed session at 4:07 p.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holt of Clay, for the afternoon session, on request of Corey of Louisa.

CONSIDERATION OF BILLS
Regular Calendar

House File 643, a bill for an act relating to strategy discussions by a school board in negotiating with school employees who are not under a collective bargaining agreement, with report of committee recommending amendment and passage was taken up for consideration.

Shimanek of Jones offered the following amendment H–3325 filed by the committee on state government and moved its adoption:

H–3325

Amend House File 643 as follows:

1. Page 1, lines 3 and 4, by striking the words "board of directors of a school district" and inserting in lieu thereof the words "governmental body".

2. Page 1, line 5, by striking the words "school district" and inserting in lieu thereof the words "governmental body".

3. Amend the title, line 1, by striking the words "school board" and inserting in lieu thereof the words "governmental body".

4. Amend the title, line 2, by striking the words "school employees" and inserting in lieu thereof the words "employees of the governmental body".

The committee amendment H—3325 was adopted.

Shimanek of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 643)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Anderson, R.	Halvorson, R. N.

Absent or not voting, 3:

Byerly	Holt	Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 487, a bill for an act relating to the sale of unnecessary state property to the political subdivisions of the state, with report of committee recommending passage was taken up for consideration.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 487)

The ayes were, 45:

Anderson, J.	Arnould	Bennett	Brandt
Carl	Clark, B. J.	Clark, J. H.	Connors
Crawford	Cusack	De Groot	Doderer
Egenes	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Hummel
Jay	Kirkenslager	Krewson	Lageschulte
Lind	McKean	Menke	Mullins
Pelton	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Schnekloth
Shimanek	Smalley	Spear	Sullivan
Swartz	Swearingen	Tofte	Trucano
Mr. Speaker			

The nays were, 53:

Anderson, R.	Avenson	Binneboese	Branstad
Bruner	Carpenter	Chiodo	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Daggett	Danker
Davitt	Dieleman	Diemer	Gettings
Gross	Hall	Harbor	Horn
Howell	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Lloyd-Jones	Lonergan	Mann
Maulsby	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Renken	Running	Schroeder	Shull
Smith	Stueland	Sturgeon	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods			

Absent or not voting, 2:

Byerly	Holt

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

House File 632, a bill for an act to require a permit for drilling operations for metallic minerals exploration, with report of committee recommending passage was taken up for consideration.

De Groot of Lyon offered the following amendment H–3415 filed by him and moved its adoption:

H–3415

Amend House File 632 as follows:
1. Page 4, by inserting after line 24 the following:
"Sec. . This Act, being deemed of immediate importance, shall take effect from and after its publication in The Lyon County Reporter, a newspaper published in Rock Rapids, Iowa, and in the Doon Press, a newspaper published in Doon, Iowa."

Amendment H–3415 was adopted.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 632)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Danker

Absent or not voting, 2:

Byerly Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 588, a bill for an act relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certain real property purchase-money loans, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H–3333 filed by the committee on commerce and moved its adoption:

H–3333

Amend House File 588 as follows:
1. Page 1, by striking lines 13 and 14 and inserting in lieu thereof the following: "from the person who developed or constructed the dwelling or from any other person who is neither the borrower nor the owner of the dwelling that is being".

The committee amendment H–3333 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 588)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Bruner	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Hall	Halvorson, R. A.

Hansen, I.	Hanson, D.	Harbor	Hoffmann
Horn	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Miller	Mullins
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 12:

Branstad	Carl	Gettings	Groth
Halvorson, R. N.	Howell	Jay	Kirkenslager
Maulsby	O'Kane	Ritsema	Swartz

Absent or not voting, 5:

Binneboese	Byerly	Holt	Norland
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 750, a bill for an act relating to the Iowa beef industry council, was taken up for consideration.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 750)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Byerly	Clark, B. J.	Holt	Lageschulte
Menke	Sturgeon		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 37 INVOKED
(Referred to Committee on Ways and Means)

House File 250, a bill for an act authorizing municipalities as defined in chapter 613A of the Code to establish a fund as protection against claims arising under that chapter or federal laws, and authorizing a tax for that purpose, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine rose on a point of order and invoked House Rule 37 on House File 250.

The Speaker ruled the point well taken and House File 250 referred to the committee on ways and means.

House File 399, a bill for an act providing that persons who buy bulk popcorn from the farmers who produce it are subject to licensure as grain dealers, and incorporating penalties, with report of committee recommending passage was taken up for consideration.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 399)

The ayes were, 79:

Anderson, J.	Arnould	Bennett	Binneboese
Brandt	Branstad	Bruner	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connolly	Connors	Cook	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	O'Kane	Oxley
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sullivan
Swartz	Tofte	Tyrrell	Van Maanen
Walter	Welsh	Mr. Speaker	

The nays were, 18:

Anderson, R.	Avenson	Carl	Chiodo
Conlon	Doderer	Hummel	Norland
Pavich	Poffenberger	Renaud	Running
Smalley	Sturgeon	Swearingen	Trucano
Welden	Woods		

Absent or not voting, 3:

Byerly	Crawford	Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 241, a bill for an act relating to the use of flashing warning lights and stop arms by school bus drivers, with report of committee recommending passage was taken up for consideration.

Miller of Buchanan offered the following amendment H–3420 filed by Miller, et al., and moved its adoption:

H–3420

Amend House File 241 as follows:
1. Page 1, by inserting after line 23 the following:
"Sec. . This Act, being deemed of immediate importance, shall take effect from and after its publication in The Hawk Eye, a newspaper published in Burlington, Iowa, and in The Bulletin-Journal, a newspaper published in Independence, Iowa."

Amendment H–3420 was adopted.

Lind of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 241)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 3:

Krewson	Pelton	Walter	

Absent or not voting, 4:

Byerly	Crawford	Cusack	Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 292, a bill for an act providing that domestic fire and casualty insurers may engage in certain options transactions, with report of committee recommending amendment and passage was taken up for consideration.

Renken of Grundy offered the following amendment H–3329 filed by the committee on commerce and moved its adoption:

H–3329

Amend House File 292 as follows:

1. Page 3, line 6, by inserting after the words "United States" the words "or of any of the provinces of Canada".

2. Page 3, by striking lines 21 through 30 and inserting in lieu thereof the following:

"2. OPTIONS TRANSACTIONS. A domestic fire and casualty company may only engage in the following transactions in options on an exchange and only when in accordance with the rules of the exchange on which the transactions take place:

a. The sale of exchange-traded covered options.

b. The purchase of exchange-traded covered options solely in closing purchase transactions."

3. Page 4, by striking lines 28 through 33 and inserting in lieu thereof the following:

"i. "Closing purchase transaction" means the purchase of an exchange, but not otherwise, of an option of the same series as the option previously written, for the purpose of reducing or liquidating an obligation under an exchange-traded option previously written."

The committee amendment H–3329 was adopted.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 292)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Byerly	Crawford	Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors, with report of committee recommending passage was taken up for consideration.

Swearingen of Keokuk offered the following amendment H—3158 filed by him and moved its adoption:

H–3158

Amend House File 472 as follows:
1. Page 2, by striking lines 21 through 23.

Amendment H–3158 was adopted.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 472)

The ayes were, 64:

Anderson, J.	Bennett	Binneboese	Brandt
Branstad	Carpenter	Clark, J. H.	Clements
Cochran	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Harbor	Hoffmann	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Norland
Oxley	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

The nays were, 32:

Arnould	Avenson	Bruner	Carl
Chiodo	Clark, B. J.	Connolly	Connors
Cusack	Davitt	Doderer	Gettings
Groth	Hanson, D.	Horn	Howell
Hummel	Jochum	Lloyd-Jones	Miller
Mullins	O'Kane	Pavich	Pellett
Poncy	Rapp	Renaud	Running
Stueland	Sturgeon	Walter	Welsh

Absent or not voting, 4:

Anderson, R.	Byerly	Crawford	Holt

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 399)

I move to reconsider the vote by which House File 399 passed the House on April 1, 1981.

CRABB of Crawford

(House File 399)

I move to reconsider the vote by which House File 399 passed the House on April 1, 1981.

O'KANE of Woodbury

(House File 399)

I move to reconsider the vote by which House File 399 passed the House on April 1, 1981.

HARBOR of Mills

(House File 472)

I move to reconsider the vote by which House File 472 passed the House on April 1, 1981.

RENKEN of Grundy

(House File 472)

I move to reconsider the vote by which House File 472 passed the House on April 1, 1981.

SCHROEDER of Pottawattamie

(House File 472)

I move to reconsider the vote by which House File 472 passed the House on April 1, 1981.

SCHNEKLOTH of Scott

(House File 472)

I move to reconsider the vote by which House File 472 passed the House on April 1, 1981.

NORLAND of Worth

(House File 487)

I move to reconsider the vote by which House File 487 failed to pass the House on April 1, 1981.

DAVITT of Warren

(House File 487)

I move to reconsider the vote by which House File 487 failed to pass the House on April 1, 1981.

SCHROEDER of Pottawattamie

COMMUNICATION FROM SECRETARY OF STATE

April 1, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that House File 398 was published in The Messenger, Fort Dodge, Iowa on March 25, 1981, and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 26, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-one senior students from St. Marys High School, Remsen,

accompanied by Sister Delores Smith. By Ritsema of Sioux and Menke of O'Brien.

COMMUNICATIONS RECEIVED

The following communications have been received and placed on file in the office of the Chief Clerk:

DEPARTMENT OF SOCIAL SERVICES

A report of the Governor's Proposed Title XX Plan for fiscal year July 1981 - June 1982 has been received from the Department of Social Services. The public comment period on this report is April 1, 1981 to May 15, 1981.

DEPARTMENT OF JOB SERVICE

The Forty-fourth Annual Report of the Department of Job Service has been received pursuant to Chapter 96.33, Code of Iowa.

AMENDMENTS FILED

H–3425	H.F. 801	Spear of Lee
H–3426	H.F. 811	Halvorson of Clayton Schroeder of Pottawattamie
H–3427	H.F. 791	Spear of Lee
H–3428	H.F. 768	Bruner of Story
H–3429	H.F. 806	Spear of Lee
H–3430	H.F. 796	Spear of Lee
H–3431	H.F. 797	Tyrrell of Iowa Johnson of Linn Walter of Pottawattamie
H–3432	H.F. 800	Spear of Lee
H–3433	H.F. 828	Doderer of Johnson Lageschulte of Bremer
H–3434	H.F. 767	Harbor of Mills
H–3435	H.F. 764	Groth of Buena Vista
H–3436	H.F. 764	Conlon of Muscatine
H–3437	H.F. 764	Clark of Lee Hoffmann of Muscatine Swearingen of Keokuk
H–3438	H.F. 522	Harbor of Mills
H–3439	H.F. 762	Jay of Appanoose
H–3440	H.F. 801	Spear of Lee
H–3441	H.F. 804	Shimanek of Jones Corey of Louisa

H—3442 H.F. 808 Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 5:58 p.m., until 9:00 a.m., Thursday, April 2, 1981.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day—Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 2, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Rollin G. Oswald, pastor of the United Methodist Church, West Des Moines.

The Journal of Wednesday, April 1, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott, for April 2 and 3, on request of Miller of Buchanan.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act to amend the county agricultural extension law by providing for approval of the county agricultural extension council budget by the board of supervisors and increasing the dollar amount which may be levied for budget.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 408, a bill for an act relating to the production and sale of dairy products by updating certain standards and changing internal references required by the Interstate Milk Shippers Compact and by striking or repealing inconsistent provisions.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 414, a bill for an act to provide for the purchase by certain state agen-

cies of motor vehicles manufactured in this country which meet certain fuel efficiency requirements.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 456, a bill for an act relating to the jurisdictional transfer of highways and streets.

Also: That the Senate has on March 31, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 466, a bill for an act relating to the processing exemption in the state sales, services, and use tax by including in the definition of services used in processing of tangible personal property.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 468, a bill for an act relating to the payment of tuition and transportation costs of certain children in charitable institutions and licensed boarding homes.

Also: That the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 469, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to properties that are exempt from judicial process.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 513, a bill for an act relating to the penalty for failure to record a conveyance or lease of agricultural land within the specified time.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact which may result from the use of force.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 519, a bill for an act relating to certain regulated or prohibited activities and providing penalties.

Also: That the Senate has on April 1, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 520, a bill for an act to strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors.

LINDA HOWARTH MACKAY, Secretary

On motion by Pope of Polk, the House was recessed at 9:20 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek, for the afternoon, on request of Smith of Scott.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

CONSIDERATION OF BILLS
Regular Calendar

House File 754, a bill for an act relating to reports of motor vehicle accidents, was taken up for consideration.

Johnson of Linn offered the following amendment H–3407 filed by him and moved its adoption:

H–3407

1 Amend House File 754 as follows:
2 1. Page 1, line 8, by inserting after the word

3 "department." the words "However, a driver who is
4 not at fault and is not charged with a violation shall
5 not have a record of the accident attached to the
6 person's driver's license record."

Amendment H—3407 was adopted.

Woods of Polk asked and received unanimous consent to withdraw amendment H—3379 filed by him on March 30, 1981.

The following amendment H—3446, filed by Pope of Polk from the floor, was adopted by unanimous consent:

H—3446

1 Amend House File 754 as follows:
2 1. Title page, by striking line 1 and inserting
3 in lieu thereof the following: "An Act relating
4 to motor vehicle reports and records."

Lind of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 754)

The ayes were, 92:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland

Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Anderson, R.	Carl	Chiodo	Cusack
Gettings	Jochum	Kirkenslager	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 766, a bill for an act relating to access to and use of solar energy, was taken up for consideration.

Hanson of Delaware offered the following amendment H–3331 filed by Hanson, et al., and moved its adoption:

H–3331

Amend House File 766 as follows:
1. Page 1, line 2, by striking the word "viable".

Amendment H–3331 was adopted.

Arnould of Scott offered the following amendment H–3354 filed by him:

H–3354

Amend House File 766 as follows:
1. Page 6, line 29, by striking the word "may" and inserting in lieu thereof the word "shall".
2. Page 6, line 31, by striking the words "located in new subdivisions".

The following amendment H–3447, to amendment H–3354, filed by Arnould of Scott from the floor, was adopted by unanimous consent:

H–3447

Amend amendment H–3354 to House File 766 as follows:
1. Page 1, by inserting after line 3 the following:
" . Page 6, line 30, by striking the words "relating to subdivisions"."

2. By renumbering as necessary in compliance with this amendment.

Arnould of Scott moved the adoption of amendment H—3354, as amended.

A non-record roll call was requested.

The ayes were 45, nays 51.

Amendment H—3354, as amended, lost.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 766)

The ayes were, 83:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Mr. Speaker	

The nays were, 11:

Anderson, J.	Clements	Cook	Corey
Gettings	Gross	Holt	Mann
Maulsby	Miller	Woods	

Absent or not voting, 6:

Carl	Cusack	Doderer	Renken
Sturgeon	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 767, a bill for an act relating to the satisfaction of debts owed to the holders of mechanic's liens, and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling except to the extent of the amount owed to the principal contractor at the time the subcontractor serves a written notice of the claim on the owner, and providing that a subcontractor may be awarded exemplary damages from the principal contractor, was taken up for consideration.

Pelton of Clinton offered the following amendment H–3375 filed by him and Davitt of Warren and moved its adoption:

H–3375

Amend House File 767 as follows:
1. Page 1, line 4, by inserting after the figure "561.1," the following: "and without respect to the value limitations in section 561.3,".

Amendment H–3375 was adopted.

Swartz of Marshall offered the following amendment H–3376 filed by Swartz, et al., and moved its adoption:

H–3376

Amend House File 767 as follows:
1. Page 1, line 5, by inserting after the period the words " "Owner-occupied dwelling" includes a newly constructed dwelling to be occupied by the owner as a homestead, or a dwelling that is under construction and being built by or for an owner who will occupy the dwelling as a homestead."

Amendment H–3376 was adopted.

Harbor of Mills offered the following amendment H–3434 filed by him:

H–3434

Amend House File 767 as follows:
1. Page 1, by inserting after line 5 the following:
"Sec. . Section 572.1, subsection 4, Code 1981, is amended to read as follows:
4. "Material" shall in addition to its ordinary meaning embrace and include machinery, fixtures, trees, evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod, soil, dirt, mulch, peat, fertilizer, chemicals, fence wire, fence material, fence posts, tile, and the use of forms, accessories, and equipment."

Davitt of Warren rose on a point of order that amendment H–3434 was not germane.

The Speaker ruled the point well taken and amendment H–3434 not germane.

Poffenberger of Dallas offered the following amendment H–3374 filed by Poffenberger, et al., and moved its adoption:

H–3374

Amend House File 767 as follows:
1. Page 3, by striking lines 7 through 9 and inserting in lieu thereof the words "to recover the amount due".

Roll call was requested by Kirkenslager of Des Moines and Poffenberger of Dallas.

Rule 80 was invoked.

On the question "Shall amendment H–3374 be adopted?"

The ayes were, 47:

Anderson, J.	Anderson, R.	Bennett	Branstad
Carpenter	Clark, J. H.	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Doderer	Gross	Groth
Halvorson, R. A.	Hansen, I.	Harbor	Holt
Hummel	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Maulsby
Menke	Miller	Norland	O'Kane

Pellett	Petrick	Poffenberger	Poncy
Schroeder	Shull	Smith	Stueland
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Mr. Speaker	

The nays were, 50:

Arnould	Avenson	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Crawford	Davitt	Dieleman
Egenes	Gettings	Hall	Halvorson, R. N.
Hanson, D.	Hoffmann	Horn	Howell
Jay	Jochum	Johnson, J.	Lloyd-Jones
Lonergan	Mann	McKean	Mullins
Oxley	Pavich	Pelton	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Smalley
Spear	Swartz	Walter	Welden
Welsh	Woods		

Absent or not voting, 3:

Carl	Cusack	Sturgeon

Amendment H—3374 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sturgeon of Woodbury, for the remainder of the afternoon, on request of Groth of Buena Vista.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 767)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett

Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Lind

Absent or not voting, 4:

Carl	Cusack	Schroeder	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 744, a bill for an act relating to pre-trial and post-trial criminal procedures, was taken up for consideration.

Clements of Scott offered the following amendment H–3314 filed by him:

H–3314

Amend House File 744 as follows:
1. Page 1, by inserting after line 9 the following:
"Sec. . Section 811.1, Code 1981, is amended by adding the following new subsection:
NEW SUBSECTION. A defendant awaiting judgment of conviction and sentencing as an habitual offender."
2. By renumbering to conform to this amendment.

Doderer of Johnson rose on a point of order that amendment H–3314 was not germane.

The Speaker ruled the point well taken and amendment H-3314 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Kane of Woodbury, for the remainder of the day and April 3, on request of Avenson of Fayette.

Tyrrell of Iowa offered the following amendment H–3304 filed by him and moved its adoption:

H–3304

Amend House File 744 as follows:
1. Page 1, line 19, by striking the word "substantial".

A non-record roll call was requested.

The ayes were 28, nays 64.

Amendment H–3304 lost.

Mann of Greene offered the following amendment H–3293 filed by her:

H–3293

Amend House File 744 as follows:
1. Page 1, by striking lines 32 and 33 and inserting in lieu thereof the following: "shall, on the basis of available information, take into account the nature and circumstances".
2. Page 2, by striking lines 6 through 35.
3. Page 3, by striking lines 1 through 4.
4. Page 4, by striking lines 20 through 28.
5. Page 5, by striking lines 19 and 20 and inserting in lieu thereof the following: "facility for a specific number of days to be followed by a term of probation as specified in section 907.7."
6. Page 5, by striking lines 23 through 33.
7. Page 6, by striking lines 7 through 11 and inserting in lieu thereof the following: "of criminal procedure, and shall be given notice".
8. By renumbering to conform to this amendment.

Mann of Greene offered the following amendment H—3381, to amendment H—3293, filed by her and moved its adoption:

H—3381

Amend amendment H—3293 to House File 744 as follows:

1. Page 1, line 6, by striking the numeral "35" and inserting in lieu thereof the numeral "13".

2. Page 1, by striking line 7, and inserting in lieu thereof the following:

"3. Page 3, by striking lines 2 through 4 and inserting in lieu thereof the word "commitment."

Amendment H—3381 was adopted.

Division of amendment H—3293 was requested as follows:

H—3293A, lines 2 through 5.
H—3293B, as amended, line 6.
H—3293C, as amended, line 7.
H—3293D, line 8.
H—3293E, lines 9 through 12.
H—3293F, line 13.
H—3293G, lines 14 through 16.
H—3293H, lines 17 and 18.

Mann of Greene moved the adoption of amendment H—3293A.

A non-record roll call was requested.

The ayes were 25, nays 66.

Amendment H—3293A lost.

On motion by Mann of Greene, amendment H—3293B, as amended, lost.

On motion by Mann of Greene, amendment H—3293C, as amended, lost.

Mann of Greene moved the adoption of amendment H—3293D.

Roll call was requested by Mann of Greene and Johnson of Howard.

On the question "Shall amendment H—3293D be adopted?"

The ayes were, 21:

Anderson, J.	Branstad	Clements	Cook
Danker	De Groot	Dieleman	Gross
Hanson, D.	Holt	Johnson, J.	Johnson, R.
Lageschulte	Mann	Maulsby	Pellett
Renken	Smalley	Stueland	Tyrrell
Welden			

The nays were, 72:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Crawford	Daggett	Davitt	Diemer
Doderer	Egenes	Gettings	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Harbor	Hoffmann	Horn	Howell
Hummel	Jay	Jochum	Johnson, W.
Kirkenslager	Krewson	Lind	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Shimanek	Shull
Smith	Spear	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

Absent or not voting, 7:

Bennett	Byerly	Carl	Cusack
O'Kane	Schroeder	Sturgeon	

Amendment H—3293D lost.

On motion by Mann of Greene, amendment H—3293E lost.

Mann of Greene moved the adoption of amendment H—3293F.

Roll call was requested by Mann of Greene and Hanson of Delaware.

On the question "Shall amendment H—3293F be adopted?"

The ayes were, 24:

Anderson, J.	Branstad	Clements	Cook
Daggett	De Groot	Dieleman	Gross
Holt	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Mann	Maulsby	Pellett
Renken	Schnekloth	Smalley	Stueland
Tyrrell	Van Maanen	Welden	Woods

The nays were, 68:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Crawford	Diemer	Doderer
Egenes	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Horn	Howell
Hummel	Jay	Jochum	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
McKean	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pelton
Petrick	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schroeder
Shimanek	Shull	Smith	Spear
Sullivan	Swartz	Swearingen	Tofte
Trucano	Walter	Welsh	Mr. Speaker

Absent or not voting, 8:

Bennett	Carl	Cusack	Danker
Davitt	O'Kane	Poffenberger	Sturgeon

Amendment H—3293F lost.

On motion by Mann of Greene, amendment H—3293G lost, placing amendment H—3293H out of order.

Halvorson of Clayton offered the following amendment H—3410 filed by him and Shimanek of Jones and moved its adoption:

H—3410

Amend House File 744 as follows:

1. Page 4, by striking lines 29 and 30 and inserting in lieu thereof the following:

"Sec. 10. Section 906.5, unnumbered paragraphs 1 and 2, Code 1981, are amended to read as follows:

Within one year after the commitment of any person other than a class "A" felon to the custody of the

director of the division of adult corrections, a member of the board shall interview the person except when the person is at the Iowa security medical facility, on work release, or absent for any other reason from the institution to which committed. When the person to be interviewed is at the Iowa security medical facility, an interview shall be given if the person specifically requests the interview and it is approved by the staff at the facility. When the person to be interviewed is on work release, an interview shall be given if the person specifically requests it. If any such person not interviewed is returned to the institution after having a work release revoked, or having been absent for some other reason, that person shall be interviewed as soon as reasonably possible after return to the institution, provided however, that the board may on its own motion call any such person for an interview at any time. Thereafter, at regular intervals, not to exceed one year except as provided for persons at the Iowa security medical facility, on work release or absent for any other reason from the institution, as provided in this paragraph, the board shall interview the person and consider his or her prospects for parole. At such time, the board shall consider all pertinent information regarding this person, including the circumstances of the person's offense, any presentence report which may be available, the previous social history and criminal record of such person, the person's conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made."

Amendment H—3410 was adopted.

Clements of Scott offered the following amendment H—3316 filed by him and moved its adoption:

H—3316

Amend House File 744 as follows:

1. Page 4, by striking line 35 and inserting in lieu thereof the following: "state, parole shall be denied ~~unless the defendant has served~~".

2. Page 5, by striking line 1 and inserting in lieu thereof the following: "~~at least one-half of the maximum term of his or her sentence~~."

Roll call was requested by Clements of Scott and Tyrrell of Iowa.

Rule 80 was invoked.

On the question "Shall amendment H—3316 be adopted?"

The ayes were, 48:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Dieleman	Gettings	Gross
Groth	Hanson, D.	Hoffmann	Holt
Horn	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Mann	Maulsby	Miller	Oxley
Pellett	Petrick	Poncy	Renaud
Renken	Schnekloth	Smalley	Stueland
Sullivan	Swartz	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods

The nays were, 48:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carpenter	Clark, B. J.
Clark, J. H.	Cochran	Connolly	Connors
Crawford	Davitt	Diemer	Doderer
Egenes	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Howell	Hummel
Jochum	Krewson	Lloyd-Jones	Lonergan
McKean	Menke	Mullins	Norland
Pavich	Pelton	Poffenberger	Pope
Rapp	Ritsema	Running	Schroeder
Shimanek	Shull	Smith	Spear
Swearingen	Tofte	Welsh	Mr. Speaker

Absent or not voting, 4:

Carl	Cusack	O'Kane	Sturgeon

Amendment H—3316 lost.

Speaker pro tempore Menke of O'Brien in the chair at 4:45 p.m.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 744)

The ayes were, 71:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Bruner	Byerly
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Crawford	Davitt	Diemer
Doderer	Egenes	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Horn
Howell	Hummel	Jay	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	McKean
Miller	Mullins	Norland	Oxley
Pavich	Pelton	Petrick	Poffenberger
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stromer
Sullivan	Swartz	Swearingen	Tofte
Trucano	Welsh	Mr. Speaker (Menke)	

The nays were, 25:

Anderson, J.	Branstad	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Gettings	Holt	Johnson, J.
Johnson, R.	Mann	Maulsby	Pellett
Poncy	Renken	Smalley	Stueland
Tyrrell	Van Maanen	Walter	Welden
Woods			

Absent or not voting, 4:

Carl	Cusack	O'Kane	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 747, a bill for an act relating to determining whether a guilty plea is made voluntarily, intelligently, and has a factual basis, was taken up for consideration.

Conlon of Muscatine offered the following amendment H–3318 filed by him and moved its adoption:

H–3318

1 Amend House File 747 as follows:

1. Page 1, line 25, by striking the words "The court" and inserting in lieu thereof the following: "In a case where a court has accepted a plea agreement pursuant to R.Cr.P. 9(3), providing for the disposition of the case by a fine only, the court".

Amendment H—3318 was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 747)

The ayes were, 86:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Running
Schnekloth	Shimanek	Shull	Smith
Spear	Stromer	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, 4:

Arnould	Jay	Pelton	Ritsema

Absent or not voting, 10:

Carl	Cusack	Halvorson, R. A.	Krewson
Mann	O'Kane	Schroeder	Smalley
Sturgeon	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 755 DEFERRED

Pope of Polk asked and received unanimous consent that House File 755 be deferred and that the bill retain its place on the calendar.

House File 762, a bill for an act relating to the annual inspection of the state adult penal and correctional facilities and the state juvenile facilities, was taken up for consideration.

Shimanek of Jones offered the following amendment H–3311 filed by her and moved its adoption:

H–3311

Amend House File 762 as follows:
1. Page 1, by striking lines 16 and 17, and inserting in lieu thereof the following: "operated by the department of social services and in the Eldora training school, the Mitchellville training school,".
2. Page 1, by striking lines 25 and 26 and inserting in lieu thereof the following: "services. A copy of the report concerning the Eldora training school, the Mitchellville training school, and the".

Amendment H–3311 was adopted.

Doderer of Johnson offered the following amendment H–3384 filed by her and moved its adoption:

H–3384

Amend House File 762 as follows:
1. Page 1, by inserting after line 20 the following:
"If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions."

Amendment H–3384 was adopted.

Jay of Appanoose offered the following amendment H—3439 filed by him and moved its adoption:

H—3439

Amend House File 762 as follows:
1. Page 1, by inserting after line 29 the following:
"Sec. . Sections 356.9, 356.10, 356.11, 356.12 and 356.13, Code 1981, are repealed."

Amendment H—3439 was adopted.

The following amendment H—3462, filed by Shimanek of Jones from the floor, was adopted by unanimous consent:

H—3462

Amend House File 762 as follows:
1. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to inspections of state and local correctional facilities and the state juvenile".

Shimanek of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 762)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy

Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 8:

Clements	Crabb	Danker	Johnson, R.
Mann	Smalley	Tyrrell	Van Maanen

Absent or not voting, 5:

Carl	Cusack	O'Kane	Sturgeon
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 764, a bill for an act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication, was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3437 filed by Clark of Lee, et al., and moved its adoption:

H–3437

Amend House File 764 as follows:
1. Page 1, by striking line 8 and inserting in lieu thereof the following: "~~shall keep all,~~ public ways, squares, and commons open, in".

Amendment H–3437 was adopted.

Spear of Lee offered the following amendment H–3309 filed by him:

H–3309

Amend House File 764 as follows:
1. Page 1, by striking lines 15 and 16 and inserting in lieu thereof the following: "from the sidewalks and is liable for personal injury, death,

or property damage caused by the failure of the abutting property".

Conlon of Muscatine offered the following amendment H—3336, to amendment H—3309, filed by him and moved its adoption:

H—3336

Amend the amendment, H—3309, to page 1 of House File 764 as follows:
1. Page 1, line 4, by striking the word "and", and by inserting in lieu thereof the words "; however, the city".

A non-record roll call was requested.

The ayes were 33, nays 55.

Amendment H—3336 lost.

Spear of Lee moved the adoption of amendment H—3309.

Amendment H—3309 was adopted, placing out of order amendment H—3337 filed by Conlon of Muscatine on March 24, 1981.

Speaker Stromer in the chair at 5:45 p.m.

Groth of Buena Vista offered the following amendment H—3421 filed by him:

H—3421

Amend House File 764 as follows:
1. Page 2, by inserting after line 3, the following new section:
"Sec. . Chapter 601I, Code 1981, is amended by adding the following new section:
NEW SECTION. A deaf person may be accompanied by a hearing-ear dog in a public accommodation."
2. By renumbering as necessary.

Groth of Buena Vista offered the following amendment H—3435, to amendment H—3421, filed by him and moved its adoption:

H—3435

Amend amendment H—3421 to House File 764 as follows:

1. Page 1, by striking lines 6 and 7 and inserting in lieu thereof the following:

"NEW SECTION. Every deaf or partially deaf person has the right to be accompanied by a hearing-ear dog, under control and specially trained for the purpose, in any of the places listed in sections 601D.3 and 601D.4 without being required to make any additional payment for the hearing-ear dog. The person shall be liable for any damage done to the premises or facilities by such dog."

Amendment H—3435 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, for the remainder of the day, on request of Clark of Cerro Gordo; Halvorson of Clayton, Maulsby of Calhoun, Shimanek of Jones and Hummel of Benton, all for the remainder of the day, on request of Krewson of Polk.

Hoffmann of Muscatine rose on a point of order that amendment H—3421, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—3421, as amended, not germane.

Groth of Buena Vista moved that the rules be suspended to consider amendment H—3421, as amended.

Roll call was requested by Byerly of Polk and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—3421, as amended?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Davitt
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Krewson	Lonergan
Miller	Norland	Oxley	Pavich
Poncy	Rapp	Renaud	Running

Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Mann	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 9:

Carl	Cusack	Halvorson, R. A.	Hummel
Lloyd-Jones	Maulsby	O'Kane	Shimanek
Sturgeon			

The motion lost.

OBJECTION TO IMMEDIATE MESSAGES
(House Files 766 and 767)

Pope of Polk asked for unanimous consent to immediately message House Files 766 and 767 to the Senate.

Objection was raised.

HOUSE FILE 764 DEFERRED

Pope of Polk asked and received unanimous consent to defer House File 764 and that the bill be the first order of business on April 3, 1981.

IMMEDIATE MESSAGE
(House File 766)

Pope of Polk moved that House File 766 be immediately messaged to the Senate.

A non-record roll call was requested.

The ayes were 55, nays 34.

The motion prevailed.

HOUSE RULE 2 SUSPENDED

Pope of Polk moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 63, nays 10.

The motion prevailed and House Rule 2 was suspended.

IMMEDIATE MESSAGE
(House File 767)

Pope of Polk moved that House File 767 be immediately messaged to the Senate.

A non-record roll call was requested.

The ayes were 55, nays 33.

The motion prevailed.

MOTIONS TO RECONSIDER
(House File 744)

I move to reconsider the vote by which House File 744 passed the House on April 2, 1981.

HALVORSON of Clayton

(House File 744)

I move to reconsider the vote by which House File 744 passed the House on April 2, 1981.

CLEMENTS of Scott

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act increasing corporate and uniform commercial code filing fees.

Also: That the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

LINDA HOWARTH MACKAY, Secretary

PRESENTATION OF VISITORS

Shimanek of Jones presented to the House, her father, the Honorable Frank Shimanek, former member of the House, representing Jones County. He was accompanied by his wife.

Pope of Polk presented to the House the Honorable Judge Ralph McCartney, former member of the House, representing Floyd County. He was House Majority Leader in 1969 and 1970.

The Speaker announced that the following visitors were present in the House chamber:

Five government students from Heelan High School, Sioux City, accompanied by Mr. and Mrs. Joe Sullivan. By O'Kane of Woodbury.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 2, 1981. Had I been present, I would have voted "aye" on House File 754.

KIRKENSLAGER of Des Moines

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 330 Ways and Means

Authorizing a city or county to issue revenue bonds under chapter 419 to finance the acquisition of land, buildings, or improvements to be used by any telephone company and providing for it to be effective upon publication.

S.B. 331 Ways and Means

To legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:30 a.m., April 1, 1981

Convened: 10:35 a.m.

Adjourned: 10:55 a.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Jay, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Jochum.

Excused: Halvorson of Clayton.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 761, a bill for an act to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3443.**

Committee Bill, making a supplemental appropriation to the board of medical examiners for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COMMERCE

Senate File 244, a bill for an act relating to mortgage loan disclosure, reporting, and record-keeping.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 284, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 308, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON HUMAN RESOURCES

Senate File 377, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3448.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 80, a bill for an act relating to the administration of judicial district departments of correctional services.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 230, a bill for an act relating to the person to whom notice of garnishment is served in a school district.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Senate File 294, a bill for an act relating to taxidermy and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Senate File 146, a bill for an act relating to procedures for construction, repair and improvement of public buildings.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3445.**

Senate File 225, a bill for an act relating to retainage withheld from payment to contractors under contracts for public improvements.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3444.**

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 195), changing the date of the end to the Vietnam Conflict for purposes of the military service property tax exemption.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3443	H.F. 761	Committee on Appropriations
H–3444	S.F. 225	Committee on State Government
H–3445	S.F. 146	Committee on State Government
H–3448	S.F. 377	Committee on Human Resources
H–3449	H.F. 769	Spear of Lee
H–3450	H.F. 825	Spear of Lee
H–3451	H.F. 829	Conlon of Muscatine
H–3452	H.F. 829	Tyrrell of Iowa
Gross of Ringgold		Johnson of Linn
Johnson of Howard		Mann of Greene
Clements of Scott		Maulsby of Calhoun
Renken of Grundy		Corey of Louisa
Branstad of Winnebago		Stueland of Clinton
Cook of Hardin		
H–3453	H.F. 829	Tyrrell of Iowa
Gross of Ringgold		Johnson of Linn
Johnson of Howard		Mann of Greene
Clements of Scott		Maulsby of Calhoun
Corey of Louisa		Branstad of Winnebago
Stueland of Clinton		Cook of Hardin
De Groot of Lyon		
H–3454	H.F. 829	Tyrrell of Iowa
De Groot of Lyon		Gross of Ringgold
Johnson of Linn		Johnson of Howard
Mann of Greene		Clements of Scott
Maulsby of Calhoun		Corey of Louisa
Branstad of Winnebago		Stueland of Clinton
Cook of Hardin		Van Maanen of Mahaska
H–3455	H.F. 826	Shimanek of Jones
		Clark of Cerro Gordo
H–3456	H.F. 799	Ritsema of Sioux
H–3457	S.F. 519	O'Kane of Woodbury
H–3458	H.F. 804	Conlon of Muscatine
		Woods of Polk
		Harbor of Mills
H–3459	H.F. 825	McKean of Jones
Carl of Poweshiek		Gross of Ringgold

	De Groot of Lyon	Clark of Cerro Gordo
	Cusack of Scott	Daggett of Taylor
	Mullins of Kossuth	Trucano of Polk
	Maulsby of Calhoun	Running of Linn
H—3460	H.F. 829	Spear of Lee
H—3461	H.F. 829	Spear of Lee
H—3463	H.F. 752	Welden of Hardin
		Van Maanen of Mahaska
H—3464	H.F. 786	Maulsby of Calhoun
H—3465	H.F. 772	Pelton of Clinton
H—3466	H.F. 821	Poffenberger of Dallas
H—3467	H.F. 444	Lind of Black Hawk
H—3468	H.F. 821	Trucano of Polk
		Clark of Cerro Gordo
		Anderson of Jasper
H—3469	H.F. 487	Davitt of Warren
		Trucano of Polk
H—3470	H.F. 755	Miller of Buchanan

On motion by Pope of Polk, the House adjourned at 6:12 p.m., until 9:00 a.m., Friday, April 3, 1981.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 3, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend James Harmon, pastor of the Disciples of Christ Christian Church, Estherville.

The Journal of Thursday, April 2, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk, for a portion of the morning, on request of Johnson of Howard; Connors of Polk on request of Anderson of Jasper; Schroeder of Pottawattamie on request of Harbor of Mills.

INTRODUCTION OF BILLS

House File 831, by committee on appropriations, a bill for an act making a supplemental appropriation to the board of medical examiners and the licensing and certification division of the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

Read first time and **placed on the appropriations calendar.**

House File 832, by committee on commerce, a bill for an act authorizing and regulating the sale of real property title insurance, but prohibiting title insurance for real property containing four or fewer dwelling units or interests in common elements within a horizontal property regime as defined in chapter 499B or real property used as a farm, to take effect upon adoption of rules by the department of insurance.

Read first time and **placed on the calendar.**

House File 833, by committee on ways and means, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption.

Read first time and **placed on the ways and means calendar.**

SENATE MESSAGES CONSIDERED

Senate File 209, by Taylor, Craft, DeKoster, Gratias, Hutchins, Jensen, Miller of Cerro Gordo, Rodgers, Schwengels, Husak, Waldstein, Miller of Des Moines, Vande Hoef, Goodwin, Brown, Palmer, Doyle and Wells, a bill for an act to amend the county agricultural extension law by providing for approval of the county agricultural extension council budget by the board of supervisors and increasing the dollar amount which may be levied for budget.

Read first time and referred to committee on **county government.**

Senate File 408, by committee on agriculture, a bill for an act relating to the production and sale of dairy products by updating certain standards and changing internal references required by the Interstate Milk Shippers Compact and by striking or repealing inconsistent provisions.

Read first time and referred to committee on **agriculture.**

Senate File 423, by committee on commerce, a bill for an act establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans.

Read first time and referred to committee on **commerce.**

Senate File 456, by committee on county government, a bill for an act relating to the jurisdictional transfer of highways and streets.

Read first time and referred to committee on **county government.**

Senate File 466, by committee on ways and means, a bill for an act relating to the processing exemption in the state sales, services, and use tax by including the definition of services used in processing of tangible personal property, the reconditioning or repairing of tangible property of the type normally sold in the regular course of the retailer's business and which is held for sale upon which the sales, services, or use tax will be paid when the property is sold.

Read first time and referred to committee on **ways and means.**

Senate File 468, by committee on education, a bill for an act relating to the payment of tuition and transportation costs of certain children receiving foster care.

Read first time and **passed on file.**

Senate File 469, by committee on education, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

Read first time and **passed on file.**

Senate File 480, by committee on commerce, a bill for an act relating to properties that are exempt from judicial process.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 513, by committee on judiciary, a bill for an act relating to the penalty for failure to record a conveyance or lease of agricultural land within the specified time.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 517, by committee on judiciary, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 519, by committee on judiciary, a bill for an act related to certain regulated or prohibited activities and providing penalties.

Read first time and referred to committee on **state government.**

Senate File 520, by committee on education, a bill for an act to strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors.

Read first time and referred to committee on **education.**

HOUSE CONCURRENT RESOLUTION 26

By Lind, Diemer, Brandt, Carpenter, Krewson, Clark of Cerro Gordo, Mullins, Rapp, Poffenberger, McKean, Norland, Kirkenslager, Trucano, Arnould, Swartz, Connolly, Halvorson of Webster and Bruner

Whereas, the President, recognizing the depressed economic circumstances of the times, has recommended that the Community Services Administration be abolished; and

Whereas, Community Action Agencies of Iowa benefit from the existence of the Community Services Administration; and

Whereas, the Community Action Agencies of Iowa fulfill the important role of meeting the needs of low income persons of Iowa and promote self sufficiency of low income persons in Iowa; *Now Therefore*,

Be It Resolved by the House of Representatives, The Senate Concurring, That the General Assembly urges the President and Congress to examine the value of the Community Services Administration, giving due consideration to the continuance of financial support for the Community Services Administration.

Be It Further Resolved, That if continuance of financial support for the Community Services Administration is recommended, the General Assembly would encourage the Congress to provide adequate funding for the beneficial programs of the Community Action Agencies.

Laid over under Rule 30.

CONSIDERATION OF BILLS
Regular Calendar

The House resumed consideration of **House File 764**, a bill for an

act relating to the duties and liabilities of persons with respect to public places located within cities, and taking effect upon publication.

Conlon of Muscatine offered the following amendment H—3436 filed by him and moved its adoption:

H—3436

1 Amend House File 764 as follows:
2 1. Page 2, by striking lines 4 through 7.

Amendment H—3436 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 764)

The ayes were, 71:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, W.	Kirkenslager	Lageschulte
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Mullins	Norland	Oxley
Pellett	Pelton	Petrick	Poffenberger
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Shull	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Welden	Woods	Mr. Speaker	

The nays were, 21:

Binneboese	Branstad	Clements	Conlon
Davitt	Dieleman	Doderer	Gettings
Harbor	Jay	Johnson, J.	Johnson, R.
Lind	Maulsby	Miller	Pavich
Poncy	Renken	Tyrrell	Walter
Welsh			

Absent or not voting, 8:

Connors	Cusack	Krewson	O'Kane
Schroeder	Shimanek	Smalley	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 522 DEFERRED

Pope of Polk asked and received unanimous consent that House File 522 be deferred and that the bill retain its place on the calendar.

House File 745, a bill for an act for the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate, was taken up for consideration.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 745)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shull	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Maulsby

Absent or not voting, 9:

Connors	Cusack	Diemer	Krewson
O'Kane	Schroeder	Shimanek	Smalley
Sturgeon			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 787, a bill for an act to legalize the sale of certain property in Sioux City, Woodbury County, Iowa, was taken up for consideration.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 787)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lonergan	Mann	McKean	Menke
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shull	Smith	Spear
Stueland	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 2:

Lloyd-Jones Maulsby

Absent or not voting, 10:

Clark, B. J.	Connors	Cusack	Krewson
O'Kane	Schroeder	Shimanek	Smalley
Sturgeon	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 785 DEFERRED TEMPORARILY

Pope of Polk asked and received unanimous consent that House File 785 be deferred temporarily and that the bill retain its place on the calendar.

House File 749, a bill for an act relating to the state board of engineering examiners, was taken up for consideration.

Spear of Lee offered the following amendment H–3277 filed by him and moved its adoption:

H–3277

Amend House File 749 as follows:
1. Page 1, line 30, by striking the word "recent" and inserting in lieu thereof the word "~~recent~~".

Amendment H–3277 was adopted.

Mann of Greene offered the following amendment H–3290 filed by her and moved its adoption:

H–3290

Amend House File 749 as follows:
1. Page 2, by striking lines 1 and 2 and inserting in lieu thereof the following: "~~only if the felony conviction relates directly to the practice of engineering or land surveying~~. The board may require that"

A non-record roll call was requested.

The ayes were 25, nays 62.

Amendment H—3290 lost.

Hall of Linn offered the following amendment H—3347 filed by him and Welden of Hardin and moved its adoption:

H—3347

Amend House File 749 as follows:

1. Page 2, by striking line 16, and inserting in lieu thereof the words "for a specified period of time. The permit shall not be issued unless the applicant meets all of the requirements for registration required by the board."

2. Page 3, lines 4 and 5, by striking the words "course in ~~engineering~~ surveying and mapping of four years or more in a".

3. Page 3, by striking lines 18 through 21 and inserting in lieu thereof the words "engineering, at an approved institution."

Amendment H—3347 was adopted.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H—3278 filed by her on March 12, 1981.

Clark of Cerro Gordo offered the following amendment H—3327 filed by her and moved its adoption:

H—3327

Amend House File 749 as follows:

1. Page 2, lines 32 and 33, by striking the words and figures "After July 1, 1987," and inserting in lieu thereof the following: "A person shall not become registered as a professional engineer after July 1, 1987 unless".

2. Page 3, line 18, by striking the words and figures "After July 1, 1987," and inserting in lieu thereof the following: "A person shall not become registered as a land surveyor after July 1, 1987, unless".

3. Page 3, line 27, by striking the words "~~this~~ the" and inserting in lieu thereof the word "this".

Amendment H—3327 was adopted.

Harbor of Mills asked and received unanimous consent to withdraw amendment H–3355 filed by Schroeder of Pottawattamie on March 25, 1981.

HOUSE FILES 749 AND 752 DEFERRED TEMPORARILY

Pope of Polk asked and received unanimous consent that House Files 749 and 752 be deferred temporarily and that the bills retain their place on the calendar.

House File 790, a bill for an act relating to the time the lien for rates or charges for utility services attaches, was taken up for consideration.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 790)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Shull	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connors	Cusack	Krewson	O'Kane
Schroeder	Shimanek	Smalley	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 756 DEFERRED TEMPORARILY

Pellett of Cass asked and received unanimous consent that House File 756 be deferred temporarily and that the bill retain its place on the calendar.

House File 765, a bill for an act relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 765)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shull
Smith	Spear	Stueland	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Connors	Cusack	Harbor	Krewson
O'Kane	Schroeder	Shimanek	Smalley
Sturgeon	Sullivan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 769, a bill for an act relating to meetings and payment for service on county commissions of veteran affairs, changing certain benefits provided by the county commissions, and clarifying and correcting certain references, was taken up for consideration.

Renken of Grundy offered the following amendment H–3350 filed by him and Conlon of Muscatine:

H–3350

Amend House File 769 as follows:

1. Page 3, line 23, by inserting after the word "expended" the words "; however, the commission shall not certify any person for benefits, other than death benefits, if the commission determines that the person's total or partial unemployment is due to a work stoppage which exists because of a labor dispute at the factory, establishment, or other premises at which the person is or was last employed, unless the person is not participating in, financing or directly interested in the labor dispute which caused the work stoppage".

Avenson of Fayette rose on a point of order that amendment H–3350 was not germane.

The Speaker ruled the point well taken and amendment H–3350 not germane.

Spear of Lee offered the following amendment H–3449 filed by him and moved its adoption:

H–3449

Amend House File 769 as follows:

1. Page 3, by striking line 33 and inserting in lieu thereof the words "~~On the first Monday in each month, all~~ All claims certified by the commission".

Amendment H–3449 was adopted.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 769)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Shimanek	Shull	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Clark, B. J.	Connors	Cusack	O'Kane
Schroeder	Smalley	Sturgeon	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 756, a bill for an act relating to nonresident exemptions from the state motor vehicle licensing requirements, was taken up for consideration.

Harbor of Mills asked and received unanimous consent to withdraw amendment H–3373 filed by him on March 26, 1981.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 756)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smith	Spear	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Woods
Mr. Speaker			

The nays were, 16:

Avenson	Binneboese	Bruner	Byerly
Davitt	Groth	Halvorson, R. N.	Horn
Jay	Lind	Poncy	Renaud
Running	Sullivan	Welden	Welsh

Absent or not voting, 7:

Connors	Cusack	Lloyd-Jones	O'Kane
Schroeder	Smalley	Sturgeon	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 749**, a bill for an act relating to the state board of engineering examiners.

Bruner of Story moved to reconsider the vote by which amendment H—3347 was adopted by the House on April 3, 1981.

The motion prevailed and the House reconsidered amendment H—3347.

Bruner of Story offered the following amendment H—3472, to amendment H—3347, filed by him from the floor and moved its adoption:

H—3472

Amend the amendment H—3347 to House File 749 as follows:

1. Page 1, by striking lines 7 through 9 and inserting in lieu thereof the following:

"2. Page 3, lines 4 and 5, by striking the words "course in ~~engineering~~ surveying and mapping of four years or more in a" and inserting in lieu thereof the words "~~course in engineering of four years or more in a~~"."

Amendment H—3472 was adopted.

On motion by Hall of Linn, amendment H—3347, as amended, was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 749)

The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Cook	Corey	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halverson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann	Holt

Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lonergan	Mann	Menke
Mullins	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Pope
Rapp	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Trucano	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 18:

Branstad	Clements	Conlon	Crabb
Gross	Hanson, D.	Jay	Johnson, R.
Lind	Maulsby	McKean	Miller
Poncy	Renaud	Renken	Ritsema
Tyrrell	Van Maanen		

Absent or not voting, 7:

Connors	Cusack	Lloyd-Jones	Norland
O'Kane	Schroeder	Sturgeon	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth, for the remainder of the day, on request of Shimanek of Jones.

REFERRED TO COMMITTEE ON APPROPRIATIONS

House File 752, a bill for an act to require the department of social services to make licensed psychologists eligible to receive payment for services rendered to recipients of medical assistance, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H–3292 filed by him on March 16, 1981.

Welden of Hardin offered the following amendment H–3463 filed by him and Van Maanen of Mahaska:

H—3463

Amend House File 752 as follows:
1. Page 2, by inserting after line 4, the following section:
"Sec. . There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services $220,000, or as much thereof as may be necessary, for the purposes of this Act."
2. Title page, line 3, by inserting after the word "assistance" the words "and making an appropriation".

Van Maanen of Mahaska offered the following amendment H—3471, to amendment H—3463, filed by him from the floor and moved its adoption:

H—3471

Amend amendment H—3463 to House File 752 as follows:
1. Page 1, line 7, by striking the figure "220,000" and inserting in lieu thereof the figure "100,000".

Amendment H—3471 was adopted.

Welden of Hardin moved the adoption of amendment H—3463, as amended.

Amendment H—3463, as amended, was adopted and House File 752 was referred to the committee on appropriations under House Rule 37.

House File 785, a bill for an act permitting a city and county to agree to the appointment of a special assistant county attorney to prosecute violations of chapter 728 on behalf of the city, was taken up for consideration.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 785)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Norland
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connors	Cusack	Daggett	Lloyd-Jones
Mullins	O'Kane	Schroeder	Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 772, a bill for an act establishing a hunter safety education program and subjecting violators to a penalty, to be effective July 1, 1983, was taken up for consideration.

Pelton of Clinton offered amendment H–3465 filed by him. Division was requested as follows:

H–3465

1 Amend House File 772 as follows:

H—3465A

1. Page 1, line 3, by inserting after the word "SAFETY" the words "AND ETHICS".

H—3465B

2. Page 1, lines 5 and 6, by striking the words "born after January 1, 1967".

H—3465A

3. Page 1, line 9, by inserting after the word "safety" the words "and ethics".

H—3465C

4. Page 1, by striking lines 10, 11 and 12, and inserting in lieu thereof the words "the commission. A certificate of completion".

H—3465A

5. Page 1, line 13, by inserting after the word "safety" the words "and ethics".
6. Page 1, line 18, by inserting after the word "safety" the words "and ethics".
7. Page 1, line 22, by inserting after the word "safety" the words "and ethics".
8. Page 1, line 24, by inserting after the word "safety" the words "and ethics".
9. Page 1, line 25, by inserting after the word "safety" the words "and ethics".
10. Page 1, line 30, by inserting after the word "safety" the words "and ethics".

Pelton of Clinton moved the adoption of amendment H—3465A.

A non-record roll call was requested.

The ayes were 45, nays 42.

Amendment H—3465A was adopted.

Avenson of Fayette offered the following amendment H—3473, to amendment H—3465B, filed by him from the floor and moved its adoption:

H–3473

Amend amendment H–3465 to House File 772 as follows:
1. Page 1, by striking lines 4 and 5 and inserting
in lieu thereof the following:
"2. Page 1, line 6, by striking the number "1967"
and inserting in lieu thereof the number "1971"."

Amendment H–3473 lost.

Pelton of Clinton moved the adoption of amendment H–3465B.

Amendment H–3465B lost.

Pelton of Clinton moved the adoption of amendment H–3465C.

Amendment H–3465C lost.

Spear of Lee offered the following amendment H–3367 filed by him:

H–3367

Amend House File 772 as follows:
1. Page 1, line 11, by inserting after the word
"course" the words "or a hunting license".

Spear of Lee offered the following amendment H–3474, to amendment H–3367, filed by him from the floor and moved its adoption:

H–3474

Amend amendment H–3367 to House File 772 as
follows:
1. Page 1, by striking lines 2 and 3 and inserting
in lieu thereof the following:
"1. Page 1, line 15, by inserting after the word
"section" the words ", provided the applicant is twelve
years of age or older".

Amendment H–3474 was adopted.

Spear of Lee moved the adoption of amendment H–3367, as amended.

A non-record roll call was requested.

The ayes were 63, nays 6.

Amendment H—3367, as amended, was adopted.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 on the Weekly Debate Calendar for the week of April 6, 1981.

The following amendment H—3475, filed by Pelton of Clinton from the floor, was adopted by unanimous consent:

H—3475

Amend House File 772 as follows:
1. Title page, line 1, by inserting after the word "safety" the words "and ethics".

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 772)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Cochran	Conlon	Connolly
Cook	Crabb	Crawford	Dieleman
Diemer	Doderer	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Jay	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Pope	Rapp	Renaud
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 17:

Branstad	Clark, J. H.	Clements	Corey
Daggett	Danker	De Groot	Egenes
Hummel	Johnson, J.	Lind	Maulsby
Miller	Poncy	Renken	Ritsema
Van Maanen			

Absent or not voting, 9:

Connors	Cusack	Davitt	Howell
Mullins	O'Kane	Schroeder	Sturgeon
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by Pope of Polk, the House was recessed at 12:07 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 27
By Shimanek, Rapp, Conlon, Krewson, Bruner and Halvorson of Clayton

Whereas, a great disparity exists in sentencing within the district courts of this state; and

Whereas, the use of deferred sentences has increased to the point that more and more persons are being released without having served any time of confinement or having paid any fine; and

Whereas, the development of a program of mandatory, determinate and minimum sentencing requires study and the input from members of the judicial branch, practicing attorneys and other interested persons; *Now Therefore*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to appoint a study committee composed of members representing both political parties of the Committees on Judiciary of both houses of the General Assembly to study mandatory, determinate and minimum sentencing and the use of deferred sentences; and

Be It Further Resolved, That the study committee shall report its findings and recommendations, with legislative bill drafts deemed suitable to implement its recommendations to the Legislative Council and the General Assembly meeting in the year 1982.

Laid over under Rule 30.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the day, on request of Pellett of Cass.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

CONSIDERATION OF BILLS
Regular Calendar

House File 773, a bill for an act relating to the penalty to be imposed on licensees who tender the department of beer and control three or more insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages, was taken up for consideration.

Crawford of Story offered the following amendment H–3417 filed by him and moved its adoption:

H–3417

Amend House File 773 as follows:

1. Page 1, by striking lines 3 through 11 and inserting in lieu thereof the following:

"NEW LETTERED PARAGRAPH. Paragraphs a and b do not apply if a licensee tenders the department three or more checks during a twelve month period which are dishonored. Following notification to the department of dishonor of any check after the second check so dishonored, the director shall suspend a licensee's liquor control license for not less than three nor more than thirty days, after notice and an opportunity for hearing. Payment of any check whose dishonor subjects the licensee to suspension does not affect the liability of the licensee to suspension."

Amendment H–3417 was adopted.

Crawford of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 773)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Clark, J. H.	Clements
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Pavich	Pellett	Pelton
Petrick	Pope	Rapp	Renken
Ritsema	Running	Schnekloth	Shull
Smalley	Smith	Spear	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 23:

Binneboese	Byerly	Chiodo	Clark, B. J.
Cochran	Connors	Cusack	Davitt
Halvorson, R. A.	Lageschulte	Mullins	Norland
O'Kane	Oxley	Poffenberger	Poncy
Renaud	Schroeder	Shimanek	Sturgeon
Sullivan	Welden	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 774, a bill for an act requiring prime suppliers of liquid fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances, was taken up for consideration.

Conlon of Muscatine offered the following amendment H–3392 filed by him and Miller of Buchanan. Division was requested as follows:

H–3392

Amend House File 774 as follows:

H–3392A

1. Page 1, line 20, by inserting after the word "If" the words "during the months of May through December, inclusive,".

H–3392B

2. Page 1, line 20, by striking the words "the council or".

3. Page 1, line 24, by striking the words "the council or".

H–3392A

4. Page 1, line 26, by inserting after the numeral "2." the following: "A set-aside program authorized under this section shall expire on January 31 following its authorization."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Ritsema of Sioux; Chiodo of Polk on request of Anderson of Jasper, both for the remainder of the day.

Conlon of Muscatine moved the adoption of amendment H–3392A.

Roll call was requested by Conlon of Muscatine and Johnson of Howard.

On the question "Shall amendment H–3392A be adopted?"

The ayes were, 32:

Anderson, J.	Anderson, R.	Arnould	Branstad
Clements	Conlon	Connolly	Cook
Dieleman	Diemer	Groth	Halvorson, R. N.
Hummel	Jochum	Johnson, J.	Johnson, R.
Lind	Mann	Maulsby	Miller
Norland	Pavich	Pellett	Rapp
Renken	Smalley	Spear	Swartz
Tyrrell	Van Maanen	Walter	Welsh

The nays were, 52:

Avenson	Bennett	Brandt	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Cochran	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Doderer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Jay	Johnson, W.	Kirkenslager
Lloyd-Jones	Lonergan	McKean	Menke
Pelton	Petrick	Poffenberger	Pope
Ritsema	Running	Schnekloth	Shimanek
Shull	Smith	Stueland	Sullivan
Swearingen	Tofte	Trucano	Mr. Speaker

Absent or not voting, 16:

Binneboese	Byerly	Chiodo	Connors
Cusack	Krewson	Lageschulte	Mullins
O'Kane	Oxley	Poncy	Renaud
Schroeder	Sturgeon	Welden	Woods

Amendment H—3392A lost.

Conlon of Muscatine moved the adoption of amendment H—3392B.

Roll call was requested by Avenson of Fayette and Byerly of Polk.

On the question "Shall amendment H—3392B be adopted?"

The ayes were, 28:

Anderson, J.	Anderson, R.	Arnould	Clements
Conlon	Connolly	De Groot	Dieleman
Doderer	Hummel	Jochum	Johnson, J.
Johnson, R.	Lind	Mann	Maulsby
Miller	Norland	Pavich	Pellett
Rapp	Renken	Smalley	Spear
Swartz	Tyrrell	Van Maanen	Walter

The nays were, 56:

Avenson	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Cochran	Cook	Crabb
Crawford	Daggett	Danker	Davitt
Diemer	Egenes	Gettings	Gross

Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Jay
Johnson, W.	Kirkenslager	Lloyd-Jones	Lonergan
McKean	Menke	Pelton	Petrick
Poffenberger	Pope	Renaud	Ritsema
Running	Schnekloth	Shimanek	Shull
Smith	Stueland	Sullivan	Swearingen
Tofte	Trucano	Welsh	Mr. Speaker

Absent or not voting, 16:

Binneboese	Chiodo	Clark, J. H.	Connors
Corey	Cusack	Krewson	Lageschulte
Mullins	O'Kane	Oxley	Poncy
Schroeder	Sturgeon	Welden	Woods

Amendment H—3392B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Byerly of Polk; Woods of Polk on request of Renaud of Polk; Binneboese of Plymouth on request of Welsh of Dubuque; Oxley of Linn on request of Norland of Worth, all for the remainder of the day; Sturgeon of Woodbury on request of Halvorson of Webster; and Corey of Louisa, Hoffmann of Muscatine, Clark of Lee, all for a portion of the afternoon, on request of Pope of Polk.

Bruner of Story offered amendment H—3413 filed by O'Kane of Woodbury and requested division as follows:

H—3413

Amend House File 774 as follows:

H—3413A

1. Page 1, line 20, by striking the words "or the governor".

H—3413B

2. Page 1, line 24, by striking the words "or the governor".

Amendment H—3413A lost.

Bruner of Story asked and received unanimous consent to withdraw amendment H—3413B.

Davitt of Warren offered the following amendment H–3423 filed by him and Howell of Floyd and moved its adoption:

H–3423

Amend House File 774 as follows:

1. Page 1, by striking line 20 through page 2, line 2 and inserting in lieu thereof the following:

"1. On the first day of each calendar month a prime supplier shall reserve a fraction of the prime supplier's projected total monthly release of liquid fossil fuel in Iowa specified by the director for release by the director during the month as necessary according to this section. The specified fraction required to be reserved shall not exceed three percent for propane, aviation fuel, and residual oil, and five percent for heating oil, diesel oil, and motor gasoline. Except as provided in subsection 2, the percentage required to be reserved by a prime supplier shall remain available to the director for release during the calendar month according to this section. The director may release any or all of the reserved liquid fossil fuel during the calendar month to end-users or to distributors for release through normal retail distribution channels to retail customers as necessary to alleviate supply shortages or distribution imbalances that may cause hardship or pose a threat to the health and economic well-being of the people of Iowa or a significant segment of the state's population.

2. If the director determines for a calendar month that the reserve program required by subsection 1 is not necessary, the director shall notify all prime suppliers affected by the program by the tenth day of the month that the percentage of liquid fossil fuel required to be reserved by the prime supplier during that calendar month is returned to the prime supplier effective on the date of notification."

A non-record roll call was requested.

The ayes were 38, nays 45.

Amendment H–3423 lost.

Davitt of Warren offered the following amendment H–3424 filed by him and Howell of Floyd and moved its adoption:

H—3424

Amend House File 774 as follows:
1. Page 2, line 2, by inserting after the word "oil." the following: "In releasing the reserved fuel the director shall give first priority to meeting the needs of farming operations, home heating and emergency vehicles."

Amendment H—3424 lost.

Johnson of Woodbury offered the following amendment H—3386 filed by him and Pelton of Clinton and moved its adoption:

H—3386

Amend House File 774 as follows:
1. Page 2, by inserting after line 2 the following:
" The council shall periodically review and may terminate the operation of a set-aside program authorized by the council under subsection 1 when the council finds that the conditions that prompted the authorization no longer exist. The governor shall periodically review and may terminate the operation of a set-aside program authorized by the governor under subsection 1 when the governor finds that the conditions that prompted the authorization no longer exist."

Amendment H—3386 was adopted.

Johnson of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 774)

The ayes were, 72:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Cochran	Connolly	Cook	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Holt	Horn	Howell

Jay	Jochum	Johnson, W.	Kirkenslager
Lloyd-Jones	Lonergan	McKean	Menke
Norland	Pavich	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Welsh	Mr. Speaker

The nays were, 12:

Clements	Conlon	Danker[6]	Hummel
Johnson, J.	Johnson, R.	Lind	Mann
Maulsby	Miller	Renken	Tyrrell

Absent or not voting, 16:

Binneboese	Chiodo	Clark, J. H.	Connors
Corey	Cusack	Hoffmann	Krewson
Lageschulte	Mullins	O'Kane	Oxley
Poncy	Schroeder	Sturgeon	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER
(House File 472)

Renken of Grundy called up for consideration the motion to reconsider House File 472, filed on April 1, 1981, and moved to reconsider the vote by which House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors, passed the House on April 1, 1981.

Avenson of Fayette moved to defer action on the motion to reconsider House File 472.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 31, nays 49.

The motion to defer the motion to reconsider lost.

Dieleman of Marion moved that the House adjourn until 10:00 a.m., Monday, April 6, 1981.

A non-record roll call was requested.

The ayes were 28, nays 48.

The motion to adjourn lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek, for the remainder of the day, on request of Avenson of Fayette.

Byerly of Polk moved to table the motion to reconsider.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 28, nays 51.

The motion to table lost.

On the motion to reconsider House File 472 by Renken of Grundy, a non-record roll call was requested.

The ayes were 37, nays 41.

The motion lost placing out of order the motions to reconsider filed by Schroeder of Pottawattamie, Schnekloth of Scott and Norland of Worth, all filed on April 1, 1981.

MOTIONS TO RECONSIDER
(House File 749)

I move to reconsider the vote by which House File 749 passed the House on April 3, 1981.

CLARK of Cerro Gordo

(House File 774)

I move to reconsider the vote by which House File 774 passed the House on April 3, 1981.

LIND of Black Hawk

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 528, a bill for an act concerning certain criminal procedures relating to notice of seized property and deferred sentences.

LINDA HOWARTH MACKAY, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1981, he approved and transmitted to the Secretary of State the following bills:

House File 47, an act relating to the contents of a permit or license application.

House File 160, an act to repeal the requirement that the board of accountancy publish a register of all registered and licensed practitioners and mail a copy to each of them.

Senate File 152, an act providing that manufacturers and nonresident vendors shall not sell pilot lights commencing two years after the commerce commission has certified an alternative ignition device for a gas appliance.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a short time on April 3, 1981. Had I been present, I would have voted "aye" on House File 773.

SULLIVAN of Van Buren

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty tenth and eleventh grade students from Horizon Alternative High School, Centerville, accompanied by Mike Halupnick. By Jay of Appanoose.

Ninety twelfth grade students from Lincoln High School, Des Moines, accompanied by Jerald E. Hickey. By Chiodo and Woods of Polk.

Eight seventh and eighth grade students from St. Mary School, Storm Lake, accompanied by Mr. Dale Lass and Sister Walter Marie. By Groth of Buena Vista.

SUBCOMMITTEE ASSIGNMENTS

House File 776

Ways and Means: Poffenberger, Chair; McKean and Miller.

House File 814

Commerce: Hoffmann, Chair; Swearingen and Bruner.

Senate Joint Resolution 10

Agriculture: Crabb, Chair; Miller and Anderson of Audubon.

Senate File 48

Commerce: Schnekloth, Chair; Chiodo, Woods, Johnson of Linn and Hansen of O'Brien.

Senate File 235

Transportation: Holt, Chair; Lageschulte and Pavich.

Senate File 278

Human Resources: Clark of Cerro Gordo, Chair; McKean, Cusack, Carl, Daggett, Maulsby, Running and Trucano.

Senate File 289

Agriculture: Cook, Chair; Chiodo and Bennett.

Senate File 409

Human Resources: Clark of Cerro Gordo, Chair; Krewson, Poffenberger, Carl, Cusack, De Groot and Lonergan.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 323

Ways and Means: Schnekloth, Chair; Bennett, Shull, Ritsema, Norland, Cochran and Hall.

Study Bill 324

Ways and Means: Schnekloth, Chair; Bennett, Shull, Ritsema, Norland, Cochran and Hall.

Study Bill 326

Ways and Means: Schnekloth, Chair; Bennett, Shull, Ritsema, Norland, Cochran and Hall.

Study Bill 327

Ways and Means: Schnekloth, Chair; Bennett, Shull, Ritsema, Norland, Cochran and Hall.

Study Bill 328

Ways and Means: Schnekloth, Chair; Bennett, Shull, Ritsema, Norland, Cochran and Hall.

Study Bill 329

Ways and Means: Hummel, Chair; Bennett and Cochran.

AMENDMENTS FILED

H–3476	S.F. 377	Spear of Lee
H–3477	S.F. 377	Spear of Lee
H–3478	S.F. 469	Spear of Lee
H–3479	S.F. 519	Spear of Lee
H–3480	H.F. 487	Crabb of Crawford Schroeder of Pottawattamie
H–3481	S.F. 268	Tyrrell of Iowa
H–3482	H.F. 775	Poffenberger of Dallas Halvorson of Clayton Shimanek of Jones Clark of Cerro Gordo

H—3483	H.F. 798	Clements of Scott
H—3484	H.F. 801	Clements of Scott
H—3485	H.F. 791	Rapp of Black Hawk
		Halvorson of Clayton
H—3486	H.F. 804	Ritsema of Sioux
H—3487	H.F. 804	Ritsema of Sioux
H—3488	H.F. 36	Running of Linn
Horn of Linn		Byerly of Polk
Chiodo of Polk		Woods of Polk
Pavich of Pottawattamie		Arnould of Scott
Jochum of Dubuque		Gettings of Wapello
Connors of Polk		Renaud of Polk
O'Kane of Woodbury		Connolly of Dubuque
Kirkenslager of Des Moines		Anderson of Jasper
H—3489	H.F. 801	Spear of Lee
H—3490	H.F. 801	Renaud of Polk
		Spear of Lee

On motion by Pope of Polk, the House adjourned at 3:12 p.m., until 10:00 a.m., Monday, April 6, 1981.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 6, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Carl R. Sodeberg, pastor of the First Presbyterian Church, Paullina.

The Journal of Friday, April 3, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Clark of Cerro Gordo, from fifty-one constituents of the eleventh district opposing Iowa's 3 percent sales tax on manufacturing equipment and machinery.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn on request of Bruner of Story; Mullins of Kossuth, for April 6 and a portion of April 7, 1981, on request of Shimanek of Jones; Davitt of Warren, for a portion of the morning session, on request of Cochran of Webster; Schroeder of Pottawattamie, for April 6 and 7, 1981, on request of Harbor of Mills.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 123, a bill for an act relating to the types and forms of administrative rules to be promulgated and the rights of the public to participate in the rule-making process.

Also: That the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act allowing a licensing board to request an audit of a continuing education program.

Also: That the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 507, a bill for an act permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations and taking effect upon publication.

LINDA HOWARTH MACKAY, Secretary

PRESENTATION TO CAMP SUNNYSIDE

Speaker Stromer presented Eddie Mauro, House Page, for a special presentation. Eddie introduced Ed Strackey of Camp Sunnyside, which is a facility for serving handicapped children and adults, and on behalf of the House and Senate Pages presented him with a check in the amount of $2,356.00. The donation was as a result of the 1981 Pages' Ball.

House Pages Dave Schieffer, Jennifer Mullins, Tari Peterson, Margene Mayer and Karolyn Price, and Senate Page, Becki Spees, escorted Mr. Strackey.

The House rose and expressed its appreciation to the Pages for their endeavor.

CONSIDERATION OF BILLS
Regular Calendar

House File 804, a bill for an act correcting erroneous, inconsistent, and obsolete provisions of the Code, including penalty provisions, was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3486 filed by him:

H–3486

Amend House File 804 as follows:
1. Page 14, by striking lines 17 through 19, and inserting in lieu thereof the following: "state ~~and make recommendations to the board of control for the improvement of the educational program in such institutions~~."

Corey of Louisa rose on a point of order that amendment H–3486 was not germane.

The Speaker ruled the point well taken and amendment H—3486 not germane.

Conlon of Muscatine offered the following amendment H—3458 filed by Conlon, et al.:

H—3458

Amend House File 804 as follows:

1. Page 17, by inserting after line 11 the following:

"Sec. . Section 321.457, subsection 6, Code 1981, is amended to read as follows:

6. ~~No~~ A combination of three vehicles coupled together one of which is a motor vehicle, unladen or with load, shall not have an overall length, inclusive of front and rear bumpers in excess of sixty feet, except that a combination of three vehicles in excess of sixty feet but not exceeding sixty-five feet in length may be operated only as follows:

a. On highways which are fully-controlled access, divided, multilaned highways including the national system of interstate highways designated by the federal highway administration and this state.

b. On an access route for a reasonable distance not to exceed five miles from a highway specified in paragraph a for the purpose of obtaining access to truck terminals or facilities for fuel, food, repairs, or rest."

2. By renumbering sections as necessary.

Corey of Louisa rose on a point of order that amendment H—3458 was not germane.

The Speaker propounded the question to the House.

On the question "Is amendment H—3458 germane?"

The ayes were 50, nays 44.

Amendment H—3458 was ruled germane by the House.

Conlon of Muscatine moved the adoption of amendment H—3458.

Roll call was requested by Doderer of Johnson and Arnould of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—3458 be adopted?"

The ayes were, 56:

Anderson, R.	Avenson	Bennett	Brandt
Bruner	Byerly	Chiodo	Clements
Cochran	Conlon	Connolly	Connors
Cook	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Horn	Howell	Jay	Jochum
Johnson, J.	Kirkenslager	Lind	Lonergan
Mann	Miller	Pavich	Poncy
Pope	Rapp	Renaud	Ritsema
Shull	Smalley	Spear	Sullivan
Swartz	Swearingen	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods

The nays were, 39:

Anderson, J.	Arnould	Binneboese	Branstad
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Corey	Crabb	Cusack	Doderer
Egenes	Halvorson, R. N.	Holt	Hummel
Johnson, W.	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McKean	Menke	O'Kane
Oxley	Pellett	Pelton	Petrick
Poffenberger	Renken	Running	Schnekloth
Shimanek	Smith	Stueland	Sturgeon
Tofte	Walter	Mr. Speaker	

Absent or not voting, 5:

Crawford	Johnson, R.	Mullins	Norland
Schroeder			

Amendment H—3458 was adopted.

Ritsema of Sioux offered the following amendment H—3487 filed by him:

H—3487

Amend House File 804 as follows:
1. Page 17, by inserting after line 11 the following:

"Sec. . Section 321.382, Code 1981, is amended to read as follows:

321.382 UPGRADE PULLS—MINIMUM SPEED. ~~No~~ A motor vehicle or combination of vehicles, which cannot proceed up a three percent grade, on dry concrete pavement, at a minimum speed of twenty miles per hour, shall not be operated~~, after January 1, 1938,~~ upon the highways of this state."

Ritsema of Sioux offered the following amendment H—3491, to amendment H—3487, filed by him from the floor:

H—3491

Amend the amendment H—3487 to House File 804 as follows:

1. Page 1, by striking line 11 and inserting in lieu thereof the following: "the highways of this state. An ordinary tricycle, bicycle, or two bicycles attached together in parallel to be operated as a single unit, with a battery operated electric motor unit attached so that the device may be moved by human power, by the electric motor unit, or by both, is exempt from this requirement."

Corey of Louisa rose on a point of order that amendment H—3491 was not germane.

The Speaker ruled the point well taken and amendment H—3491 not germane to amendment H—3487.

On motion by Ritsema of Sioux, amendment H—3487 was adopted.

Shimanek of Jones offered the following amendment H—3441 filed by her and Corey of Louisa and moved its adoption:

H—3441

Amend House File 804 as follows:

1. Page 24, by inserting after line 27 the following:

"Sec. 67. Section 524.706, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. For the purposes of this subsection the term "executive officer" means every officer of a state bank who participates or has authority to participate, otherwise than in the capacity of a director, in major

policymaking functions of the bank, regardless of whether ~~he~~ the officer has an official title or whether ~~his~~ the officer's title contains a designation of assistant and regardless of whether ~~he~~ the officer is serving without salary or other compensation. The ~~chairman~~ chairperson of the board, the president, every vice president, the cashier, secretary, and treasurer of a state bank are assumed to be executive officers, unless, by resolution of the board of directors or by the bank's bylaws, but subject to contrary notice by the superintendent as provided for in section ~~524.704~~ 524.701, any such officer is excluded from participation in major policymaking functions, otherwise than in the capacity of a director of the bank, and ~~he~~ the officer does not actually participate therein."

2. By renumbering sections as necessary.

Amendment H—3441 was adopted.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?", (H.F. 804)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Crawford	De Groot	Harbor	Johnson, R.
Menke	Mullins	Norland	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 775, a bill for an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels, was taken up for consideration.

Poffenberger of Dallas offered the following amendment H–3482 filed by Poffenberger, et al., and moved its adoption:

H–3482

Amend House File 775 as follows:

1. Page 2, by striking lines 14 through 19 and inserting in lieu thereof the following:

"8. If the successor-in-interest does not assume the franchise, the franchiser shall account to the heirs or the estate of the deceased franchisee for the value of branded products purchased directly from the franchiser."

2. Page 2, line 23, by striking the words "one year" and inserting in lieu thereof the words "two years".

Amendment H–3482 was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 775)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Cusack

Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Crawford	Johnson, R.	Mullins	Norland
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 781, a bill for an act relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions, was taken up for consideration.

De Groot of Lyon offered the following amendment H–3371 filed by De Groot, et al. :

H–3371

Amend House File 781 as follows:

1. Page 2, by striking lines 1 through 17 and inserting in lieu thereof the following:

"4. APPEAL TO HEARING BOARD. Any applicant for a liquor control license or beer permit may appeal to the department hearing board, established pursuant to section 123.15, from the director's disapproval of an application for a license or permit. If, upon ~~such~~ appeal the hearing board ~~shall determine~~

determines that the local authority acted arbitrarily, capriciously, or without reasonable cause in disapproving the application, ~~or that, where the local authority approved the application, the director's own disapproval should be reversed,~~ it shall ~~order issuance of a license or permit~~ notify the local authority by certified mail of its intention to order the issuance of a license or permit within thirty days of the notice. If the hearing board receives from the local authority a resolution disapproving the issuance of the license or permit by a two-thirds majority within thirty days of the notice, the license or permit shall not be issued unless the disapproval of the application is found to be arbitrary, capricious, or without reasonable cause upon judicial review. If upon appeal the hearing board determines that where the local authority approved the application, the director's own disapproval should be reversed, the board shall order issuance of the license or permit. The same right of appeal to the hearing board shall be afforded a liquor control licensee or beer permittee whose license or permit has been suspended or revoked under this chapter, and the same right of notice shall be afforded the local authority. Upon appeal the hearing board shall reduce the period of suspension or order reinstatement of ~~such~~ the license or permit for good cause shown unless the hearing board receives from the local authority a resolution disapproving the reduction or reinstatement by a two-thirds majority within thirty days of the notice to the local authority.

Sec. . Section 123.32, subsection 5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Where the hearing board receives from the local authority a resolution disapproving the issuance of the license or permit, the applicant may petition for judicial review by filing in the district court of the county wherein the premises covered by the application is situated."

2. By renumbering sections to conform to this

Page 2

amendment.

Welsh of Dubuque rose on a point of order that amendment H—3371 was not germane.

The Speaker ruled the point not well taken and amendment H—3371 germane.

Bennett of Ida in the chair at 11:35 a.m.

De Groot of Lyon moved the adoption of amendment H—3371.

Roll call was requested by De Groot of Lyon and Hoffmann of Muscatine.

Rule 80 was invoked.

On the question "Shall amendment H—3371 be adopted?"

The ayes were, 48:

Anderson, R.	Branstad	Byerly	Chiodo
Clark, B. J.	Clements	Cochran	Cook
Corey	Daggett	Danker	Davitt
De Groot	Dieleman	Groth	Halvorson, R. N.
Hansen, I.	Hoffmann	Holt	Howell
Jay	Johnson, J.	Johnson, W.	Lageschulte
Mann	Maulsby	McKean	Menke
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Schnekloth	Smalley
Smith	Spear	Stromer	Stueland
Sullivan	Swartz	Van Maanen	Mr. Speaker (Bennett)

The nays were, 46:

Arnould	Avenson	Binneboese	Brandt
Bruner	Carl	Carpenter	Clark, J. H.
Conlon	Connolly	Connors	Crabb
Crawford	Cusack	Diemer	Doderer
Egenes	Gettings	Hall	Halvorson, R. A.
Hanson, D.	Harbor	Horn	Hummel
Jochum	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lonergan	Miller	O'Kane
Pavich	Rapp	Running	Shimanek
Shull	Sturgeon	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welden
Welsh	Woods		

Absent or not voting, 6:

Anderson, J.	Gross	Johnson, R.	Mullins
Norland	Schroeder		

Amendment H—3371 was adopted.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 781)

The ayes were, 61:

Anderson, R.	Branstad	Byerly	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Howell	Jay	Johnson, J.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Schnekloth	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sullivan	Swartz	Trucano
Van Maanen	Walter	Welden	Woods
Mr. Speaker (Bennett)			

The nays were, 32:

Arnould	Avenson	Binneboese	Brandt
Bruner	Carl	Carpenter	Conlon
Connolly	Crawford	Cusack	Doderer
Egenes	Gettings	Hall	Hanson, D.
Horn	Hummel	Jochum	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	O'Kane
Pavich	Running	Shimanek	Sturgeon
Swearingen	Tofte	Tyrrell	Welsh

Absent or not voting, 7:

Anderson, J.	Gross	Johnson, R.	Miller
Mullins	Norland	Schroeder	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Pope of Polk, the House was recessed at 12:16 p.m, until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE RESOLUTION 12

By Bruner, Avenson, Davitt, Hall, Spear, Cochran, Oxley, Lonergan, Pavich, Jochum, Poncy, Horn, Howell, Woods, Brandt, Anderson of Jasper, Byerly, Running, Miller, Binneboese, Arnould, Doderer, Groth, Halvorson of Webster, Jay, Rapp, Swartz, Carl, Welsh, Gettings, Walter, Connolly, Chiodo, Norland, Sullivan, Renaud, Dieleman, Lloyd-Jones, Sturgeon, Cusack, Connors and O'Kane

Whereas, the nation's economic strength is dependent upon its farm productivity, which in turn is dependent upon adequate supplies of liquid fossil fuels, especially during planting and harvesting seasons, and

Whereas, during the liquid fossil fuel shortage in the spring of 1979 the federal fuel allocation program and its special rules giving priority in fuel use to farming operations assured adequate and timely supplies of fossil fuels for spring planting and averted a potential catastrophe, and

Whereas, although President Reagan has abolished a permanent federal fuel allocation program the possibility of acute shortages in liquid fossil fuels still exists, and

Whereas, in times of acute liquid fossil fuel shortages a rational allocation program must be developed on a national level, *Now Therefore*,

Be It Resolved by the House of Representatives, That the House of Representatives, representing all of the people of Iowa, appeals to the Iowa congressional delegation and to President Reagan to establish a standby fuel allocation program to guarantee, in times of acute liquid fossil fuel shortages, that priority in use be given to essential needs, including farm operations, and

Be It Further Resolved, that copies of this resolution be sent to President Reagan and to members of the Iowa congressional delegation.

Laid over under Rule 30.

Regular Calendar

House File 777, a bill for an act relating to assignments of instruments and accounts, was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 777)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner

Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Branstad	Chiodo	Howell	Johnson, R.
Krewson	Lind	Mullins	Poffenberger
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 768, a bill for an act requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts, was taken up for consideration.

Bruner of Story asked and received unanimous consent to withdraw amendment H–3428 filed by him on April 1, 1981.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 768)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Johnson, R.	Mullins	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 778, a bill for an act relating to the disclaimer of succession to property and providing a January 1 effective date, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 778)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Johnson, R.	Mullins	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 792, a bill for an act relating to the administration of the Iowa national guard facilities, and appropriating income from national guard property, was taken up for consideration.

Spear of Lee offered the following amendment H–3409 filed by him and moved its adoption:

H–3409

1 Amend House File 792 as follows:
2 1. Page 1, line 31, by striking the words
3 ", of good moral character" and inserting in lieu
4 thereof the words "~~, of good moral character~~".

Amendment H—3409 was adopted.

Spear of Lee offered the following amendment H—3414 filed by him and moved its adoption:

H—3414

Amend House File 792 as follows:
1. Page 2, line 1, by striking the word "thirty" and inserting in lieu thereof the word "~~thirty~~ forty".

Amendment H—3414 lost.

Spear of Lee offered the following amendment H—3419 filed by him and moved its adoption:

H—3419

Amend House File 792 as follows:
1. Page 2, line 3, by inserting after the word "chapter." the following: "However, the per diem compensation shall not apply to members who are full-time national guard personnel."

Amendment H—3419 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 792)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay

Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Johnson, R.	Mullins	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 806, a bill for an act to delay implementation of administrative rules establishing minimum standards for county jails, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3429 filed by him on April 1, 1981.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 806)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.

Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Miller	Norland	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 5:

Avenson	Brandt	Bruner	Lonergan
O'Kane			

Absent or not voting, 5:

Connolly	Johnson, R.	Mullins	Pelton
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 816 DEFERRED

Pope of Polk asked and received unanimous consent that House File 816 be deferred and that the bill retain its place on the calendar.

House File 794, a bill for an act relating to the Iowa Probate Code by increasing the amount that may pass to a minor without the necessity of appointing a conservator; by defining sale of property in probate proceedings; by providing that certain hearings are not necessary if a certain type of notice is used; and by providing that if a claimant is represented by an attorney, the attorney of record for the claimant shall be notified of the disallowance of the claim, was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 794)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Johnson, R.	Mullins	Pelton	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 828, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982, was taken up for consideration.

Doderer of Johnson offered the following amendment H–3433 filed by her and Lageschulte of Bremer and moved its adoption:

H—3433

Amend House File 828 as follows:

1. Page 9, by inserting after line 20 the following:

"Sec. . Section 303.23, Code 1981, is amended to read as follows:

303.23 REFERENDUM. Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the ~~county commissioner of elections~~ department shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The department, after consultation with the county commissioner of elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint from residents of the proposed district three judges and two clerks of election.

Sec. . Section 303.24, Code 1981, is amended to read as follows:

303.24 NOTICE. The department, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before it is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours when the polls will open and close."

2. By numbering and renumbering sections and correcting internal references as necessary.

Amendment H—3433 was adopted.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 828)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors

Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Tyrrell

Absent or not voting, 3:

Johnson, R.	Mullins	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 801 DEFERRED

Pope of Polk asked and received unanimous consent that House File 801 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 798 DEFERRED

House File 798, a bill for an act providing that facilities to be used for the sanitary disposal for recycling of solid waste and land, buildings, or improvements suitable for use of physicians for office buildings and ancillary facilities are projects for which revenue bonds under chapter 419 may be issued and providing for its effect upon publication, was taken up for consideration.

Clements of Scott asked for unanimous consent to withdraw amendment H–3483 filed by him as follows:

H–3483

Amend House File 798 as follows:
1. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the following: "or of one or more medical practitioners for a medical office building, including appropriate ancillary facilities, or (b)".

Objection was raised.

Pope of Polk asked and received unanimous consent to defer action on House File 798 and that the bill retain its place on the calendar.

(Amendment H–3483 pending.)

House File 825, a bill for an act relating to the rights of residents of health care facilities and providing penalties, was taken up for consideration.

McKean of Jones offered the following amendment H–3459 filed by McKean, et al., and moved its adoption:

H–3459

Amend House File 825 as follows:
1. By striking everything after the enacting clause and inserting in lieu thereof the following:
"Section 1. Section 135C.14, Code 1981, is amended by adding the following new subsection:
NEW SUBSECTION. Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's bill of rights contained in 42 C.F.R. 442.311, as amended to January 1, 1981, to all health care facilities as defined in this chapter and shall include procedures for implementing and enforcing the federal rules. The department shall also adopt rules relating to the following:
a. The transfer of residents to other rooms within a facility.
b. The involuntary discharge or transfer of residents from a facility including provisions for notice and agency hearings and for the development of a patient discharge or transfer plan and for providing counseling services to a patient being discharged or transferred.
c. The required holding of a bed for a resident

under designated circumstances upon payment of a prescribed charge for the bed.

d. The notification of care review committees by the department of all complaints relating to health care facilities and the involvement of the care review committees in resolution of the complaints.

Sec. 2. Chapter 135C, Code 1981, is amended by adding the following new section as section 135C.31:

135C.31 DISCHARGE OF MEDICAID PATIENTS. A resident of a health care facility shall not be discharged solely because the cost of the resident's care is being paid under chapter 249A or because the resident's source of payment is changing from private support to payment under chapter 249A.

Sec. 3. Section 135C.36, subsection 2, Code 1981, is amended to read as follows:

2. A Class II violation is one which has a direct or immediate relationship to the health, safety or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect and full recognition of the resident's dignity and individuality, in violation of a specific rule adopted by the department, may

Page 2

constitute a Class II violation. A violation of section 1 or 2 of this Act and rules adopted under those sections shall be at least a Class II violation and may be a Class I violation. A Class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee ~~shall be~~ is subject to a penalty of not less than one hundred nor more than five hundred dollars for each Class II violation for which the licensee's facility is cited, however the commissioner may waive the penalty if the violation is corrected within the time specified in the citation."

Amendment H—3459 was adopted, placing out of order amendment H—3450 filed by Spear of Lee on April 2, 1981.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Miller of Buchanan; Trucano of Polk on request of Swearingen of Keokuk, both for the remainder of the day.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 825)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hanson, D.
Harbor	Horn	Howell	Hummel
Jay	Jochum	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tyrrell	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 12:

Carpenter	Crabb	Diemer	Hansen, I.
Hoffmann	Holt	Mann	Maulsby
Renken	Tofte	Van Maanen	Welden

Absent or not voting, 6:

Cusack	Johnson, J.	Johnson, R.	Mullins
Schroeder	Trucano		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 779, a bill for an act relating to the rules of evidence, was taken up for consideration.

Spear of Lee offered the following amendment H–3385 filed by him and moved its adoption:

H–3385

Amend House File 779 as follows:
1. Page 1, by striking line 1 and inserting in lieu thereof the following:
"Section 1. The general assembly requests that the supreme court undertake a study of".

Amendment H–3385 lost.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 779)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Tyrrell	Walter	Welden
Woods	Mr. Speaker		

The nays were, 6:

Clements	Lind	Mann	Maulsby
Van Maanen	Welsh		

Absent or not voting, 8:

Crabb	Cusack	Hall	Johnson, J.
Johnson, R.	Mullins	Schroeder	Trucano

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 774)

Lind of Black Hawk asked and received unanimous consent to withdraw the motion to reconsider filed by him on April 3, 1981 on House File 774, a bill for an act requiring prime suppliers of liquid fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances.

MOTION TO RECONSIDER PREVAILED
(House File 749)

Clark of Cerro Gordo called up for consideration the motion to reconsider House File 749, filed on April 3, 1981, and moved to reconsider the vote by which House File 749, a bill for an act relating to the state board of engineering examiners, passed the House on April 3, 1981.

A non-record roll call was requested.

The ayes were 58, nays 32.

The motion prevailed and the House reconsidered House File 749.

Clark of Cerro Gordo asked and received unanimous consent to reconsider the vote by which House File 749 was placed on its last reading.

Clark of Cerro Gordo moved to reconsider the vote by which amendment H—3347, as amended, was adopted by the House on April 3, 1981, which motion prevailed and the House reconsidered amendment H—3347, as amended, found on page 1031 of the House Journal. Division of amendment H—3347 was requested as follows:

Lines 1 through 9 to be amendment H—3347A.

Lines 10 through 12 to be amendment H—3347B.

Hall of Linn asked and received unanimous consent to withdraw amendment H—3347B.

On motion by Hall of Linn, amendment H—3347A, as amended, was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 749)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Cook	Corey	Crawford
Daggett	Danker	Davitt	Dieleman
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Jay
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Running	Schnekloth
Shimanek	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 15:

Branstad	Clements	Conlon	De Groot
Gross	Hummel	Lind	Maulsby
Miller	Renken	Ritsema	Shull
Smalley	Tyrrell	Van Maanen	

Absent or not voting, 8:

Crabb	Cusack	Johnson, J.	Johnson, R.
Mullins	Schroeder	Trucano	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 774)

I move to reconsider the vote by which House File 774 passed the House on April 3, 1981.

BRUNER of Story

(House File 781)

I move to reconsider the vote by which House File 781 passed the House on April 6, 1981.

LAGESCHULTE of Bremer

(House File 781)

I move to reconsider the vote by which House File 781 passed the House on April 6, 1981.

CHIODO of Polk

(House File 804)

I move to reconsider the vote by which House File 804 passed the House on April 6, 1981.

SHIMANEK of Jones

INTRODUCTION OF BILLS

House File 834, by committee on county government, a bill for an act relating to office hours for county offices.

Read first time and **placed on the calendar.**

House File 835, by committee on county government, a bill for an act relating to state and county funding of mental health and mental retardation services.

Read first time and referred to committee on **appropriations.**

House File 836, by committee on county government, a bill for an act relating to honoring county warrants.

Read first time and **placed on the calendar.**

House File 837, by committee on county government, a bill for an act to repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 479, by committee on agriculture, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

Read first time and **passed on file.**

Senate File 507, by committee on cities, a bill for an act permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations, and taking effect upon publication.

Read first time and referred to committee on **cities.**

Senate File 528, by committee on judiciary, a bill for an act concerning certain criminal procedures relating to notice of seized property, nontestimonial identification, trial by jury, and deferred judgments, deferred sentences and suspended sentences.

Read first time and referred to committee on **judiciary and law enforcement.**

COMMUNICATION FROM SECRETARY OF STATE

April 6, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that House File 232 was published in the Iowa Falls Citizen, Iowa Falls, Iowa on April 1, 1981 and in the Ames Daily Tribune, Ames, Iowa on March 18, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 3, 1981. Had I been present, I would have voted "aye" on House File 774.

HOFFMANN of Muscatine

I was necessarily absent from the House chamber for a short period of time on April 6, 1981 when the vote was taken on House File 804. Had I been present, I would have voted "aye."

DE GROOT of Lyon

I inadvertently missed the vote on April 6, 1981 on House File 804. Had I been present, I would have voted "aye."

MENKE of O'Brien

I inadvertently missed the vote on April 6, 1981 on House File 806. Had I been present, I would have voted "aye."

CONNOLLY of Dubuque

PRESENTATION OF VISITORS

Connors of Polk presented to the House the Honorable James D. Middleswart, former member of the House representing Warren County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty eighth grade students from Popejoy Elementary School, Popejoy, accompanied by Janet Zesman. By Welden of Hardin.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-33	City of Belmond
1981-35	Earlham High School Girls Basketball Team
1981-36	Norwalk High School Girls Basketball Team
1981-37	Willard L. Boyd, President, University of Iowa

PAT H. HARPER
Chief Clerk of the House

AMENDMENTS FILED

H—3492	H.F. 399	Crabb of Crawford
H—3493	H.F. 774	Bruner of Story Conlon of Muscatine O'Kane of Woodbury
H—3494	H.F. 816	Conlon of Muscatine
H—3495	H.F. 798	Miller of Buchanan
H—3496	H.F. 36	Gettings of Wapello
H—3497	H.F. 761	Byerly of Polk Chiodo of Polk Woods of Polk Renaud of Polk Connors of Polk
H—3498	H.F. 761	Byerly of Polk Chiodo of Polk Woods of Polk Renaud of Polk Connors of Polk
H—3499	S.F. 276	Spear of Lee
H—3500	S.F. 276	Spear of Lee
H—3501	S.F. 268	Shimanek of Jones
H—3502	S.F. 519	Harbor of Mills Halvorson of Webster Shimanek of Jones

H—3503	H.F. 770	Hoffmann of Muscatine Doderer of Johnson Carpenter of Polk Clark of Cerro Gordo Crawford of Story Anderson of Jasper
H—3505	H.F. 753	Jay of Appanoose
H—3506	H.F. 799	Spear of Lee
H—3507	H.F. 753	Groth of Buena Vista
H—3508	H.F. 399	O'Kane of Woodbury
H—3509	H.F. 798	Halvorson of Webster
H—3510	H.F. 830	Lageschulte of Bremer Schnekloth of Scott
H—3511	H.F. 799	Ritsema of Sioux
H—3512	S.F. 284	Brandt of Black Hawk
H—3513	H.F. 791	Groth of Buena Vista
H—3514	H.F. 791	Jay of Appanoose
H—3515	H.F. 821	De Groot of Lyon Welden of Hardin
H—3516	H.F. 791	Lloyd-Jones of Johnson
H—3517	H.F. 801	Ritsema of Sioux Spear of Lee
H—3518	H.F. 798	Halvorson of Webster
H—3519	H.F. 798	Halvorson of Webster
H—3520	H.F. 798	Schnekloth of Scott Norland of Worth
H—3521	H.F. 821	Welden of Hardin De Groot of Lyon

On motion by Pope of Polk, the House adjourned at 5:52 p.m., until 9:00 a.m., Tuesday, April 7, 1981.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day—Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 7, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Robert Hedges, pastor of St. Timothy's Episcopal Church, West Des Moines.

The Journal of Monday, April 6, 1981 was approved.

INTRODUCTION OF BILLS

House File 838, by committee on county government, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

Read first time and referred to committee on **ways and means.**

House File 839, by committee on county government, a bill for an act to extend the property tax levy for flood and erosion control to all taxable property outside the corporate limits of a city.

Read first time and referred to committee on **ways and means.**

SENATE MESSAGES CONSIDERED

Senate File 123, by Holden, Priebe and Tieden, a bill for an act relating to the types and form of administrative rules to be promulgated, the rights of the public to participate in the rule-making process, and the powers of the governor, the administrative rules review committee, and the attorney general in reviewing that process.

Read first time and referred to committee on **state government.**

Senate File 484, by committee on state government, a bill for an act allowing a licensing board to request an audit of a continuing education program.

Read first time and referred to committee on **state government.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act to require that reports of induced terminations of pregnancies be filed with the state department of health.

Also: That the Senate has on April 3, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 531, a bill for an act relating to pipelines.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 28
By Harbor, Danker, Pavich, Crabb, Walter, Johnson of Woodbury, Pellett, Stueland, Smalley, Sturgeon, and O'Kane

Whereas, southwestern agricultural interests and large oil companies presently have plans to divert large amounts of water from the Missouri river for irrigation purposes and for processing oil shale; and

Whereas, such projects are in conflict with each other and either project would have adverse effects on the amount of water available to Iowa from the Missouri river; and

Whereas, the availability of water in Iowa is declining and the United States Army Corps of Engineers has stated that the Missouri river is already nearly subscribed for navigation, cooling, power production and irrigation, and any further subscriptions would deny to people living within the lower Missouri river regions their traditional access to water in the Missouri river; and

Whereas, Iowa has not yet taken any action in preserving its right to Missouri river water although some concern has been expressed; and

Whereas, in order that Iowa commerce may be maintained and promoted and its aquifers maintained at reasonable levels it is necessary to consider every source of water; *Now Therefore;*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa General Assembly expresses its concern and alarm in regard to plans to further divert Missouri river water and directs the Iowa Conservation Commission, the Iowa Natural Resources Council, the Department of Environmental Quality, the Department of Agriculture and any other public agency concerned with Iowa agriculture and natural resources to immediately and vigorously oppose further diversion of Missouri river water and directs these agencies

Page 2

to use their available resources and become actively engaged in attempting to preserve Iowa's interests and rights in the water which it historically and rightfully has been entitled since statehood; and

Be It Further Resolved, That copies of this resolution shall be forwarded to Governor Robert D. Ray, each member of the Iowa congressional delegation, and to the chief executive officer of the United States Army Corps of Engineers.

Laid over under Rule 30.

CONSIDERATION OF BILLS
Regular Calendar

House File 801, a bill for an act relating to crimes involving the unjustified interference with the body or duty of persons including firefighters and penal and correction facility staff, and providing penalties, was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3517 filed by him and Spear of Lee:

H–3517

Amend House File 801 as follows:

1. Page 1, line 3, by striking the word "A" and inserting in lieu thereof the words "Except as otherwise provided in this chapter, a".

2. Page 1, line 4, by striking the words "other than a serious injury".

3. Page 1, line 21, by striking the word "purposely" and inserting in lieu thereof the word "~~purposely~~".

Ritsema of Sioux offered the following amendment H–3522, to amendment H–3517, filed by him and Spear of Lee from the floor and moved its adoption:

H–3522

Amend amendment H–3517 to House File 801 as follows:

1. Page 1, by striking lines 2 through 6 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 1 through 5."

2. By renumbering to conform to this amendment.

Amendment H—3522 was adopted.

On motion by Ritsema of Sioux, amendment H—3517, as amended, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendments H—3425 and H—3440 filed by him on April 1, 1981.

Renaud of Polk offered the following amendment H—3490 filed by him and Spear of Lee and moved its adoption:

H—3490

Amend House File 801 as follows:

1. Page 1, line 10, by inserting after the word "firefighter," the following: "ambulance personnel, paramedic, emergency medical technician, or any other person providing emergency medical services,".

2. Page 1, line 13, by inserting after the word "firefighter," the following: "ambulance personnel, paramedic, emergency medical technician, or any other person providing emergency medical services,".

Amendment H—3490 was adopted.

Spear of Lee offered the following amendment H—3489 filed by him and moved its adoption:

H—3489

Amend House File 801 as follows:

1. Page 1, line 10, by striking the words "or an employee of" and inserting in lieu thereof the words "an employee of a penal or correctional facility, or a person performing a job, service, or duty for".

2. Page 1, line 13, by striking the words "or employee" and inserting in lieu thereof the words "employee, or person performing a job, service, or duty for a penal or correctional facility".

A non-record roll call was requested.

The ayes were 53, nays 36.

Amendment H—3489 was adopted.

Clements of Scott offered the following amendment H–3484 filed by him and moved its adoption:

H–3484

Amend House File 801 as follows:

1. Page 1, by inserting after line 24 the following:

"A person who commits an interference with official acts, as defined in this section, shall serve the maximum sentence imposed by law for the particular offense, and notwithstanding any other provision of the Code is not eligible for a deferred judgment, deferred sentence, or suspended sentence."

Roll call was requested by Clements of Scott and Johnson of Linn.

On the question "Shall amendment H–3484 be adopted?"

The ayes were, 57:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clements	Conlon	Connors
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Gettings	Gross	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Mann	Maulsby
McKean	Miller	Oxley	Pellett
Petrick	Poncy	Pope	Renaud
Renken	Schnekloth	Smalley	Smith
Spear	Stueland	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Crawford	Cusack	Davitt	Doderer
Egenes	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Howell	Hummel	Jay
Jochum	Krewson	Lloyd-Jones	Lonergan
Menke	Norland	O'Kane	Pavich
Pelton	Poffenberger	Rapp	Ritsema

Running	Shimanek	Shull	Sturgeon
Swartz			

Absent or not voting, 2:

Mullins	Schroeder

Amendment H—3484 was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 801)

The ayes were, 58:

Anderson, J.	Anderson, R.	Avenson	Bennett
Branstad	Byerly	Chiodo	Clements
Cochran	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Gettings	Gross
Groth	Halvorson, R. A.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Mann
Maulsby	McKean	Oxley	Pellett
Petrick	Poncy	Pope	Renaud
Renken	Running	Schnekloth	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swearingen	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 39:

Arnould	Binneboese	Brandt	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Connolly	Connors	Crawford	Cusack
Davitt	Doderer	Egenes	Hall
Harbor	Horn	Howell	Hummel
Jay	Jochum	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Menke	Miller
Norland	O'Kane	Pavich	Pelton
Poffenberger	Rapp	Ritsema	Shimanek
Sturgeon	Swartz	Tofte	

Absent or not voting, 3:

Halvorson, R. N.	Mullins	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 806)

Pope of Polk asked and received unanimous consent to immediately message House File 806 to the Senate.

The House resumed consideration of **House File 798**, a bill for an act providing that facilities to be used for the sanitary disposal for recycling of solid waste and land, buildings, or improvements suitable for use of physicians for office buildings and ancillary facilities are projects for which revenue bonds under chapter 419 may be issued and providing for its effect upon publication, and amendment H–3483 filed by Clements of Scott.

Clements of Scott asked and received unanimous consent to withdraw amendment H–3483 filed by him and found on page 1079 of the House Journal, placing out of order amendment H–3509, to amendment H–3483, filed by Halvorson of Webster on April 6, 1981.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H–3518 filed by him on April 6, 1981.

Halvorson of Webster offered the following amendment H–3519 filed by him and moved its adoption:

H–3519

Amend House File 798, as follows:
1. Page 1, by striking lines 22 through 24 and inserting in lieu thereof the following: "business, or of a beginning businessperson for any purpose or (b)".

Roll call was requested by Hoffmann of Muscatine and Pope of Polk.

Rule 80 was invoked.

On the question "Shall amendment H–3519 be adopted?"

The ayes were, 49:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Cochran	Connolly	Connors
Davitt	De Groot	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Hanson, D.	Horn	Howell	Jay
Jochum	Johnson, J.	Johnson, R.	Krewson
Maulsby	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Rapp	Renaud	Ritsema	Running
Shimanek	Smalley	Sturgeon	Sullivan
Swartz	Trucano	Tyrrell	Walter
Welsh			

The nays were, 48:

Anderson, J.	Arnould	Bennett	Branstad
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Harbor	Hoffmann	Holt	Hummel
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lonergan	Mann	Menke	Miller
Pellett	Petrick	Poffenberger	Pope
Renken	Schnekloth	Shull	Smith
Spear	Stueland	Swearingen	Tofte
Van Maanen	Welden	Woods	Mr. Speaker

Absent or not voting, 3:

Lloyd-Jones	Mullins	Schroeder

Amendment H—3519 was adopted placing out of order the following amendments:

H—3495 filed by Miller of Buchanan on April 6, 1981.
H—3520 filed by Schnekloth of Scott and Norland of Worth on April 6, 1981.

Norland of Worth moved to reconsider the vote by which amendment H—3519 was adopted by the House on April 7, 1981.

A non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed and the House reconsidered amendment H—3519.

Pope of Polk asked and received unanimous consent that House File 798 be deferred and that the bill retain its place on the calendar.

(Amendment H—3519 pending.)

MOTIONS TO RECONSIDER WITHDRAWN

(House File 733)

Corey of Louisa asked and received unanimous consent to withdraw the motion to reconsider House File 733, a bill for an act relating to the possession, use, or sale of fireworks and providing penalties, filed on March 26, 1981.

(House File 774)

Bruner of Story asked and received unanimous consent to withdraw the motion to reconsider House File 774, a bill for an act requiring prime suppliers of liquid fossil fuel to Iowa to reserve a specified percentage of fuel for release by the director of energy policy under specified circumstances, filed on April 6, 1981.

This places out of order amendment H—3493 filed by Bruner, Conlon and O'Kane on April 6, 1981.

(House File 744)

Halvorson of Clayton asked and received unanimous consent to withdraw the motion to reconsider House File 744, a bill for an act relating to pre-trial and post-trial criminal procedures, filed on April 2, 1981.

Clements of Scott asked and received unanimous consent to withdraw the motion to reconsider House File 744, a bill for an act relating to pre-trial and post-trial criminal procedures, filed on April 2, 1981.

On motion by Pope of Polk, the House was recessed at 12:12 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 24, a bill for an act relating to plans and specifications for new health care facilities.

Also: That the Senate has on April 2, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 514, a bill for an act relating to the operation of a motor vehicle, and providing penalties.

LINDA HOWARTH MACKAY, Secretary

HOUSE CONCURRENT RESOLUTION 29

By Trucano, Smalley, Conlon, Carpenter, Crawford, Running, Arnould, Kirkenslager, Krewson, Renaud, Jochum, Rapp, Chiodo, Woods, Hansen of O'Brien, Harbor, Byerly, Cochran, Pope, Schroeder, Halvorson of Webster, Miller, Crabb, Hummel, Connors, Shimanek, Pelton, Mullins, Clark of Cerro Gordo, Lloyd-Jones, Branstad, De Groot, Menke, Davitt, Welsh, Anderson of Jasper, Hanson of Delaware, Mann, Diemer, Swearingen, Horn, Poncy, Poffenberger, Clark of Lee, Egenes, Schnekloth, Tofte, Holt, Hoffmann, Petrick, Oxley, Johnson of Howard, Daggett, Van Maanen, Doderer, Clements and Cusack

Whereas, the valorous service of Vietnam veterans has never been properly recognized or commemorated; and

Whereas, the conflict in Vietnam claimed more than fifty-five thousand American lives and left three hundred thousand Americans wounded, one hundred fifty thousand Americans permanently disabled and up to two hundred eighty thousand Americans suffering from intermittent aftereffects; and

Whereas, four hundred eighty thousand Vietnam veterans between the ages of twenty-five and thirty-nine are currently unemployed; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Governor is requested to designate April 26, 1981, as a "Day of Recognition for Veterans of the Vietnam Era", and to call upon the people of Iowa to observe the day with appropriate programs, ceremonies and activities.

Laid over under Rule 30.

SPECIAL PRESENTATION

Harbor of Mills presented to the House the Honorable Arthur White and his wife, Mary, from Australia. The Honorable Mr. White is President of the Legislative Council of the State of South Australia. He addressed the House briefly thanking everyone for their hospitality, commenting on the similarity between the two assemblies.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Regular Calendar

House File 782, a bill for an act relating to the powers and duties of the governor during a disaster emergency, to be effective upon publication, was taken up for consideration.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 782)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley

Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Bruner	Danker	Krewson	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 783, a bill for an act relating to the licensing and examining boards, including the board of medical examiners, and providing a penalty, was taken up for consideration.

Bennett of Ida in the chair at 3:54 p.m.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 783)

The ayes were, 72:

Anderson, J.	Anderson, R.	Arnould	Avenson
Brandt	Bruner	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Corey	Crabb	Crawford
Cusack	Danker	De Groot	Diemer
Doderer	Egenes	Gross	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	McKean	Menke
Miller	Mullins	O'Kane	Pellett
Pelton	Petrick	Poffenberger	Pope
Rapp	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Welden	Welsh	Mr. Speaker (Bennett)

The nays were, 27:

Binneboese	Branstad	Byerly	Chiodo
Clements	Connors	Cook	Daggett
Davitt	Dieleman	Gettings	Groth
Halvorson, R. A.	Jay	Johnson, W.	Mann
Maulsby	Norland	Oxley	Pavich
Poncy	Renaud	Running	Sullivan
Van Maanen	Walter	Woods	

Absent or not voting, 1:

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 784, a bill for an act relating to reports of reportable disease, was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 784)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stromer	Stueland

Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Bennett)			

The nays were, 1:

Lind

Absent or not voting, 2:

Krewson Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 780, a bill for an act relating to the long-arm jurisdictional provisions in the Code, was taken up for consideration.

Conlon of Muscatine offered the following amendment H—3394 filed by him and moved its adoption:

H—3394

Amend House File 780 as follows:
1. Page 7, line 3, by inserting after the word "procedure" the words "or administrative rule adopted pursuant to section 17A.12, subsection 1".

Amendment H—3394 was adopted.

Ritsema of Sioux offered the following amendment H—3366 filed by him and moved its adoption:

H—3366

Amend House File 780 as follows:
1. Page 7, by striking lines 10 through 11.

Amendment H—3366 was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 780)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Bennett)			

The nays were, none.

Absent or not voting, 3:

Horn	Krewson	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 795, a bill for an act relating to nonprofit marketing associations regulated under chapter 500, was taken up for consideration.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 795)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker (Bennett)		

The nays were, none.

Absent or not voting, 2:

Lind Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Stromer in the chair at 4:22 p.m.

House File 788, a bill for an act excluding child day care providers and babysitters from the child foster care licensing requirements, requiring family and group day care providers who are foster care licensees to register under chapter 237A, and providing that foster children are considered children of the family or group day care provider, was taken up for consideration.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 788)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jay	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 826, a bill for an act relating to certain obligations under chapter 258A of licensees under chapter 116, was taken up for consideration.

Shimanek of Jones offered the following amendment H–3455 filed by her and Clark of Cerro Gordo and moved its adoption.

H—3455

Amend House File 826 as follows:

1. Page 1, line 8, by striking the words "under chapter 116".

2. Page 1, line 11, by striking the words "certified public accountants" and inserting in lieu thereof the word "licensees".

3. Page 1, lines 12 and 13, by striking the words "of accountancy".

4. Title page, line 2, by striking the words "under chapter 116".

A non-record roll call was requested.

The ayes were 29, nays 63.

Amendment H—3455 lost.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 826)

The ayes were, 68:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Cusack
Davitt	Diemer	Doderer	Egenes
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Kirkenslager	Lind
Lloyd-Jones	Lonergan	McKean	Menke
Mullins	Norland	O'Kane	Pellett
Petrick	Poffenberger	Pope	Renaud
Renken	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Swearingen	Tofte	Trucano
Welden	Welsh	Woods	Mr. Speaker

The nays were, 30:

Anderson, J.	Branstad	Byerly	Clements
Connors	Daggett	Danker	De Groot

Dieleman	Gettings	Gross	Jay
Johnson, R.	Johnson, W.	Lageschulte	Mann
Maulsby	Miller	Oxley	Pavich
Pelton	Poncy	Rapp	Ritsema
Running	Sullivan	Swartz	Tyrrell
Van Maanen	Walter		

Absent or not voting, 2:

Krewson	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 816, a bill for an act regulating the offer and sale of business opportunities and providing penalties for violations, was taken up for consideration.

Conlon of Muscatine offered the following amendment H–3494 filed by him and moved its adoption:

H–3494

Amend House File 816 as follows:

1. Page 5, by striking lines 10 through 12.

2. Page 5, line 16, by striking the word "one" and inserting in lieu thereof the word "two".

3. Page 5, line 19, by inserting after the word "amendment." the words "The administrator shall by rule periodically revise these fees to insure that they defray the costs of administration of this Act.".

4. Page 8, lines 4 and 5, by striking the words ", at a minimum,".

5. Page 8, line 35, by striking the word "seller" and inserting in lieu thereof the words "vendor of a business opportunity".

6. Page 9, line 2, by striking the word "seller" and by inserting in lieu thereof the word "vendor".

7. Page 9, line 3, by striking the words "the seller" and inserting in lieu thereof the words "such a vendor".

Amendment H–3494 was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 816)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Maulsby

Absent or not voting, 3:

Crabb	Krewson	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 821, a bill for an act relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, by extending operations of the Iowa department of substance abuse through 1983, by providing for a program evaluation of the department and providing penalties, was taken up for consideration.

Poffenberger of Dallas offered the following amendment H-3466 filed by her and moved its adoption:

H–3466

Amend House File 821 as follows:

1. Page 1, by striking lines 3 through 7 and inserting in lieu thereof the following:

"2. "Facility" means a ~~hospital,~~ an institution, a detoxification center, or an installation providing care, maintenance and treatment for substance abusers ~~and~~ licensed by the department under section 125.13, hospitals licensed under chapter 135B, or the state mental health institutes designated by chapter 226."

Amendment H–3466 was adopted.

Welden of Hardin offered amendment H–3521 filed by him and De Groot of Lyon and requested division as follows:

H–3521

Amend House File 821 as follows:

H–3521A

1. Page 1, by striking lines 3 through 7 and inserting in lieu thereof the following:

"2. "Facility" means a hospital, institution, detoxification center, or installation providing ~~care, maintenance and~~ residential or outpatient treatment including chemical substitutes and antagonists programs for substance abusers on a regular basis and licensed by the department under section 125.13."

H–3521B

2. Page 1, by striking lines 11 through 23 and inserting in lieu thereof the following:

"~~1. There is established the~~ The Iowa department of substance abuse ~~which shall develop, implement and administer a comprehensive substance abuse program pursuant to sections 125.1 to 125.43~~ is established to approve and monitor substance abuse treatment programs, distribute state financial assistance for treatment and other programs and coordinate program efforts of public and private agencies. There is established within the department a commission on substance abuse to establish policies governing the performance of the department in the discharge of duties imposed on it by this chapter. The commission shall consist of nine members appointed by the governor. Appointments shall be made on the basis

of interest in and knowledge of substance abuse, however two of the members shall be persons who, in their regular work, have direct contact with substance abuse clients. All members shall be eligible electors of the state of Iowa."

3. Page 1, by inserting after line 30 the following:

"Sec. . Section 125.9, subsection 1, Code 1981, is amended by striking the subsection."

4. Page 1, by striking line 31 through page 2, line 4 and inserting in lieu thereof the following:

"Sec. . Section 125.10, subsections 1 and 2, Code 1981, are amended to read as follows:

1. Prepare ~~and submit a state plan~~ subject to approval by the commission and in ~~accordance with the provisions of title XLII, United States Code, section 4573~~ cooperation with local programs a state plan for substance abuse prevention and treatment as required by federal law. ~~The state plan shall designate the department as the sole agency for supervising the administration of the plan and shall provide for the appointment of a citizens advisory council on substance abuse.~~

2. ~~Develop, encourage, and foster state-wide, regional and local~~ Coordinate substance abuse plans

Page 2

and programs ~~for the prevention of substance abuse and the treatment of substance abusers and intoxicated persons in co-operation with public and private agencies, organizations and individuals,~~ of licensed facilities and public agencies and provide technical assistance and consultation services ~~for these purposes~~ to facilities, educators, public agencies, and other persons regarding substance abuse programs."

5. Page 2, by inserting before line 5 the following:

"Sec. . Section 125.10, subsection 11, Code 1981, is amended by striking the subsection."

6. Page 2, by inserting after line 10 the following paragraph:

"The director may and shall at the request of a county board of supervisors, contract with the board of supervisors for providing substance abuse prevention, education, referral and post-treatment services in the county. Two or more counties may combine to provide the programs named in the contract under this paragraph and the boards of supervisors shall exercise joint control over the programs. The board of supervisors may employ a program director

for substance abuse programs who shall be directly responsible to and shall serve at the pleasure of the board. The director shall distribute funds appropriated by the general assembly for substance abuse prevention, education, referral, and post-treatment services to county boards of supervisors who enter into contracts under this paragraph on the basis of population or as otherwise provided by the general assembly."

7. Page 2, by inserting before line 11 the following:

"Sec. . Section 125.12, subsections 1 and 4, Code 1981, are amended by striking the subsections."

8. Page 2, by inserting before line 11 the following section:

"Sec. . Section 125.13, subsection 1, Code 1981, is amended to read as follows:

1. Except as provided in subsection 2 of this section, a person ~~may not maintain or conduct any chemical substitutes or antagonists program, residential program or nonresidential outpatient program, the primary purpose of which is the treatment and rehabilitation of substance abusers~~ shall not operate a facility without having first obtained a written license for the program from the department."

9. Page 3, line 21, by striking the word "programs" and inserting in lieu thereof the words "~~programs~~ facilities".

Page 3

10. Page 3, line 25, by striking the word "program" and inserting in lieu thereof the word "facility".

11. Page 3, line 32, by striking the word "program" and inserting in lieu thereof the word "facility".

12. Page 5, line 13, by striking the word and figure "Section 125.11" and inserting in lieu thereof the words and figures "Sections 125.11, 125.25 and 125.32".

13. Page 5, line 13, by striking the word "is" and inserting in lieu thereof the word "are".

Welden of Hardin asked and received unanimous consent to withdraw amendment H—3521A, which was placed out of order with the adoption of amendment H—3466.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—3521B.

De Groot of Lyon offered amendment H—3515 filed by him. Division was requested as follows:

H—3515

Amend House File 821 as follows:

H—3515D

1. Page 2, by striking lines 5 through 10.

H—3515A

2. Page 2, by inserting after line 20 the following:

"Sec. . Section 125.13, subsection 2, paragraph d, Code 1981, is amended by striking the paragraph and inserting in lieu thereof the following:

d. A program that provides only education, prevention, referral or post treatment services."

H—3515B

3. Page 2, by striking lines 31 through 33 and inserting in lieu thereof the words "suspension, or revocation of a license. ~~Upon approval of an application for licensing by the commission, a license shall be issued by the~~ The department shall issue a license to an applicant who the commission determines meets the licensing requirements of this chapter. Licenses shall expire".

H—3515C

4. Page 4, by striking line 9 through page 5, line 12.

On motion by De Groot of Lyon, amendment H—3515A was adopted.

De Groot of Lyon moved the adoption of amendment H—3515D.

A non-record roll call was requested.

The ayes were 49, nays 40.

Amendment H—3515D was adopted.

On motion by De Groot of Lyon, amendment H—3515B was adopted.

De Groot of Lyon moved the adoption of amendment H—3515C.

Roll call was requested by Cusack of Scott and Arnould of Scott.

On the question "Shall amendment H—3515C be adopted?"

The ayes were, 48:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Mann	Maulsby	McKean
Menke	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shimanek	Shull	Smalley
Smith	Stueland	Swearingen	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 51:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Cochran	Conlon
Connolly	Connors	Cusack	Davitt
Dieleman	Diemer	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Hummel	Jay	Jochum
Kirkenslager	Krewson	Lind	Lloyd-Jones
Lonergan	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Tofte
Walter	Welsh	Woods	

Absent or not voting, 1:

Schroeder

Amendment H—3515C lost.

Trucano of Polk asked and received unanimous consent to withdraw amendment H—3468 filed by Trucano, et al., on April 2, 1981.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 821)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lloyd-Jones	Lonergan	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 6:

Clements	Johnson, J.	Lageschulte	Mann
Renken	Smalley		

Absent or not voting, 1:

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER
(Amendment H—3458 to House File 804)

I move to reconsider the vote by which amendment H—3458 to House File 804 was adopted by the House on April 6, 1981.

RITSEMA of Sioux

(House File 816)

I move to reconsider the vote by which House File 816 passed the House on April 7, 1981.

CONLON of Muscatine

(House File 821)

I move to reconsider the vote by which House File 821 passed the House on April 7, 1981.

TRUCANO of Polk

(House File 821)

I move to reconsider the vote by which House File 821 passed the House on April 7, 1981.

MANN of Greene

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to the regulation of savings and loan associations.

LINDA HOWARTH MACKAY, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that on April 7, 1981, he approved and transmitted to the Secretary of State the following bills:

Senate File 148, an act to allow monthly refunding of motor vehicle registration reciprocity fees.

Senate File 159, an act relating to the gross weight and operation of certain multi-axle vehicles and combinations of vehicles subject to penalties provided by law.

Senate File 251, an act relating to the reciprocity of certain fish and game licenses for nonresidents.

EXPLANATIONS OF VOTE

I unintentionally voted "nay" on House File 825. I meant to have voted "aye."

HOFFMANN of Muscatine

I inadvertently voted "nay" on House File 779. I meant to have voted "aye."

WELSH of Dubuque

I was necessarily absent from the House chamber on Monday, April 6, 1981. Had I been present, I would have voted "aye" on House Files 768, 775, 777, 778, 779, 781, 792, 794, 804, 806, 825 and 828.

JOHNSON of Linn

I was necessarily absent from the House chamber on April 6, 1981. Had I been present, I would have voted "aye" on amendment H—3371 and House File 781.

GROSS of Ringgold

I was necessarily absent from the House chamber on April 6, 1981. Had I been present, I would have voted "aye" on House File 777.

BRANSTAD of Winnebago

PRESENTATION OF VISITORS

Harbor of Mills presented to the House the Honorable William J. Scherle, former member of the House representing Mills County and former U.S. Congressman of Iowa from the Fifth District.

The Speaker announced that the following visitors were present in the House chamber:

Forty senior students from Ft. Dodge Senior High School and St. Edmonds High School, Ft. Dodge, accompanied by Sister Eugene, Ron Hagemann and Loretta Tarbox. By Cochran and Halvorson of Webster.

Twenty-nine ninth grade students from Logan Junior High School, Waterloo, accompanied by David Miller, Mrs. Miller and Mrs. Murray. By Brandt and Rapp of Black Hawk.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Schick. By Jay of Appanoose.

Thirty-eight ninth grade students from Bunger Junior High School, Evansdale. By Miller of Buchanan.

Fifty eighth grade students from Woodside Middle School, Des Moines, accompanied by Mrs. Sullins. By Byerly and Renaud of Polk.

Eighty seventh grade students from Waukee Middle School, Waukee, accompanied by Al Molby, Bill Drummond, Peg Liston and Nancy O'Brien. By Poffenberger of Dallas.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 2:30 p.m., April 6, 1981

Convened: 2:30 p.m.

Adjourned: 2:50 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Swartz, Trucano and Welsh.

Absent: Jochum and Sturgeon.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 121, a bill for an act allowing a parent to file a petition to change the name of a minor child of the parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3526.**

Senate File 306, a bill for an act relating to review by the board of parole of certain offenders.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON STATE GOVERNMENT

Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 332, a bill for an act relating to the office of appellate defender.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3523	H.F. 791	Lind of Black Hawk
H–3524	H.F. 799	Ritsema of Sioux
H–3525	H.F. 753	Krewson of Polk
H–3526	S.F. 121	Committee on Judiciary and Law Enforcement
H–3527	H.F. 791	Rapp of Black Hawk Halvorson of Clayton
H–3528	H.F. 798	Halvorson of Webster
H–3529	H.F. 808	Schnekloth of Scott Woods of Polk
H–3530	H.F. 753	Jay of Appanoose
H–3531	H.F. 808	Schnekloth of Scott
H–3532	H.F. 791	Rapp of Black Hawk Halvorson of Clayton
H–3533	S.F. 469	Harbor of Mills
H–3534	S.F. 268	Johnson of Howard
H–3535	S.F. 130	Brandt of Black Hawk
H–3536	S.F. 519	Connolly of Dubuque Running of Linn
H–3537	S.F. 519	Connolly of Dubuque Running of Linn
H–3538	S.F. 519	Johnson of Linn Petrick of Linn Horn of Linn Hall of Linn Running of Linn
H–3539	H.F. 738	Halvorson of Clayton Avenson of Fayette
H–3540	H.F. 833	Hansen of O'Brien
H–3541	H.F. 791	Rapp of Black Hawk Conlon of Muscatine
H–3542	H.F. 812	Hoffmann of Muscatine
Chiodo of Polk		Holt of Clay
Corey of Louisa		Ritsema of Sioux

	Carpenter of Polk	Running of Linn
	Renaud of Polk	Schnekloth of Scott
	Johnson of Linn	Dieleman of Marion
	Conlon of Muscatine	Smith of Scott
	Cook of Hardin	Groth of Buena Vista
	Anderson of Audubon	Hansen of O'Brien
	Crabb of Crawford	Clements of Scott
	Mann of Greene	Hanson of Delaware
	Renken of Grundy	Clark of Cerro Gordo
H—3543	H.F. 804	Shimanek of Jones
		Conlon of Muscatine
H—3544	H.F. 810	Johnson of Linn
H—3545	H.F. 753	Krewson of Polk
H—3546	S.F. 284	Ritsema of Sioux
H—3547	H.F. 808	Welsh of Dubuque
H—3548	S.F. 130	Brandt of Black Hawk

On motion by Pope of Polk, the House adjourned at 5:49 p.m., until 9:00 a.m., Wednesday, April 8, 1981.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day—Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 8, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Elder Jimmie L. Andersen, pastor of the Reorganized Church of Jesus Christ of Latter Day Saints, Harlan.

The Journal of Tuesday, April 7, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Connell, Waterloo.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford, for April 8, 9, and 10, 1981, on request of Harbor of Mills; Hummel of Benton, for the afternoon session, April 9 and 10, 1981, on request of Pope of Polk.

INTRODUCTION OF BILL

House File 840, by committee on ways and means, a bill for an act relating to the apportionment of the interest penalty on delinquent school taxes, to be effective July 1, 1982.

Read first time and **placed on the ways and means calendar.**

SENATE MESSAGES CONSIDERED

Senate File 24, by Holden, a bill for an act relating to the requirement that plans and specifications for new health care facilities and remodeling of or additions to existing health care facilities be submitted to the department of health for preliminary inspection and approval or recommendations and that the department either waive or pay the costs to correct any deficiencies which were not noted by the department in the plans or specifications.

Read first time and referred to committee on **human resources.**

Senate File 395, by committee on state government, a bill for an act to require that reports of induced terminations of pregnancies be filed with the state department of health.

Read first time and referred to committee on **state government.**

Senate File 514, by committee on judiciary, a bill for an act relating to the operation of a motor vehicle, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement.**

On motion by Pope of Polk, the House was recessed at 9:07 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horn of Linn, for April 8, 9, and 10, 1981, on request of Poncy of Wapello; Krewson of Polk, for April 8, 9, and 10, 1981, on request of Pelton of Clinton.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 438, a bill for an act to make employment applications confidential records and allow them to be discussed in closed session.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 522, a bill for an act to require that the department of public instruc-

tion and the area education agencies encourage schools to offer programs for gifted and talented children.

LINDA HOWARTH MACKAY, Secretary

MOTION TO RECONSIDER PREVAILED
(House File 804)

Shimanek of Jones called up for consideration the motion to reconsider House File 804, filed on April 6, 1981, and moved to reconsider the vote by which House File 804, a bill for an act correcting erroneous, inconsistent, and obsolete provisions of the Code, including penalty provisions, passed the House on April 6, 1981.

A non-record roll call was requested.

The ayes were 90, nays 3.

The motion prevailed and the House reconsidered House File 804.

Shimanek of Jones asked and received unanimous consent to reconsider the vote by which House File 804 was placed on its last reading.

Ritsema of Sioux called up for consideration the motion to reconsider amendment H—3458 filed by him on April 7, 1981 and moved to reconsider the vote by which amendment H—3458 to House File 804 was adopted by the House on April 6, 1981, which motion prevailed and the House reconsidered amendment H—3458 (found on page 1060 of the House Journal).

Shimanek of Jones offered the following amendment H—3543, to amendment H—3458, filed by her and Conlon of Muscatine and moved its adoption:

H—3543

Amend amendment H—3458 to House File 804 as follows:

1. Page 1, by striking lines 13 and 14 and inserting in lieu thereof the following:

"a. On the national".

Amendment H—3543 was adopted.

Conlon of Muscatine moved the adoption of amendment H—3458, as amended.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 39, nays 56.

Amendment H—3458, as amended, lost.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 804)

The ayes were, 87:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Conlon	Connolly
Connors	Cook	Corey	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 8:

Arnould	Cochran	Gettings	Lind
Ritsema	Smalley	Sullivan	Tyrrell

Absent or not voting, 5:

Brandt Crabb Horn Hummel Krewson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 503)

Schroeder of Pottawattamie called up for consideration the motion to reconsider House File 503, filed on March 9, 1981, and moved to reconsider the vote by which House File 503, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing, passed the House on March 9, 1981.

A non-record roll call was requested.

The ayes were 70, nays 18.

The motion prevailed and the House reconsidered House File 503.

Schroeder of Pottawattamie asked and received unanimous consent to reconsider the vote by which House File 503 was placed on its last reading.

Shimanek of Jones offered the following amendment H–3370 filed by her and Schroeder of Pottawattamie and moved its adoption:

H–3370

Amend House File 503 as follows:
1. Page 1, by striking lines 26 through 30 and inserting in lieu thereof the following: "apply to all proceedings for judicial review instituted on or after the effective date of this Act."

A non-record roll call was requested.

The ayes were 52, nays 39.

Amendment H—3370 was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 503)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Clements	Lind	Maulsby	Smalley

Absent or not voting, 6:

Brandt	Carl	Crabb	Horn
Hummel	Krewson		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 816)

Conlon of Muscatine asked and received unanimous consent to

withdraw the motion to reconsider House File 816, a bill for an act regulating the offer and sale of business opportunities and providing penalties for violations, filed by him on April 7, 1981.

MOTION TO RECONSIDER LOST
(House File 781)

Lageschulte of Bremer called up for consideration the motion to reconsider House File 781, filed on April 6, 1981, and moved to reconsider the vote by which House File 781, a bill for an act relating to the administration and enforcement of beer and liquor control laws including the addition of a prohibited activity and clarifying penalty provisions, passed the House on April 6, 1981.

A non-record roll call was requested.

The ayes were 36, nays 57.

The motion lost, placing out of order the motion to reconsider filed by Chiodo of Polk on April 6, 1981.

MOTION TO RECONSIDER WITHDRAWN
(House File 821)

Mann of Greene asked and received unanimous consent to withdraw the motion to reconsider House File 821, a bill for an act relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, by extending operations of the Iowa department of substance abuse through 1983, by providing for a program evaluation of the department and providing penalties, filed by her on April 7, 1981.

CONSIDERATION OF BILLS
Regular Calendar

SENATE FILE 469 SUBSTITUTED FOR HOUSE FILE 522

Ritsema of Sioux asked and received unanimous consent to substitute Senate File 469 for House File 522.

Senate File 469, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state, was taken up for consideration.

Spear of Lee offered the following amendment H–3478 filed by him and moved its adoption:

H–3478

Amend Senate File 469, as passed by the Senate, as follows:

1. Page 1, lines 9 and 10, by striking the words and figure ", as provided in section 282.17." and inserting in lieu thereof the following: "~~, as provided in section 282.17~~. Distance shall be measured by the nearest traveled public road."

2. Page 1, by inserting after line 20 the following section:

"Sec. . Section 282.17, Code 1981, is amended to read as follows:

282.17 HIGH SCHOOL OUTSIDE HOME DISTRICT. Any person of school age who is a resident of a school corporation which does not offer a four-year high school course, and who has completed the course as approved by the department of public instruction for ~~such~~ the corporation, ~~shall be permitted to~~ may attend any public high school in the state approved in like manner that will receive ~~him, or may attend any public high school of equivalent standing in an adjoining state, if said school in the adjoining state be nearer to the pupil's residence than any approved public high school in the state of Iowa, but no board shall pay tuition to a high school outside the state for pupils whose actual residence is nearer to an approved high school in Iowa when measured by the nearest traveled public road~~ the person."

3. By numbering sections as necessary.

Amendment H–3478 was adopted.

Harbor of Mills offered the following amendment H–3533 filed by him:

H–3533

Amend Senate File 469 as passed by the Senate, as follows:

1. Page 1, line 14, by striking the word

"Arrangements" and inserting in lieu thereof the words and figure "Notwithstanding section 282.1, arrangements".

2. Page 1, line 17, by inserting after the word "boards" the words ", but the tuition and transportation fees shall not be less than the lower average cost per pupil for the previous school year of the two affected school districts. For the purpose of this section average cost per pupil for the previous school year is determined by dividing the district's operating expenditures for the previous school year by the number of children enrolled in the district on the second Friday of September of the previous school year".

Johnson of Woodbury offered the following amendment H—3550, to amendment H—3533, filed by him from the floor and moved its adoption:

H—3550

Amend H—3533, filed to Senate File 469, as follows:

1. Page 1, line 9, by striking the word "lower".

2. Page 1, by striking line 11 and inserting in lieu thereof the words "of the receiving school district. For the purpose".

A non-record roll call was requested.

The ayes were 17, nays 67.

Amendment H—3550 lost.

On motion by Harbor of Mills, amendment H—3533 was adopted.

Pope of Polk asked and received unanimous consent that Senate File 469 be deferred and that the bill retain its place on the calendar.

SPECIAL PRESENTATION

Crawford of Story presented to the House a plaque which reads as follows:

"Iowa State Legislature
In appreciation of your past and
continuous support to Iowa State University.
From the Iowa State Greek System
Greek Week 1981
April 7, 1981"

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate Joint Resolution 10, a joint resolution proposing a compact between the states of Iowa, Kansas, Missouri, and Nebraska regarding the Missouri River.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3549.**

COMMITTEE ON COMMERCE

House File 814, a bill for an act relating to motor fuel tests.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Senate File 199, a bill for an act authorizing the appointment of legal counsel for county officers under certain circumstances.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 310, a bill for an act increasing the penalty to be paid to redeem property sold for delinquent taxes.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Senate File 29, a bill for an act relating to the costs of providing a record of teacher contract termination proceedings.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

COMMITTEE ON HUMAN RESOURCES

Senate File 278, a bill for an act relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 409, a bill for an act relating to the qualifications of the superintendent of a state mental health institute.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 181), relating to the apportionment of the interest penalty on delinquent school taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly Study Bill 329), relating to the definition of special truck.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3549	S.F. 289	Committee on Agriculture
H–3551	H.F. 808	Lind of Black Hawk
H–3552	H.F. 829	Harbor of Mills
H–3553	H.F. 808	Tyrrell of Iowa
H–3554	H.F. 758	Miller of Buchanan
H–3555	S.F. 409	Spear of Lee

H—3556	H.F. 838	Spear of Lee
H—3557	H.F. 834	Spear of Lee
H—3558	H.F. 821	Cusack of Scott Trucano of Polk De Groot of Lyon
H—3559	H.F. 808	Welsh of Dubuque
H—3560	S.F. 284	Sturgeon of Woodbury Byerly of Polk Pavich of Pottawattamie Groth of Buena Vista O'Kane of Woodbury Howell of Floyd
H—3561	S.F. 284	Sturgeon of Woodbury Byerly of Polk Swartz of Marshall Pavich of Pottawattamie O'Kane of Woodbury Spear of Lee Howell of Floyd
H—3562	S.F. 284	Swartz of Marshall Sturgeon of Woodbury Byerly of Polk
H—3563	S.F. 130	Swartz of Marshall Anderson of Jasper
H—3564	S.F. 130	Anderson of Jasper
H—3565	S.F. 130	Maulsby of Calhoun
H—3566	S.F. 130	Maulsby of Calhoun
H—3567	H.F. 808	Tyrrell of Iowa
H—3568	S.F. 130	Norland of Worth
H—3569	S.F. 517	Spear of Lee
H—3570	H.F. 758	Howell of Floyd
H—3571	H.F. 758	Howell of Floyd
H—3572	H.F. 758	Norland of Worth
H—3573	S.F. 469	Jóhnson of Woodbury Groth of Buena Vista

On motion by Pope of Polk, the House adjourned at 5:53 p.m., until 9:00 a.m., Thursday, April 9, 1981.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day—Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 9, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Daniel Le La Cheur, pastor of the First Church of the Open Bible, Des Moines.

The Journal of Wednesday, April 8, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla.

PETITION FILED

The following petition was received and placed on file:

By Anderson of Jasper, from four hundred eighty-three constituents of the Sixty-ninth district opposing a bill relating to the closing of the juvenile home at Toledo and moving of the Women's Reformatory in Rockwell City to the Girl's Correctional Center in Mitchellville.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, for a portion of the morning session, on request of Connors of Polk; Egenes of Story, for a portion of the day, on request of Johnson of Woodbury.

SENATE MESSAGES CONSIDERED

Senate File 394, by committee on state government, a bill for an act increasing corporate and uniform commercial code filing fees.

Read first time and referred to committee on **ways and means.**

Senate File 414, by Anderson, Drake, Yenger, Wells, Doyle, Schwengels and Readinger, a bill for an act to provide for the purchase by certain state agencies of motor vehicles manufactured in this country which meet certain fuel efficiency requirements.

Read first time and referred to committee on **state government.**

Senate File 531, by committee on agriculture, a bill for an act relating to pipelines.

Read first time and referred to committee on **agriculture.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 455, a bill for an act relating to the conveyance of county property to the federal government.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 463, a bill for an act exempting certain agricultural and other employers from the workers' compensation law.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 489, a bill for an act relating to the legalization of certain city waterworks.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 500, a bill for an act authorizing the board of supervisors to adopt and enforce uniform personnel policies and compensation plans for county employees.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 509, a bill for an act removing the maximum finance charge limitation on consumer credit transactions pursuant to open end credit.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 796, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen, was taken up for consideration.

Spear of Lee offered the following amendment H–3430 filed by him and moved its adoption:

H–3430

Amend House File 796 as follows:
1. Page 1, by striking line 19 and inserting in lieu thereof the following: "the person is terminated before the person attains the age of eighteen. ~~Such~~ The person shall not have".

Amendment H–3430 was adopted.

Johnson of Howard moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 796)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crawford	Cusack	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Jay	Johnson, J.	Johnson, R.	Johnson, W.

Kirkenslager	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Woods
Mr. Speaker			

The nays were, 1:

O'Kane

Absent or not voting, 14:

Byerly	Chiodo	Crabb	Davitt
Egenes	Horn	Hummel	Jochum
Krewson	Lloyd-Jones	Pelton	Swartz
Welden	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 753, a bill for an act relating to the submission of bond issues previously defeated by the electorate, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H–3545 filed by Krewson of Polk:

H–3545

Amend House File 753 as follows:

1. Page 1, lines 9 and 10, by striking the words "equal to at least sixty percent" and inserting in lieu thereof the words "~~equal to at least sixty percent~~ a majority".

2. Amend the title, lines 1 and 2, by striking the words "previously defeated by" and inserting in lieu thereof the word "to".

Smalley of Polk rose on a point of order that amendment H–3545 was not germane.

The Speaker ruled the point well taken and amendment H–3545 not germane.

Groth of Buena Vista asked and received unanimous consent to defer action on House File 753 and that the bill retain its place on the calendar.

Senate File 284, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance, with report of committee recommending passage was taken up for consideration.

Brandt of Black Hawk offered the following amendment H–3512 filed by her and moved its adoption:

H–3512

Amend Senate File 284 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 22, by inserting after the comma the words "or who is incapable of reading a telephone directory,".

2. Page 1, line 24, by inserting after the period the following: "The commission shall adopt rules specifying procedures by which subscribers who are blind or incapable of reading a telephone directory may apply for the exemption provided in this paragraph. These rules also shall establish standards by which it can be determined if a person is incapable of reading a telephone directory."

Roll call was requested by Brandt of Black Hawk and O'Kane of Woodbury.

On the question "Shall amendment H–3512 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Binneboese	Brandt
Bruner	Byerly	Carl	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Doderer	Gettings	Groth
Halvorson, R. N.	Howell	Jay	Jochum
Lageschulte	Lind	Lonergan	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Ritsema	Running	Shimanek	Spear
Sturgeon	Sullivan	Swartz	Walter
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Mann
Maulsby	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Schnekloth	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Mr. Speaker		

Absent or not voting, 9:

Avenson	Connolly	Crabb	Egenes
Horn	Hummel	Krewson	Lloyd-Jones
Welden			

Amendment H—3512 lost.

Sturgeon of Woodbury offered the following amendment H—3561 filed by Sturgeon, et al., and moved its adoption:

H—3561

Amend Senate File 284 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 24, the following:

"The Iowa state commerce commission shall not approve a schedule of telephone directory assistance charges unless the schedule provides that there shall not be a charge for directory assistance if the telephone number requested is outside the exchange from which the request for directory assistance is made."

Roll call was requested by Sturgeon of Woodbury and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—3561 be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl

Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Halvorson, R. N.	Howell
Jay	Jochum	Lageschulte	Lonergan
McKean	Norland	O'Kane	Oxley
Pavich	Pelton	Petrick	Poncy
Rapp	Renaud	Ritsema	Running
Shimanek	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crawford	Daggett
Danker	De Groot	Diemer	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Mann
Maulsby	Menke	Miller	Mullins
Pellett	Poffenberger	Pope	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 7:

Crabb	Egenes	Horn	Hummel
Krewson	Lind	Lloyd-Jones	

Amendment H–3561 lost.

Swartz of Marshall offered the following amendment H–3562 filed by Swartz, et al., and moved its adoption:

H–3562

Amend Senate File 284 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 26, by striking the figure "1984" and inserting in lieu thereof the figure "1981".

A non-record roll call was requested.

The ayes were 39, nays 49.

Amendment H–3562 lost.

Ritsema of Sioux offered amendment H—3546 filed by him and requested division as follows:

H—3546

Amend Senate File 284 as amended, passed, and reprinted by the Senate as follows:

H—3546A

1. Page 1, line 30, by inserting after the word "listed" the word "correctly".

H—3546B

2. Page 2, line 2, by striking the words "of the first twelve months" and inserting in lieu thereof the word "month".

Ritsema of Sioux moved the adoption of amendment H—3546A.

Roll call was requested by Schroeder of Pottawattamie and Hoffmann of Muscatine.

Rule 80 was invoked.

On the question "Shall amendment H—3546A be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Clements	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Gettings
Groth	Hall	Halvorson, R. N.	Hanson, D.
Howell	Jay	Jochum	Johnson, J.
Kirkenslager	Lloyd-Jones	Lonergan	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Poncy	Rapp
Ritsema	Running	Shimanek	Smalley
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Byerly
Carpenter	Clark, J. H.	Conlon	Cook
Corey	Crawford	Daggett	Danker
De Groot	Diemer	Gross	Halvorson, R. A.

Hansen, I.	Harbor	Hoffmann	Holt
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	Menke	Miller
Pellett	Petrick	Poffenberger	Pope
Renaud	Renken	Schnekloth	Schroeder
Shull	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Woods	Mr. Speaker	

Absent or not voting, 7:

Clark, B. J.	Crabb	Doderer	Egenes
Horn	Hummel	Krewson	

Amendment H—3546A lost.

Ritsema of Sioux moved the adoption of amendment H—3546B.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 46, nays 49.

Amendment H—3546B lost.

Sturgeon of Woodbury offered the following amendment H—3560 filed by Sturgeon, et al., and moved its adoption:

H—3560

Amend Senate File 284 as amended, passed and reprinted by the Senate, as follows:

1. Page 2, line 4, by inserting after the period the following: "Any revenues from this tariff and any savings resulting from reduced costs of providing directory assistance service, due to the implementation of this tariff, shall be returned by the utility to its customers by a method approved by the commission."

Roll call was requested by O'Kane of Woodbury and Sturgeon of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—3560 be adopted?"

The ayes were, 36:

Arnould	Avenson	Binneboese	Brandt
Byerly	Carl	Cochran	Connolly
Connors	Cusack	Davitt	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Renaud	Ritsema	Spear	Sturgeon
Sullivan	Swartz	Walter	Woods

The nays were, 59:

Anderson, J.	Anderson, R.	Bennett	Branstad
Bruner	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Mann	Maulsby	Menke	Miller
Mullins	Pellett	Petrick	Poffenberger
Pope	Rapp	Renken	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Mr. Speaker	

Absent or not voting, 5:

Crabb	Egenes	Horn	Hummel
Krewson			

Amendment H—3560 lost.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 284)

The ayes were, 57:

Anderson, J.	Bennett	Branstad	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crawford
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Gross	Hall

Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Lloyd-Jones
Mann	Maulsby	Menke	Miller
Mullins	Norland	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renken	Schnekloth	Schroeder	Shull
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 38:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Byerly	Carl	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Gettings	Groth	Halvorson, R. N.
Howell	Jay	Jochum	Lageschulte
Lonergan	McKean	O'Kane	Oxley
Pavich	Poncy	Renaud	Ritsema
Running	Shimanek	Smalley	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

Absent or not voting, 5:

Crabb	Egenes	Horn	Hummel
Krewson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(House File 821)

Trucano of Polk called up for consideration the motion to reconsider House File 821, filed on April 7, 1981, and moved to reconsider the vote by which House File 821, a bill for an act relating to substance abuse programs by making changes in facility licensing and auditing requirements by abolishing the state advisory council on substance abuse, by allowing contracts for education and prevention services, by authorizing inspections, by extending operations of the Iowa department of substance abuse through 1983, by providing for a program evaluation of the department and providing penalties, passed the House on April 7, 1981.

A non-record roll call was requested.

The ayes were 59, nays 28.

The motion prevailed and the House reconsidered House File 821.

Trucano of Polk asked and received unanimous consent to reconsider the vote by which House File 821 was placed on its last reading.

Cusack of Scott offered the following amendment H–3558 filed by Cusack, et al., and moved its adoption:

H–3558

Amend House File 821 as follows:
1. Page 5, by inserting after line 12 the following:
"This section does not apply to facilities or programs which are not receiving state dollars."

Amendment H–3558 was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 821)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Howell	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith

Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 4:

Clements	Mann	Maulsby	Smalley

Absent or not voting, 5:

Crabb	Egenes	Horn	Hummel
Krewson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 753**, a bill for an act relating to the submission of bond issues previously defeated by the electorate.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H–3507 filed by him on April 6, 1981.

Jay of Appanoose offered the following amendment H–3505 filed by him:

H–3505

Amend House File 753 as follows:
1. Page 1, line 21, by inserting after the word "election" the words "unless the proposal had received at least fifty per cent approval".

Groth of Buena Vista offered the following amendment H–3574, to amendment H–3505, filed by him from the floor:

H–3574

Amend amendment H–3505 to House File 753 as follows:
1. Page 1, by striking line 4 and inserting in lieu thereof the following:
"received at least a majority of the votes cast. A proposition submitted for the second time is not carried or adopted unless the vote in favor of authorization is equal to at least a majority of the votes cast at the election."

Anderson of Jasper rose on a point of order that amendment H—3574 was not germane.

The Speaker ruled the point not well taken and amendment H—3574 germane.

Groth of Buena Vista moved the adoption of amendment H—3574, to amendment H—3505.

Roll call was requested by Smalley of Polk and Conlon of Muscatine.

On the question "Shall amendment H—3574, to amendment H—3505, be adopted?"

The ayes were, 26:

Anderson, R.	Arnould	Avenson	Brandt
Bruner	Byerly	Carl	Clark, B. J.
Clark, J. H.	Connolly	Connors	Cusack
Doderer	Gettings	Groth	Hanson, D.
Jochum	Johnson, R.	Johnson, W.	Lloyd-Jones
Mullins	O'Kane	Pavich	Rapp
Running	Sturgeon		

The nays were, 67:

Anderson, J.	Bennett	Binneboese	Branstad
Chiodo	Clements	Cochran	Conlon
Cook	Corey	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Howell	Jay	Johnson, J.
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

Absent or not voting, 7:

Carpenter	Crabb	Egenes	Horn
Hummel	Kirkenslager	Krewson	

Amendment H–3574 lost.

(House File 753 and amendment H–3505 pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:10 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 30

By O'Kane, Ritsema, Johnson of Linn, Cusack, Tyrrell, Clements, Sturgeon, Swearingen, Jay, Sullivan, Pelton, Lonergan, Binneboese and Clark of Cerro Gordo

Whereas, our judicial system has neglected victims of crime far too long; and

Whereas, our judicial system should recognize the needs of victims and witnesses of violent crimes; and

Whereas, our national government has undertaken to correct the problem; and

Whereas, the President's advisors are considering a number of proposals that would affect crime victims and are studying the idea of a presidential commission on victims of crime; and

Whereas, assistance to victims has been shown to reduce the effects of crime, and a growing number of communities provide some form of victims' assistance program; and

Whereas, the National District Attorneys Association has made victims' assistance a high priority, actively supported by groups such as the National Citizens Participation Council and the National Caucus and Center of Black Aged; and

Whereas, there exists a need to develop awareness and support for victims' assistance in the business world; and

Whereas, there is a need to teach law enforcement officers how to use crisis management skills; and

Whereas, the National Organization for Victims' Assistance has labored toward these ends and has made some advances; and

Whereas, our national leaders are planning a National Victims' Rights Week, April 20-26, 1981, to recognize a national concern, *Now Therefore*,

Be It Resolved by the House of Representatives, the

Page 2

Senate Concurring, That the General Assembly endorses

National Victims' Rights Week and expresses its support for enactment of laws to aid victims and witnesses of violent crimes.

Laid over under Rule 30.

INTRODUCTION OF BILLS

House File 841, by committee on ways and means, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties.

Read first time and **placed on the ways and means calendar.**

House File 842, by committee on ways and means, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

Read first time and **placed on the ways and means calendar.**

House File 843, by committee on appropriations, a bill for an act relating to the support of a stepchild.

Read first time and **placed on the appropriations calendar.**

SENATE MESSAGES CONSIDERED

Senate File 438, by committee on state government, a bill for an act to make employment applications confidential records and allow them to be discussed in closed session.

Read first time and referred to committee on **state government.**

Senate File 455, by committee on county government, a bill for an act relating to the conveyance of county property to the federal government.

Read first time and referred to committee on **county government.**

Senate File 463, by committee on labor and industrial relations, a bill for an act exempting certain agricultural and other employers from the workers' compensation law, effective January 1.

Read first time and referred to committee on **labor and industrial relations.**

Senate File 489, by committee on judiciary, a bill for an act legalizing certain city waterworks.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 500, by committee on county government, a bill for an act authorizing the board of supervisors to adopt and enforce uniform personnel policies and compensation plans for county employees.

Read first time and referred to committee on **county government.**

Senate File 509, by committee on commerce, a bill for an act removing the maximum finance charge limitation on consumer credit transactions pursuant to open end credit.

Read first time and referred to committee on **commerce.**

Senate File 522, by committee on education, a bill for an act to require that the deprtment of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

Read first time and referred to committee on **education.**

Senate File 539, by committee on labor and industrial relations, a bill for an act relating to workers' compensation and providing a penalty.

Read first time and referred to committee on **labor and industrial relations.**

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 753,** a bill for an act relating to the submission of bond issues previously defeated by the electorate, and amendment H—3505 filed by Jay of Appanoose and found on page 1146 of the House Journal.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3530, to amendment H—3505, filed by him on April 7, 1981.

Jay of Appanoose moved the adoption of amendment H—3505.

Amendment H—3505 lost.

Gross of Ringgold offered the following amendment H—3315 filed by Gross, et al.:

H—3315

Amend House File 753 as follows:
1. Page 1, by striking lines 22 through 24 and inserting in lieu thereof the following: "If a proposal or part of a proposal fails to gain approval by the required percentage of votes for a second or subsequent time, it shall not be submitted to the electorate for at least twelve months after the date of the second or subsequent election."

Schroeder of Pottawattamie offered the following amendment H—3525, to amendment H—3315, filed by Krewson of Polk:

H—3525

Amend amendment, H—3315, to House File 753 as follows:
1. Page 1, by inserting after line 1 the following:
"1. Page 1, lines 9 and 10, by striking the words "equal to at least sixty percent" and inserting in lieu thereof the words "~~equal to at least sixty percent~~ a majority"."
2. Page 1, by inserting after line 8 the following:
" . Amend the title, lines 1 and 2, by striking the words "previously defeated by" and inserting in lieu thereof the word "to"."
3. By numbering and renumbering sections to conform to this amendment.

Conlon of Muscatine rose on a point of order that amendment H—3525 was not germane.

The Speaker ruled the point well taken and amendment H—3525 not germane.

Clements of Scott offered amendment H—3351, to amendment H—3315, filed by him. Division was requested as follows:

H—3351

Amend the amendment, H—3315, to House File 753 as follows:

H–3351A

1. Page 1, line 7, by striking the word "twelve" and inserting in lieu thereof the word "twenty-four".

H–3351B

2. Page 1, line 8, by inserting after the word "election" the following: "unless an earlier election is requested by a petition of eligible electors equal in number to at least thirty percent of the votes cast on the proposal at the preceding election".

Clements of Scott moved the adoption of amendment H–3351A, to amendment H–3315.

A non-record roll call was requested.

The ayes were 19, nays 67.

Amendment H–3351A lost.

Clements of Scott asked for unanimous consent to withdraw amendment H–3351B.

Objection was raised.

Clements of Scott moved that amendment H–3351B, to amendment H–3315, be withdrawn.

A non-record roll call was requested.

The ayes were 62, nays 27.

The motion prevailed and amendment H–3351B was withdrawn.

Jay of Appanoose offered the following amendment H–3578, to amendment H–3315, filed by him from the floor and moved its adoption:

H–3578

Amend amendment H–3315 to House File 753 as follows:
1. Page 1, line 8, by inserting after the word "election" the words "unless the proposal had received at least fifty per cent approval at its immediately previous submission".

Amendment H—3578 lost.

On motion by Gross of Ringgold, amendment H—3315 was adopted.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 753)

The ayes were, 65:

Anderson, J.	Avenson	Bennett	Binneboese
Branstad	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Cusack	Daggett	Danker
Davitt	De Groot	Diemer	Egenes
Gross	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Jochum	Johnson, J.	Johnson, R.
Kirkenslager	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pellett
Pelton	Petrick	Pope	Rapp
Renaud	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Smith
Stueland	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 30:

Arnould	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Connors
Crawford	Dieleman	Doderer	Gettings
Groth	Halvorson, R. N.	Jay	Johnson, W.
Lloyd-Jones	Lonergan	O'Kane	Pavich
Poffenberger	Poncy	Running	Schroeder
Spear	Sturgeon	Sullivan	Walter
Welsh	Woods		

Absent or not voting, 5:

Anderson, R.	Crabb	Horn	Hummel
Krewson			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 130, a bill for an act to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government and the powers and duties of the board of supervisors and other county officers and employees, making corresponding amendments, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Danker of Pottawattamie offered amendment H–3095 filed by the committee on county government and requested division as follows:

H–3095

Amend Senate File 130, as amended and passed by the Senate, as follows:

H–3095A

1. Page 1, line 31, by inserting after the word "and" the word "administrative".

H–3095B

2. Page 41, lines 13 and 13a, by striking the words "and bonds issued upon petition of the county conservation board".

3. Page 79, by striking lines 19 and 20 and inserting in lieu thereof the words "for the purchase or sale of water."

4. Page 133, line 35, by inserting after the word "section." the following sentence: "The board may determine the manner in which meals are provided for the prisoners."

5. Page 204, line 27, by inserting after the word "Sunday" the words "or legal holiday".

6. Page 255, line 7, by striking the figure "~~336A.4~~" and inserting in lieu thereof the figure "~~336A.4~~".

Danker of Pottawattamie asked and received unanimous consent to withdraw the committee amendment H–3095A.

On motion by Danker of Pottawattamie, the committee amendment H–3095B was adopted.

Danker of Pottawattamie offered amendment H—3328 filed by Danker, et al., and requested division as follows:

H—3328

Amend Senate File 130, as amended and passed by the Senate, as follows:

H—3328A

1. Page 1, by striking lines 31 and 32 and inserting in lieu thereof the following: "of Iowa and state statutes."

2. Page 43, line 2, by inserting after the word "dollars" the words "on property not within a city".

3. Page 56, by striking lines 19 through 22 and inserting in lieu thereof the words "in the county. As used in this subsection:".

4. Page 59, line 7, by inserting after the period, the following: "All funds remaining in the county indemnification fund created under prior Codes as of the effective date of this Act are transferred to the county indemnification fund under this section."

5. Page 89, line 11, by striking the figure "573.15" and inserting in lieu thereof the figure "573.24".

6. Page 104, lines 17 and 18, by striking the words "rule the book to show in separate columns" and inserting in lieu thereof the word "record".

7. Page 108, line 17, by striking the figure "135D.27" and inserting in lieu thereof the figure "135D.26".

8. Page 124, line 20, by striking the figure "1208" and inserting in lieu thereof the figure "1206".

9. Page 125, line 23, by striking the figure "321.144" and inserting in lieu thereof the figure "321.135".

10. Page 129, line 3, by striking the figure "655" and inserting in lieu thereof the figure "665".

11. Page 139, line 13, by striking the figure "1208" and inserting in lieu thereof the figure "1206".

12. Page 143, by striking line 35 through page 144, line 2.

13. Page 144, line 4, by striking the figure "579,".

H—3328B

14. Page 208, by inserting after line 34 the following unnumbered paragraph:

"The board shall record its proceedings relating to the provision of relief to specific persons under this chapter. A person who is aggrieved by a decision of the board may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in section 17A.19, subsections 2 through 8 except paragraphs b and c of subsection 8, and section 17A.20."

H–3328A

15. Page 210, line 25, by striking the figure "2" and inserting in lieu thereof the figure "3".

Page 2

16. Page 210, line 28, by striking the figure "309.7" and inserting in lieu thereof the words and figures "~~309.7~~ 421, subsections 12 and 13 of this Act".

17. Page 211, line 3, by striking the figure "2" and inserting in lieu thereof the figure "3".

18. Page 231, line 3, by striking the figure "400" and inserting in lieu thereof the figure "440".

On motion by Danker of Pottawattamie, amendment H–3328A was adopted.

Spear of Lee offered the following amendment H–3228 filed by him and moved its adoption:

H–3228

Amend Senate File 130, as amended and passed by the Senate, as follows:

1. Page 7, line 9, by inserting after the figure "42.4." the following: "If more than one incumbent supervisor resides in the same supervisor district after the districts have been redrawn following the federal decennial census, the terms of office of those supervisors shall expire on the second day of January that is not a Sunday or a holiday following the next general election."

Amendment H–3228 was adopted.

Spear of Lee offered the following amendment H—3194 filed by him and moved its adoption:

H—3194

Amend Senate File 130 as amended and passed by the Senate, as follows:

1. Page 8, line 13, by striking the words "or a deputy auditor".

2. Page 8, line 14, by striking the words "auditor or" and inserting in lieu thereof the word "auditor,".

3. Page 8, line 15, by inserting after the word "auditor" the words "or an employee designated by the auditor".

Amendment H—3194 was adopted.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3169 filed by him on February 25, 1981.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3171 filed by him on February 25, 1981, placing out of order amendment H—3181, to amendment H—3171, filed by him on February 27, 1981.

Spear of Lee offered the following amendment H—3202 filed by him and moved its adoption:

H—3202

Amend Senate File 130, as amended and passed by the Senate, as follows:

1. Page 23, by striking lines 7 through 9 and inserting in lieu thereof the following: "to an elective officer, the board shall set the initial salary for the elective officer, which salary shall be at thirty percent greater than the salary otherwise established for the combined office or position with the highest salary. Thereafter, the salary shall be determined as provided in section 906 of this Act. When the duties of officers or employees".

2. Page 23, by striking lines 13 through 18.

Amendment H—3202 was adopted.

Spear of Lee offered the following amendment H—3185 filed by him and moved its adoption:

H—3185

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 29, line 1, by striking the words "Civil War,".

Amendment H—3185 was adopted.

Spear of Lee offered the following amendment H—3186 filed by him and moved its adoption:

H—3186

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 29, lines 1 and 2, by striking the words "Spanish-American War,".

Amendment H—3186 was adopted.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3170 filed by him on February 25, 1981, placing out of order amendment H—3205, to amendment H—3170, filed by him on March 3, 1981.

Brandt of Black Hawk offered the following amendment H—3535 filed by her and moved its adoption:

H—3535

Amend Senate File 130, as amended and passed by the Senate as follows:

1. Page 39, by striking lines 8 and 9 and inserting in lieu thereof the following: "for use of a city library, a tax levy determined by the board on the taxable property of the".

A non-record roll call was requested.

The ayes were 32, nays 55.

Amendment H—3535 lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3565 filed by him on April 8, 1981.

Norland of Worth offered the following amendment H—3568 filed by him:

H—3568

Amend Senate File 130, as amended and passed by the Senate, as follows:

1. Page 41, line 18, by inserting after the number "174" the following: ", or expenses related to fair entertainment activities,".

Norland of Worth offered the following amendment H—3580, to amendment H—3568, filed by him from the floor and moved its adoption:

H—3580

Amend the amendment, H—3568, to page 41 of Senate File 130, as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 3 through 5 and inserting in lieu thereof the following:

"1. Page 41, by striking lines 15 through 30 and inserting in lieu thereof the following:

"7. For the fairground fund, not to exceed thirteen and one-half cents per thousand dollars to be used for the acquisition, construction, reconstruction, repair and maintenance of county fairground facilities and the operation of county fair programs as determined by the society under chapter 174. If an official fair is designated under section 174.10, subsection 2, the funds received from this levy shall be paid to the society conducting the official county fair."

2. Page 201, line 16, by striking the words and numbers "subsections 7 and 8" and inserting in lieu thereof the word and number "subsection 7"."

Amendment H—3580 was adopted.

Norland of Worth moved the adoption of amendment H—3568, as amended.

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—3568, as amended, lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3566 filed by him on April 8, 1981.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3179 filed by him on February 27, 1981.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3180 filed by him on February 27, 1981.

Clements of Scott asked and received unanimous consent to withdraw amendment H—3139 filed by him on February 23, 1981, placing out of order amendment H—3156, to amendment H—3139, filed by him on February 24, 1981.

Swartz of Marshall offered the following amendment H—3563 filed by him and Anderson of Jasper and moved its adoption:

H—3563

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 208, by striking line 26 and inserting in lieu thereof the following: "to ~~labor faithfully on the streets or highways~~ work on public programs or projects at the".

2. Page 208, line 30, by striking the words "working streets and highways" and inserting in lieu thereof the following: "~~working streets and highways~~ such public programs or projects".

Amendment H—3563 was adopted.

Brandt of Black Hawk offered the following amendment H—3548 filed by her and moved its adoption:

H—3548

Amend Senate File 130, as amended and passed by the Senate, as follows:

1. Page 208, by striking lines 33 and 34 and inserting in lieu thereof the following: "reasonable cost of ~~such~~ burial~~, provided such expenses do not exceed two hundred fifty dollars~~ as determined by the board of supervisors."

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—3548 lost.

The House resumed consideration of amendment H—3328B.

Danker of Pottawattamie moved the adoption of amendment H—3328B.

Amendment H—3328B was adopted.

Anderson of Jasper offered the following amendment H—3564 filed by him and moved its adoption:

H—3564

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 246, line 25, by striking the words "shall, in blue or black ink," and inserting in lieu thereof the words "shall~~, in blue or black ink,~~".

Amendment H—3564 was adopted.

Spear of Lee offered the following amendment H—3198 filed by him and moved its adoption:

H—3198

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 247, by striking lines 14 through 16 and inserting in lieu thereof the following:

"446.1 SALE SHOWN. The ~~auditor~~ county treasurer~~, when making up the tax list, before it is placed in the hands of the county treasurer,~~ shall designate on the tax list each piece or parcel".

Amendment H—3198 was adopted.

Spear of Lee offered the following amendment H—3195 filed by him and moved its adoption:

H–3195

Amend Senate File 130 as amended and passed by the Senate, as follows:

1. Page 247, line 19, by striking the words "made for that purpose and" and inserting in lieu thereof the words "~~made for that purpose and~~".

Amendment H–3195 was adopted.

Spear of Lee offered the following amendment H–3201 filed by him and moved its adoption:

H–3201

Amend Senate File 130 as amended and passed by the Senate as follows:

1. Page 248, by striking lines 20, 21, and 22 and inserting in lieu thereof the following: "~~or auditor~~ failing to attend a sale of lands in person, ~~or~~ by deputy treasurer or by designated employee ~~shall be~~ is guilty of a simple misdemeanor. If ~~such officer~~ the treasurer, ~~or~~ deputy treasurer or designated employee ~~shall sell or assist~~".

2. Page 248, line 29, by inserting after the word "treasurer" the words ", deputy treasurer or designated employee".

Amendment H–3201 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H–3209 filed by him on March 4, 1981.

Connors of Polk asked and received unanimous consent to suspend House Rule 36.8 for the consideration of amendment H–3581 filed by him from the floor as follows:

H–3581

Amend Senate File 130, as amended and passed by the Senate:

1. Page 176, by inserting after line 9 the following:

"8. Where donation of the remains of the deceased to a medical school or similar institution equipped with facilities to perform autopsies is provided by will or directed by the spouse, parents or children of full age, of the deceased, any autopsy under this section shall be performed at and under the direction

of the school or institution, and in such a manner as to further the purpose of the donation, while serving the public interest."

The following amendment H—3582, to amendment H—3581, filed by Connors of Polk from the floor, was adopted by unanimous consent:

H—3582

Amend amendment H—3581 to page 176 of Senate File 130 as amended and passed by the Senate as follows:

1. Page 1, line 10 by striking the words "and under".

Connors of Polk moved the adoption of amendment H—3581, as amended.

A non-record roll call was requested.

The ayes were 56, nays 32.

Amendment H—3581, as amended, was adopted.

Danker of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 130)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Byerly
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Connolly	Connors	Cook
Corey	Crawford	Cusack	Daggett
Danker	De Groot	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger

Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 10:

Brandt	Bruner	Carl	Clements
Conlon	Davitt	Dieleman	Jochum
Rapp	Smalley		

Absent or not voting, 4:

Crabb	Horn	Hummel	Krewson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(House File 753)

I move to reconsider the vote by which House File 753 passed the House on April 9, 1981.

EGENES of Story

(House File 796)

I move to reconsider the vote by which House File 796 passed the House on April 9, 1981.

SCHROEDER of Pottawattamie

(Senate File 284)

I move to reconsider the vote by which Senate File 284 passed the House on April 9, 1981.

SCHROEDER of Pottawattamie

(Senate File 284)

I move to reconsider the vote by which Senate File 284 passed the House on April 9, 1981.

PELTON of Clinton

COMMUNICATION FROM SECRETARY OF STATE

April 8, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that House File 414 was published in the Lenox Time-Table, Lenox, Iowa on April 1, 1981 and in The Republic Appeal, Albert City, Iowa on April 2, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

Clark of Cerro Gordo presented to the House the Honorable Kenneth D. Scott, former member of the House representing Cerro Gordo County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five senior students from Le Mars Gehlen High School, Le Mars, accompanied by Dick Seivert. By Ritsema of Sioux.

Nine third grade students from Emerson Elementary School, Indianola, accompanied by Pat Johnson. By Shull of Warren.

Eighty students from Sigourney Middle School, Sigourney, accompanied by Mr. Kitzman, Mrs. Holt, Miss Thomas and Mr. Fick. By Swearingen of Keokuk.

Forty-five eleventh grade students from North High School, Sioux City, accompanied by Larry Twait. By Binneboese of Plymouth and O'Kane and Sturgeon of Woodbury.

Thirty eleventh grade students from Rockwell-Swaledale High School, Rockwell, accompanied by Jim Fredrickson. By Clark of Cerro Gordo.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 2:30 p.m., April 8, 1981

Convened: 2:35 p.m.

Adjourned: 3:30 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Arnould.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 508), relating to the support of a stepchild.

Fiscal Note is not required.

Recommended **Amend and Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 256, a bill for an act relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 480, a bill for an act relating to properties that are exempt from judicial process.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3577.**

Senate File 513, a bill for an act relating to the penalty for failure to record a conveyance or lease of agricultural land within the specified time.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3579.**

COMMITTEE ON STATE GOVERNMENT

Senate File 28, a bill for an act to allow instructional staff of a professional school to serve on the licensing board of that profession.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 355, a bill for an act requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Senate File 235, a bill for an act to prohibit the possession and operation of a radar jamming device and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 516), relating to the homestead credit by allowing a person to file a claim for the homestead credit only once and providing that the credit will be granted without filing a claim for as long as the person owns the same homestead.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 604), to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

Committee Bill (Formerly House File 830), relating to transactions involving the storage or sale of grain, and providing penalties.

Fiscal Note is required.

Recommended **Do Pass.**

Senate File 263, a bill for an act authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

Fiscal Note is required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3575	H.F. 800	Johnson of Linn
H—3576	H.F. 800	Spear of Lee
H—3577	S.F. 480	Committee on Judiciary and Law Enforcement
H—3579	S.F. 513	Committee on Judiciary and Law Enforcement
H—3583	S.F. 517	Spear of Lee
H—3584	S.F. 480	Johnson of Howard
H—3585	S.F. 146	Dieleman of Marion
H—3586	S.F. 87	Schroeder of Pottawattamie

H—3587	H.F. 798	Halvorson of Webster
H—3588	H.F. 798	Miller of Buchanan
H—3589	H.F. 758	Swartz of Marshall
H—3590	H.F. 758	Miller of Buchanan
H—3591	H.F. 758	Miller of Buchanan
H—3592	H.F. 786	Spear of Lee
H—3593	H.F. 786	Spear of Lee

On motion by Pope of Polk, the House adjourned at 5:30 p.m., until 9:00 a.m., Friday, April 10, 1981.

JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day—Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 10, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Calvin Rossman, pastor of the Stratford Lutheran Church, Stratford.

The Journal of Thursday, April 9, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth on request of Swartz of Marshall.

SENATE MESSAGE CONSIDERED

Senate File 435, by committee on commerce, a bill for an act relating to the regulation of savings and loan associations.

Read first time and referred to committee on **commerce.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1981, adopted the following bill in which the concurrence of the Senate was asked:

House Concurrent Resolution 16, providing for a joint convention to be held on April 22, 1981, and inviting the Pioneer Lawmakers to present a program.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 216, a bill for an act relating to noxious weeds.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 217, a bill for an act to provide that transfers of property or interests in property pursuant to a decree of dissolution of marriage are not subject to real estate transfer tax.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act repealing the requirement that clerks of the district court and county attorneys inspect county jails.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to redemption and disposition of empty beverage containers and subjecting violators to a penalty.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 439, a bill for an act to allow a class "A" beer permittee to also hold a class "B" permit.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 452, a bill for an act relating to private fish hatcheries.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 485, a bill for an act relating to hazardous waste management, including new prohibited acts and providing penalties.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 492, a bill for an act relating to the operation of urban transit systems.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act to provide for the establishment of a state nursery to be located in southern Iowa.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 515, a bill for an act relating to a limitation on the time period for the filing of estates.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 518, a bill for an act relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 524, a bill for an act establishing a transportation regulation authority to replace the three-member transportation regulation board.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 526, a bill for an act relating to the registration and operation of snowmobiles.

Also: That the Senate has on April 8, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 529, a bill for an act relating to material donated to a public library, museum or archive.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 535, a bill for an act relating to the chronic renal disease program within the state department of health.

Also: That the Senate has on April 9, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 542, a bill for an act making a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1981, for the aid to dependent children program, field operations, and operation of the adult correctional institutions.

Also: That the Senate has on April 10, 1981, adopted the following bill in which the concurrence of the House is asked:

Senate Concurrent Resolution 17, providing for an Easter recess for the 1981 Session of the Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY, Secretary

HOUSE RESOLUTION 13
By Pope and Poffenberger

Whereas, six million Jewish people were subjected to mass extermination in one of the most gruesome and barbarous acts in the history of mankind; and

Whereas, the Jewish people in Nazi Germany were physically isolated, stripped of their rights, robbed of their property and ultimately murdered; and

Whereas, the suffering of those who survived the Nazi death camps can never be understated nor forgotten; and

Whereas, thirty-six years ago this week, in the closing days of World War II, the American armed forces liberated the Dachau concentration camp and revealed to the world the Nazi's systematic program of deliberate genocide; and

Whereas, Christians, Jews and others must share in the search for answers to the questions of how we can avoid the mistakes of the past and that this tragic human holocaust must never be forgotten; and

Whereas, the week of April 26 through May 2, 1981, has been designated by President Ronald Reagan and Governor Robert D. Ray as a week of remembrance of the victims of the holocause; *Now Therefore*,

Be It Resolved by the House of Representatives, That all Iowans are asked to observe this week of remembrance with appropriate thought, study and prayer as a tribute to the six million victims and survivors of the Nazi regime's holocaust; and

Be It Further Resolved, That all Iowans rededicate themselves to the cause that this tragedy must not be forgotten, nor ever be repeated.

Laid over under Rule 30.

SENATE CONCURRENT RESOLUTION 17
By Committee on Rules and Administration

Be It Resolved by the Senate, the House Concurring,
That when adjournment takes place on Thursday, April 16, 1981, the general assembly will reconvene on Tuesday, April 21, 1981, at 10:00 a.m., in observance of Easter.

Laid over under Rule 30.

REFERRED TO COMMITTEE ON COMMERCE
(Senate File 256)

The Speaker announced that Senate File 256, presently on the **regular calendar**, was referred to the committee on **commerce.**

CONSIDERATION OF BILLS
Regular Calendar

House File 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction, was taken up for consideration.

Avenson of Fayette moved that House File 823 be referred to the committee on commerce.

A non-record roll call was requested.

The ayes were 36, nays 57.

The motion lost.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 823)

The ayes were, 78:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Bruner	Byerly
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connors	Cook
Corey	Crawford	Daggett	Danker

Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 16:

Avenson	Brandt	Carl	Chiodo
Connolly	Cusack	Gettings	Howell
Jay	Jochum	Lloyd-Jones	O'Kane
Pavich	Rapp	Spear	Sturgeon

Absent or not voting, 6:

Crabb	Horn	Hummel	Krewson
Norland	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 469**, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

Johnson of Woodbury offered the following amendment H–3573 filed by him and Groth of Buena Vista and moved its adoption:

H–3573

Amend Senate File 469 as follows:

1. Page 1, line 20, by inserting after the word "aid." the following: "No Iowa school district may accept for education any student from another state who, if an Iowa resident student, would qualify for other than 1.0 weighting, unless the total tuition and transportation fees paid to the Iowa school

district are at least equal to what the foundation formula would authorize in spending for that classification of student."

A non-record roll call was requested.

The ayes were 27, nays 58.

Amendment H–3573 lost.

Anderson of Jasper asked for unanimous consent to defer action on Senate File 469.

Objection was raised.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 469)

The ayes were, 53:

Anderson, J.	Bennett	Branstad	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crawford	Daggett	Danker
Diemer	Gross	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Howell
Jay	Jochum	Johnson, J.	Kirkenslager
Lageschulte	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Mr. Speaker			

The nays were, 42:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Cochran	Connolly
Connors	Cusack	Davitt	De Groot
Dieleman	Doderer	Egenes	Gettings
Groth	Hall	Hoffmann	Holt
Johnson, R.	Johnson, W.	Lind	Lloyd-Jones
Menke	O'Kane	Pelton	Rapp

Renaud	Running	Stueland	Sturgeon
Sullivan	Swartz	Trucano	Welden
Welsh	Woods		

Absent or not voting, 5:

Crabb	Horn	Hummel	Krewson
Norland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REFERRED TO COMMITTEE ON WAYS AND MEANS

House File 808, a bill for an act providing for the staggered registration of certain vehicles subject to registration with a December 1, 1983 effective date, was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 10:54 a.m.

Schroeder of Pottawattamie offered the following amendment H–3442 filed by him:

H–3442

1 Amend House File 808 as follows:
2 1. Page 1, by striking lines 21 through 34.

Welsh of Dubuque asked for unanimous consent to defer action on amendment H–3442 to consider amendment H–3547.

Objection was raised.

Welsh of Dubuque moved that the rules be suspended to consider amendment H–3547 before amendment H–3442.

A non-record roll call was requested.

The ayes were 34, nays 50.

The motion lost.

Schroeder of Pottawattamie moved the adoption of amendment H–3442.

A non-record roll call was requested.

The ayes were 51, nays 39.

Amendment H—3442 was adopted, placing out of order amendment H—3547 and amendment H—3559 (to amendment H—3547) filed by Welsh of Dubuque on April 7 and April 8, 1981 respectively.

Schnekloth of Scott offered the following amendment H—3529 filed by him and Woods of Polk:

H—3529

Amend House File 808 as follows:

1. Page 2, line 5, by inserting after the figure "326" the words "and any motor truck, truck tractor, or road tractor registered for a combined gross weight exceeding four tons".

2. Page 2, by inserting after line 15 the following new subsection:

"5. For mobile homes, at midnight on the last day of June and December each year."

3. Page 3, line 4, by inserting after the word "card" the words "or other evidence of current registration as prescribed by the department".

4. Page 3, line 10, by striking the words "~~fee of two dollars~~" and inserting in lieu thereof the words "title fee of two dollars and a".

5. Page 3, lines 12 and 13, by striking the words ", unless the transfer of ownership was by operation of law as provided in section 321.47".

6. Page 5, by striking lines 17 through 31 and inserting in lieu thereof the following:

"4. In a transaction in which a vehicle is traded to a dealer as defined in chapter 322 or chapter 322C toward the purchase price of another vehicle and each vehicle is owned in whole or in part by the same person, the person acquiring the vehicle from the dealer shall be entitled to a credit for the unexpired portion of the registration fee of the vehicle traded to the dealer. The registration fee of the vehicle acquired from the dealer shall be reduced by the amount of the credit and the county treasurer shall cancel the registration for the vehicle traded to the dealer. However, the credit shall not exceed the amount of the registration fee for the vehicle acquired from the dealer. The credit shall be computed on the basis of the number of months remaining in the registration year, rounded to the nearest whole

dollar."

7. Page 5, line 34, by striking the words "and ~~transfer of~~" and inserting in lieu thereof the words "~~and transfer of~~ or new".

8. Page 6, lines 30 and 31, by striking the words "an additional registration fee of five dollars" and inserting in lieu thereof the words "~~an additional~~ the annual registration fee ~~of five dollars~~".

9. Page 7, by striking lines 1 through 14 and inserting in lieu thereof the following:

"321.70 DEALER VEHICLES. A dealer registered under this chapter shall not be required to register any vehicle owned by the dealer which is being held for sale or trade, provided the registration fee was

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not delinquent at the time the vehicle was acquired by the dealer. When a dealer ceases to hold any vehicle for sale or trade or the vehicle otherwise becomes subject to registration under this chapter the annual registration fee shall be due."

10. Page 7, line 28, by inserting after the figure "326" the words "or a motor truck, truck tractor, or road tractor is registered for a combined gross weight exceeding four tons".

11. Page 8, by inserting after line 14 the following new sections:

"Sec. . Section 321.113, Code 1981, is amended to read as follows:

321.113 AUTOMATIC REDUCTION. After ~~said~~ a motor vehicle ~~has been registered~~ is five ~~times~~ model years old, that part of the registration fee which is based on the value of the vehicle shall be:

Seventy-five percent of the rate as fixed when new;

After a motor vehicle is six ~~times~~ model years old, fifty percent;

After a motor vehicle is eight ~~times~~ model years old, that part of the registration fee based on the value of ~~said~~ the vehicle shall be ten percent. Where the ninth registration fee for a motor vehicle has been computed and fixed by the department prior to July 4, 1949, there shall be added to ~~such~~ the registration fee, in lieu of the ten percent provided for herein, one dollar if such registration fee has been computed and fixed at fifteen dollars or less and two dollars if ~~such~~ the registration fee has been computed and fixed at more than fifteen dollars.

Sec. . Section 321.116, Code 1981, is amended to read as follows:

321.116 ELECTRIC AUTOMOBILES. For all electric motor vehicles the annual fee shall be twenty-five dollars. When any electric motor vehicle ~~has been registered~~ which is five ~~times~~ model years old the annual registration fee shall be fifteen dollars.

Sec. . Section 321.117, Code 1981, is amended to read as follows:

321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES. For all motorcycles the annual fee shall be ten dollars. For all motorized bicycles the annual fee shall be five dollars. When ~~said~~ the motorcycle ~~has been registered~~ is five ~~times~~ model years old, the annual registration fee shall be five dollars. The annual registration fee for ambulances and hearses shall be fifty dollars. Passenger car plates shall be issued for ambulances and hearses.

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Sec. . Section 321.122, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. For a combined gross weight of three tons or less forty-five dollars and ~~after~~ a vehicle which is ten ~~full registrations~~ model years old thirty-five dollars.

Sec. . Section 321.123, subsection 1, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Travel trailers and fifth-wheel travel trailers, except those in manufacturer's or dealer's stock, an annual fee of twenty cents per square foot of floor space computed on the exterior overall measurements, but excluding three feet occupied by any trailer hitch as provided by and certified to by the owner, to the nearest whole dollar, which amount shall not be prorated or refunded; except the annual fee for travel trailers of any type, when registered in Iowa for the first time or when removed from a manufacturer's or dealer's stock, shall be prorated on a monthly basis. The registrant of a travel trailer of any type shall be issued a "travel trailer" plate. It is further provided the annual fee thus computed shall be limited to seventy-five percent of the full fee after the ~~sixth registration~~ the vehicle is six model years old.

Sec. . Section 321.124, subsection 3, Code 1981, is amended to read as follows:

3. The annual registration fee for motor homes and multipurpose vehicles is as follows:

a. For class "A" motor homes with a list price of thirty-five thousand dollars or more as certified to the department by the manufacturer, four hundred

dollars for ~~the first five registrations~~ registration each year through five model years and three hundred dollars for each succeeding registration.

b. For class "A" motor homes with a list price of twenty thousand dollars or more but less than thirty-five thousand dollars as certified to the department by the manufacturer, one hundred forty dollars for ~~the first five registrations~~ registration each year through five model years and one hundred five dollars for each succeeding registration.

c. For class "A" motor homes with a list price of less than twenty thousand dollars as certified to the department by the manufacturer, one hundred twenty dollars for ~~the first five registrations~~ registration each year through five model years and eighty-five dollars for each succeeding registration.

d. For a class "A" motor home which is a passenger-carrying bus which has been registered at least five

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times as a motor truck and which has been converted, modified or altered to provide temporary living quarters, ninety dollars for ~~the first ten registrations~~ registration each year through five model years and sixty-five dollars for each succeeding registration. In computing the number of registrations, the registrations shall be cumulative beginning with the registration of the class "A" motor home as a motor truck prior to its conversion, modification, or alteration to provide temporary living quarters.

e. For class "B" motor homes, ninety dollars for ~~the first five registrations~~ registration each year through five model years and sixty-five dollars for each succeeding registration.

f. For class "C" motor homes, one hundred ten dollars for ~~the first five registrations~~ registration each year through five model years and eighty dollars for each succeeding registration.

g. For multipurpose vehicles, seventy-five dollars for ~~the first five registrations~~ registration each year through five model years and fifty-five dollars for each succeeding registration."

12. Page 8, line 22, by inserting after the period the words "Subsections 1 and 2 shall not apply to motor vehicles registered by the county treasurer."

13. Page 8, lines 24 and 25, by striking the words "county treasurer within five days, who in turn shall notify the department" and inserting in lieu thereof the words "~~county treasurer~~ department within five

days, ~~who in turn shall notify the department~~".

14. Page 10, line 14, by inserting after the period the words "The penalty on vehicles registered under chapter 326 shall accrue February 1 of each year."

15. Page 10, line 26, by inserting after the period the words "The penalty on vehicles registered under chapter 326 shall accrue August 1 of each year."

16. Page 10, by inserting after line 35 the following new section:

"Sec. . Section 321.149, Code 1981, is amended to read as follows:

321.149 BLANKS. The department shall not later than November 15 of each year prepare and furnish the treasurer of each county all blank books, blank forms, and all supplies required for the administration of this chapter, including applications for registration and transfer of vehicles, ~~quadruple~~ quintuple receipts, and original remittance sheets to be used in remitting fees to the department, in

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such form as the department may prescribe. Contracts for ~~such~~ the blank books, blank forms, and supplies shall be awarded by the ~~state~~ superintendent of printing ~~board~~ to persons, firms, partnerships, or corporations engaged in the business of printing in Iowa unless, or through them, ~~such~~ the persons, firms, partnerships or corporations cannot provide the required printing set forth in this section. In lieu of purchasing under competitive bids the ~~state~~ superintendent of printing ~~board~~ shall have authority to arrange with the director of the division of corrections of the department of social services to furnish ~~such~~ the supplies as can be made in the state institutions."

17. Page 12, line 16, by inserting after the word "period" the words ", except mobile homes that are registered on a semiannual basis".

18. Page 13, line 14, by striking the figure "321.70" and inserting in lieu thereof the figure "321.114".

19. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Lind of Black Hawk offered the following amendment H–3551, to amendment H–3529, filed by him:

H–3551

Amend amendment H–3529 to House File 808 as follows:

1. Page 3, line 6, by inserting after the word "dollars." the following: "A light delivery truck, panel delivery truck or pickup is subject to an additional fee based upon the number of its options. If it has two or three options, the additional fee is fifty percent of the fee otherwise payable. If it has four or five options, the additional fee is seventy-five percent of the fee otherwise payable. If it has six or more options, the additional fee is the difference between the fee otherwise payable and the fee for registration of a vehicle of the same value and weight under section 321.109. For the purpose of this paragraph, an "option" is any of the following: automatic transmission, power steering, power brakes, power windows, FM radio, air conditioning, adjustable steering wheel, cruise control, tape player and bucket seats."

Avenson of Fayette rose on a point of order and invoked House Rule 37 on House File 808.

The Speaker ruled the point well taken and House File 808 referred to the committee on ways and means.

House File 802, a bill for an act relating to gifts allowed under the uniform gifts to minors Act, was taken up for consideration.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 802)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall

Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Miller	Mullins	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker (Menke)		

The nays were, none.

Absent or not voting, 6:

Crabb	Horn	Hummel	Krewson
Norland	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 822, a bill for an act relating to the administration of small estates, was taken up for consideration.

Speaker Stromer in the chair at 11:35 a.m.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 822)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes

Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Crabb	Horn	Hummel	Krewson
Norland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 797, a bill for an act relating to the certified eligible list for promotion for city civil service, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H–3431 filed by Tyrrell, et al. :

H–3431

Amend House File 797 as follows:

1. Page 1, line 6, by inserting after the word "certification," the words "except for certified eligible lists of police officers which lists shall hold preference for two years".

Doderer of Johnson offered the following amendment H–3595, to amendment H–3431, filed by Doderer, Tyrrell, Johnson of Linn and Walter from the floor and moved its adoption:

H–3595

Amend amendment H–3431 to House File 797, as follows:

1. Page 1, by striking lines 2 through 5 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 5 and 6, and inserting in lieu thereof the following: "for promotion two years following the date of certification, except for certified eligible lists of firemen as defined in section 411.1, subsection (3), which lists shall hold preference for three years, after which ~~said~~ the lists shall be canceled"."

Amendment H—3595 was adopted.

On motion by Tyrrell of Iowa, amendment H—3431, as amended, was adopted.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 797)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Carpenter

Absent or not voting, 5:

Crabb Horn Hummel Krewson
Norland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 821)

Pope of Polk asked and received unanimous consent that House File 821 be immediately messaged to the Senate.

MOTIONS TO RECONSIDER
(House File 823)

I move to reconsider the vote by which House File 823 passed the House on April 10, 1981.

RITSEMA of Sioux

(House File 823)

I move to reconsider the vote by which House File 823 passed the House on April 10, 1981.

BRUNER of Story

(Senate File 469)

I move to reconsider the vote by which Senate File 469 passed the House on April 10, 1981.

RITSEMA of Sioux

(Senate File 469)

I move to reconsider the vote by which Senate File 469 passed the House on April 10, 1981.

SCHNEKLOTH of Scott

HOUSE CONCURRENT RESOLUTION 31

By Schroeder, Branstad, Pellett, Lloyd-Jones, Cochran, Avenson, Byerly, Kirkenslager, Bruner, Holt, Anderson of Jasper, Binneboese, Oxley, O'Kane, Tyrrell, Davitt, Chiodo, Hall, Woods, Norland, Rapp, Pavich, Dieleman, Carl, McKean, Conlon, Groth, Doderer, Stueland, Swartz and Welsh

Whereas, railroad transportation is vital to the continued prosperity of commerce and agriculture in Iowa; and

Whereas, Iowa's railroads in recent years have moved more than 70% of the grain exported from Iowa; and

Whereas, the core of Iowa's railroad system for more than 100 years consisted of 1,575 miles of track extending east-west and north-south through the central portions of Iowa; and

Whereas, that core system is now awaiting liquidation by the trustee upon order of the bankruptcy court; and

Whereas, the trustee in fulfilling his duties may be forced to dismantle Iowa's railroad core system, causing a major transportation problem for Iowa and damaging the nation's economic interest in a viable trail industry; and

Whereas, the dismantling of Iowa's rail system will have serious repercussions to prices received by farmers, to costs incurred by businesses and to the economy of the state as a whole; and

Whereas, the state as a last resort must act to insure that the heartland system remains intact; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Iowa General Assembly act immediately to inform the trustee of the bankrupt rail system of Iowa's intent to act to preserve the core system, including the mainlines from Minneapolis to Kansas City and Chicago to Omaha, and important branchlines in the state; and

Be It Further Resolved, That the legislature direct the Iowa Department of Transportation and the Iowa Railway Finance Authority to recommend possible courses of action that would preserve the system; and

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Be It Further Resolved, That Iowa's plan for preservation of the core be flexible enough to allow state and local governments, private industry, shipper's associations and other interested parties to participate; and

Be It Further Resolved, That Iowa's General Assembly calls upon the Congress of the United States to address the bankruptcy laws concerning railroads and enact necessary changes protecting state and national interest in a viable transportation system to allow for reasonable return to creditors without destroying the integrity of essential lines; and

Be It Further Resolved, That copies of this resolution be forwarded to the members of the Iowa Transportation

Commission, the members of the Iowa Railway Finance Authority, the Director of the Iowa Department of Transportation, the Governor of Iowa, the Trustee of the Rock Island, the President of the Chicago and Northwestern Transportation Company, the President of the Kansas City Southern Lines, and the members of the Iowa congressional delegation.

Laid over under Rule 30.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 254, a bill for an act to require state depository financial institutions to give written disclosure of all transactions on mortgage loan escrow accounts.

Also: That the Senate has on April 10, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 511, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

Also: That the Senate has on April 10, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 532, a bill for an act authorizing the Iowa family farm development authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of chapter 175.

LINDA HOWARTH MACKAY, Secretary

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty-eight 4-H Club members from Delaware, Jackson, Clayton and Dubuque Counties, accompanied by Banks Doggett, Jr. By Hanson of Delaware, Halvorson of Clayton, Avenson of Fayette, Tofte of Winneshiek, Shimanek and McKean of Jones, Welsh, Connolly and Jochum of Dubuque.

SUBCOMMITTEE ASSIGNMENTS

House File 250

Ways and Means: Krewson, Chair; Clark of Lee and O'Kane.

House File 811

Ways and Means: Diemer, Chair; Shull and Dieleman.

House File 820

Ways and Means: Ritsema, Chair; Poffenberger and Howell.

Senate File 29

Education: Carpenter, Chair; Johnson of Howard and Spear.

Senate File 256

Judiciary and Law Enforcement: Smalley, Chair; Doderer, Johnson of Howard, Rapp and Gross.

Senate File 408

Agriculture: Hummel, Chair; Chiodo and De Groot.

Senate File 420

Ways and Means: Ritsema, Chair; Poffenberger and Howell.

Senate File 423

Commerce: Johnson of Linn, Chair; Chiodo and Hoffmann.

Senate File 466

Ways and Means: Shull, Chair; Renken and Chiodo.

Senate File 480

Judiciary and Law Enforcement: Ritsema, Chair; Swartz, Jay, Halvorson of Clayton and Johnson of Howard.

Senate File 507

Cities: Shull, Chair; Johnson of Linn and Hall.

Senate File 513

Judiciary and Law Enforcement: Gross, Chair; Welsh and Pelton.

Senate File 514

Judiciary and Law Enforcement: Poffenberger, Chair; Corey and Jay.

Senate File 517

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Trucano, Rapp, Ritsema and Jay.

Senate File 520

Education: Daggett, Chair; Carpenter and Groth.

Senate File 528

Judiciary and Law Enforcement: Ritsema, Chair; Johnson of Howard and Swartz.

Senate File 531

Agriculture: McKean, Chair; Miller and Stueland.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 330

Ways and Means: Branstad, Chair; Schnekloth and Norland.

Study Bill 331

Ways and Means: Shull, Chair; Conlon and Davitt.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 48, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Fiscal Note is not required.

Without Recommendation as amended with amendment H–3597.

COMMITTEE ON COUNTY GOVERNMENT

Senate File 292, a bill for an act relating to the deposit of public funds by officers of political subdivisions of the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3596.**

Senate File 456, a bill for an act relating to the jurisdictional transfer of highways and streets.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Senate File 520, a bill for an act to strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON NATURAL RESOURCES

Senate File 252, a bill for an act exempting persons hunting on game breeding and shooting preserves from having a wildlife habitat stamp or a pheasant stamp.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

Senate File 322, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3594	S.F. 377	Spear of Lee
H—3596	S.F. 292	Committee on County Government
H—3597	S.F. 48	Committee on Commerce
H—3598	H.F. 808	Schroeder of Pottawattamie Davitt of Warren

H–3599	H.F. 827	Jay of Appanoose
H–3600	H.F. 827	Ritsema of Sioux
H–3601	H.F. 827	Shimanek of Jones
H–3602	S.F. 492	Kirkenslager of Des Moines
		Harbor of Mills
		Lloyd-Jones of Johnson
H–3603	S.F. 377	Spear of Lee
H–3604	H.F. 841	Bennett of Ida
H–3605	H.F. 36	Running of Linn
Kirkenslager of Des Moines		Sturgeon of Woodbury
Welsh of Dubuque		Trucano of Polk
Renaud of Polk		Connolly of Dubuque
Jochum of Dubuque		Gettings of Wapello
Connors of Polk		Anderson of Audubon
Pavich of Pottawattamie		O'Kane of Woodbury
H–3606	H.F. 841	Lageschulte of Bremer
Cochran of Webster		Branstad of Winnebago
Mullins of Kossuth		Schnekloth of Scott
Miller of Buchanan		Davitt of Warren
Danker of Pottawattamie		Renken of Grundy
H–3607	H.F. 841	Lageschulte of Bremer
		Schnekloth of Scott
		Mullins of Kossuth
		Miller of Buchanan
		Branstad of Winnebago
		Renken of Grundy
H–3608	S.F. 121	Rapp of Black Hawk
		Conlon of Muscatine
		Doderer of Johnson
		Shimanek of Jones
H–3609	H.F. 827	Jay of Appanoose
H–3610	H.F. 786	Howell of Floyd
H–3611	H.F. 827	Jay of Appanoose
H–3612	H.F. 827	Smalley of Polk
H–3613	H.F. 827	Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 11:50 a.m., until 10:00 a.m., Monday, April 13, 1981.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day—Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 13, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend G. John Bosma, pastor of the Bethel Christian Reformed Church, Oskaloosa.

The Journal of Friday, April 10, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Beckman, Kalona.

PETITION FILED

The following petition was received and placed on file:

By Lind of Black Hawk, from three hundred fifteen constituents opposing any change in the present bingo law.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Lee on request of Crawford of Story; Renken of Grundy, for a portion of the day, on request of Johnson of Howard; Cusack of Scott on request of Conlon of Muscatine.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 775, a bill for an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchisee relating to the distribution or retail sale of motor fuels and special fuels.

Also: That the Senate has on March 23, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

Also: That the Senate has on April 7, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the device is removed or taken by the state.

LINDA HOWARTH MACKAY, Secretary

REFERRED TO COMMITTEE ON WAYS AND MEANS
(Senate File 48)

The Speaker announced that Senate File 48, presently on the **regular calendar**, was referred to the committee on **ways and means.**

HOUSE FILE 827 DEFERRED

Pope of Polk asked and received unanimous consent that House File 827 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Regular Calendar

House File 738, a bill for an act relating to the permissive catch and size limits of fish, was taken up for consideration.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—3307 filed by him on March 16, 1981.

Schnekloth of Scott offered the following amendment H—3326 filed by him and moved its adoption:

H—3326

Amend House File 738 as follows:
1. Page 1, by striking lines 1 and 2 and inserting
in lieu thereof the following:

"Section 1. Chapter 109, Code 1981, is amended by adding the following new section:

NEW SECTION. RESTRICTION ON COMMERCIAL CERTIFICATES. If the commission finds that the size and population of any species of fish authorized to be taken with commercial fishing gear as provided in section 109.111 in the Missouri and Mississippi rivers are not being maintained to assure an adequate supply of the species, the commission shall reduce the number of owner's certificates for commercial fishing gear issued annually until an adequate supply of the species is restored. If the number of certificates to be issued for a calendar year is reduced, the commission shall give preference to those applicants who apply during January and to whom the largest number of certificates were issued in previous years. As to those applicants whose applications were received during January and were not issued certificates, and applicants whose applications are received after January, certificates up to the maximum allowed shall be issued to those applicants whose applications are first received."

2. Page 1, by striking lines 10 and 11 and inserting in lieu thereof the following: "subject to the minimum weight or length ~~of~~ requirements provided by law."

3. Page 1, by striking line 12.

4. By renumbering sections to conform to this amendment.

Amendment H—3326 lost.

Halvorson of Clayton offered the following amendment H—3539 filed by him and Avenson of Fayette and moved its adoption:

H—3539

Amend House File 738 as follows:

1. Page 1, line 11, by inserting after the word "rule" the words ", except as provided in section 109.113".

2. Page 1, by striking line 12 and inserting in lieu thereof the following:

"Sec. 3. Section 109.113, Code 1981, is amended to read as follows:

109.113 SIZE LIMITS. It ~~shall be~~ is lawful for ~~any~~ a person to take or catch, with commercial fishing gear, ~~any~~ a catfish not less than thirteen inches long. However, the minimum length of catfish, effective January 1, 1982 shall be not less than

fourteen inches long and the minimum length catfish effective January 1, 1983, shall not be less than fifteen inches."

A non-record roll call was requested.

The ayes were 52, nays 38.

Amendment H—3539 was adopted, placing out of order amendment H—3245 filed by Spear of Lee on March 11, 1981.

Kirkenslager of Des Moines offered the following amendment H—3246 filed by him:

H—3246

Amend House File 738 as follows:

1. By inserting after line 11 the following new section:

"Sec. . Chapter 109, Code 1981, is amended by adding the following new section:

NEW SECTION. The channel catfish (Ictalurus punctatus) is designated as the official state fish of Iowa."

2. By renumbering as necessary.

Smalley of Polk rose on a point of order that amendment H—3246 was not germane.

The Speaker ruled the point well taken and amendment H—3246 not germane.

Kirkenslager of Des Moines moved that the rules be suspended to adopt amendment H—3246.

Roll call was requested by Byerly of Polk and Schroeder of Pottawattamie.

On the question "Shall the rules be suspended to adopt amendment H—3246?"

The ayes were, 27:

Arnould	Avenson	Binneboese	Brandt
Bruner	Chiodo	Conlon	Davitt
Doderer	Gettings	Hall	Jay

Kirkenslager	Lonergan	Miller	Pavich
Poncy	Rapp	Running	Smith
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 66:

Anderson, J.	Anderson, R.	Bennett	Branstad
Byerly	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Connolly	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Gross	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Hummel
Jochum	Johnson, J.	Johnson, W.	Krewson
Lageschulte	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Pope	Renaud
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 7:

Clark, J. H.	Connors	Cusack	Horn
Johnson, R.	O'Kane	Renken	

The motion lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—3306 filed by him on March 16, 1981.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 738)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crawford
Daggett	Danker	Davitt	De Groot

Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Running
Schroeder	Shimanek	Shull	Smalley
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 6:

Branstad	Crabb	Hoffmann	Schnekloth
Smith	Welden		

Absent or not voting, 4:

Brandt	Clark, J. H.	Cusack	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 786, a bill for an act permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads, was taken up for consideration.

Howell of Floyd offered the following amendment H–3610 filed by him and moved its adoption:

H–3610

Amend House File 786 as follows:

1. Page 1, line 7, by inserting after the letter "B." the following: "No road shall be included in an area service B classification until all persons who live along the road and all persons owning property adjacent to the road have received written notice of the plans to designate the road under an area service B classification and have been given reasonable time to respond to the board regarding the classification."

Amendment H–3610 lost.

Spear of Lee offered the following amendment H—3593 filed by him and moved its adoption:

H—3593

Amend House File 786 as follows:
1. Page 1, line 8, by striking the word "existing".

Amendment H—3593 was adopted.

Spear of Lee offered the following amendment H—3592 filed by him and moved its adoption:

H—3592

Amend House File 786 as follows:
1. Page 1, line 9, by inserting after the word "statutes" the words "and administrative rules".

Amendment H—3592 lost.

Spear of Lee offered the following amendment H—3387 filed by him:

H—3387

Amend House File 786 as follows:
1. Page 1, by striking lines 20 through 24.

Hansen of O'Brien asked for unanimous consent to defer action on amendment H—3387.

Objection was raised.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3387.

Spear of Lee offered the following amendment H—3397 filed by him and moved its adoption:

H—3397

Amend House File 786 as follows:
1. Page 1, line 23, by striking the words "on a road properly" and inserting in lieu thereof the words

"as a result of the condition of a road which is maintained as".

Amendment H—3397 was adopted.

Maulsby of Calhoun offered the following amendment H—3464 filed by him and moved its adoption:

H—3464

Amend House File 786 as follows:

1. Page 1, line 23, by inserting after the word "classified" the words "as area service B".

Amendment H—3464 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 786)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Anderson, R. Clark, J. H. Connors Cusack Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 482, by committee on transportation, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the advertising device is removed or taken by the state or a political subdivision of the state.

Read first time and referred to committee on **transportation.**

HOUSE FILE 522 WITHDRAWN

Ritsema of Sioux asked and received unanimous consent to withdraw House File 522 from further consideration by the House.

IMMEDIATE MESSAGES
(House Files 738 and 786)

Pope of Polk asked and received unanimous consent that House Files 738 and 786 be immediately messaged to the Senate.

Tofte of Winneshiek in the chair at 11:57 a.m.

On motion by Pope of Polk, the House was recessed at 12:11 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 32
By Danker

Whereas, there presently exists an embargo on exports of grain to the Union of Soviet Socialist Republics; and

Whereas, the embargo on the export of grains has had an unfair impact on farmers in this state and does not affect the export of other goods and services to the Union of Soviet Socialist Republics; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That it is the sense of the General Assembly that there should be an embargo on the export of all goods and services to the Union of Soviet Socialist Republics during any period when there is in effect an embargo on the export of grains to that country.

Laid over under Rule 30.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 533, a bill for an act relating to administrative positions within the department of social services.

LINDA HOWARTH MACKAY, Secretary

SENATE MESSAGES CONSIDERED

Senate File 216, by Vande Hoef, a bill for an act relating to noxious weeds.

Read first time and referred to committee on **agriculture.**

Senate File 217, by Rush, a bill for an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value.

Read first time and referred to committee on **ways and means.**

Senate File 254, by Waldstein, Holden, Baugher and Deluhery, a bill for an act to require state depository financial institutions to give written disclosure of all transactions on mortgage loan escrow accounts.

Read first time and referred to committee on **commerce.**

Senate File 300, by committee on commerce, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

Read first time and referred to committee on **commerce.**

Senate File 382, by Ramsey, a bill for an act repealing the requirement that clerks of the district court and county attorneys inspect county jails.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 393, by committee on energy, a bill for an act relating to redemption and disposition of empty beverage containers and subjecting violators to a penalty.

Read first time and referred to committee on **energy.**

Senate File 439, by committee on state government, a bill for an act relating to the retail sale of beer by manufacturers of beer on the premises of the manufacturing facility for on or off premises consumption.

Read first time and referred to committee on **state government.**

Senate File 452, by committee on natural resources, a bill for an act relating to private fish hatcheries.

Read first time and referred to committee on **natural resources.**

Senate File 464, by committee on state government, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

Read first time and referred to committee on **state government.**

Senate File 485, by committee on energy, a bill for an act relating to hazardous waste management, including new prohibited acts and providing penalties for violations.

Read first time and referred to committee on **energy.**

Senate File 490, by committee on judiciary, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 492, by committee on transportation, a bill for an act relating to the operation of urban transit systems.

Read first time and referred to committee on **transportation.**

Senate File 494, by committee on judiciary, a bill for an act relating to objections to the place of trial in a criminal action.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 501, by committee on natural resources, a bill for an act to provide for the establishment of a state nursery to be located in southern Iowa.

Read first time and referred to committee on **natural resources.**

Senate File 511, by committee on judiciary, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 515, by committee on judiciary, a bill for an act relating to a limitation on the time period for the filing of estates.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 518, by committee on judiciary, a bill for an act relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

Read first time and referred to committee on **judiciary and law enforcement.**

Senate File 524, by committee on transportation, a bill for an act establishing a transportation regulation authority to replace the three-member transportation regulation board with a January 1, 1982 effective date.

Read first time and referred to committee on **state government.**

Senate File 526, by committee on natural resources, a bill for an act relating to the registration and operation of snowmobiles.

Read first time and referred to committee on **natural resources.**

Senate File 529, by committee on state government, a bill for an act relating to material donated to a public library, museum or archive.

Read first time and referred to committee on **state government.**

Senate File 532, by committee on agriculture, a bill for an act authorizing the Iowa family farm development authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of chapter 175.

Read first time and referred to committee on **agriculture.**

Senate File 533, by committee on state government, a bill for an act relating to administrative positions within the department of social services.

Read first time and referred to committee on **state government.**

Senate File 535, by committee on human resources, a bill for an act relating to the chronic renal disease program within the state department of health.

Read first time and referred to committee on **human resources.**

Senate File 542, by committee on appropriations, a bill for an act making a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1981, for the aid to dependent children program, field operations, and operation of the adult correctional institutions.

Read first time and referred to committee on **appropriations.**

CONSIDERATION OF BILLS
Regular Calendar

House File 444, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school, with report of committee recommending amendment and passage was taken up for consideration.

Daggett of Taylor asked and received unanimous consent to withdraw amendment H—3312 filed by the committee on education on March 18, 1981.

Lind of Black Hawk offered the following amendment H—3467 filed by him and moved its adoption:

H—3467

Amend House File 444 as follows:

1. Page 1, by striking lines 10 through 16 and inserting in lieu thereof the following: "laboratory school has been established. If the board of a school district terminates a contract with the state board of regents for attendance of pupils in a laboratory school, the school district shall inform the state comptroller of the number of these pupils who are enrolled in the district on the second Friday of the following September. The state comptroller shall pay to the school district, from funds appropriated in section 442.26, an amount equal to the amount of state aid paid for each pupil in that school district for that school year in payments made as provided in section 442.26. However, payments shall not be made for pupils for which an advance is received by the district under section 442.28."

Amendment H—3467 was adopted.

Lind of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 444)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark, J. H.	Cusack	Harbor	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 807, a bill for an act to include classes offered by area schools as eligible for supplementary weighting, was taken up for consideration.

Smalley of Polk rose on a point of order and invoked Rule 37 to refer House File 807 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 37 not in order.

Maulsby of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 807)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Cochran	Connolly	Connors
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Jay
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 14:

Branstad	Clements	Conlon	Cook
Corey	Hummel	Johnson, J.	Johnson, R.
Mann	Schroeder	Smalley	Tyrrell
Van Maanen	Welden		

Absent or not voting, 3:

Clark, J. H.	Cusack	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 834, a bill for an act relating to office hours for county offices, was taken up for consideration.

Spear of Lee offered the following amendment H—3557 filed by him and moved its adoption:

H—3557

Amend House File 834 as follows:

1. Page 1, line 4, by inserting after the period the following: "The schedule shall include the hours of operations of the office of county commissioner of elections as required under section 48.11."

A non-record roll call was requested.

The ayes were 43, nays 48.

Amendment H—3557 lost.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 834)

The ayes were, 86:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Connolly
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Holt	Howell
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 8:

Anderson, R.	Conlon	Horn	Hummel
Maulsby	Ritsema	Smalley	Welden

Absent or not voting, 6:

Clark, J. H.	Cusack	Hoffmann	Jay
Pelton	Renken		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 836, a bill for an act relating to honoring county warrants, was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 836)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark, J. H.	Cusack	Pelton	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 837, a bill for an act to repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection, was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 837)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark, J. H.	Cusack	Hummel	Lind
Renken			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 831, a bill for an act making a supplemental appropriation to the board of medical examiners and the licensing and certification division of the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981, was taken up for consideration.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 831)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Ritsema

Absent or not voting, 3:

Clark, J. H. Cusack Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H–3453 filed by Tyrrell, et al.:

H–3453

Amend House File 829 as follows:
1. By striking all after the enacting clause and inserting in lieu thereof the following:
"Section 1. Chapter 601G, Code 1981, is repealed."

Crawford of Story rose on a point of order that amendment H–3453 was not germane.

The Speaker ruled the point well taken and amendment H–3453 not germane.

Tyrrell of Iowa offered the following amendment H–3454 filed by Tyrrell, et al.:

H–3454

Amend House File 829 as follows:
1. Page 1, by inserting before line 1 the following:
"Section 1. Section 601G.6, unnumbered paragraph 2, Code 1981, is amended by striking the paragraph."
2. By renumbering the sections to conform with this amendment.

Crawford of Story rose on a point of order that amendment H–3454 was not germane.

The Speaker ruled the point well taken and amendment H—3454 not germane.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the day, on request of Pellett of Cass.

Tyrrell of Iowa offered the following amendment H—3452 filed by Tyrrell, et al., and moved its adoption:

H—3452

Amend House File 829 as follows:
1. Page 1, lines 5 and 6, by striking the words "or on the citizen's aide own motion".

Roll call was requested by Welsh of Dubuque and Harbor of Mills.

On the question "Shall amendment H—3452 be adopted?"

The ayes were, 30:

Anderson, J.	Bennett	Branstad	Clements
Conlon	Cook	Corey	Daggett
Danker	De Groot	Gross	Holt
Hummel	Johnson, J.	Johnson, R.	Lind
Mann	Maulsby	McKean	Miller
Pellett	Renken	Ritsema	Schnekloth
Smalley	Smith	Stueland	Tofte
Tyrrell	Van Maanen		

The nays were, 66:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Cochran
Connolly	Connors	Crabb	Crawford
Davitt	Dieleman	Diemer	Doderer
Egenes	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Horn	Howell
Jay	Jochum	Johnson, W.	Kirkenslager
Krewson	Lloyd-Jones	Lonergan	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Petrick	Poffenberger

Poncy	Pope	Rapp	Renaud
Running	Schroeder	Shimanek	Shull
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Walter	Welsh
Woods	Mr. Speaker		

Absent or not voting, 4:

Clark, J. H.	Cusack	Lageschulte	Welden

Amendment H–3452 lost.

Pope of Polk asked for unanimous consent to suspend House Rule 2.

Objection was raised.

Pope of Polk moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed and House Rule 2 was suspended.

Spear of Lee offered the following amendment H–3461 filed by him and moved its adoption:

H–3461

Amend House File 829 as follows:
1. Page 1, line 30, by inserting after the word "may" the words "at reasonable times".

Amendment H–3461 lost.

Conlon of Muscatine offered the following amendment H–3451 filed by him:

H–3451

Amend House File 829 as follows:
1. Page 2, by striking line 25, and by inserting in lieu thereof the words "shall by April 1 of each year submit an economically designed and reproduced

report to the governor and to such members of the general assembly as request it".

2. Page 2, line 26, by striking the words "and to the governor".

Harbor of Mills offered the following amendment H—3552, to amendment H—3451, filed by him and moved its adoption:

H—3552

Amend amendment H—3451 to House File 829 as follows:

1. Page 1, by striking lines 5 through 8 and inserting in lieu thereof the following: "report to the general assembly"."

A non-record roll call was requested.

The ayes were 52, nays 40.

Amendment H—3552 was adopted.

Conlon of Muscatine moved the adoption of amendment H—3451, as amended.

Amendment H—3451, as amended, was adopted.

Spear of Lee offered the following amendment H—3460 filed by him and moved its adoption:

H—3460

Amend House File 829 as follows:

1. Page 2, line 29, by striking the word "need" and inserting in lieu thereof the word "shall".

2. Page 2, line 30, by striking the words "or agencies".

Amendment H—3460 was adopted.

Anderson of Jasper moved that the rules be suspended to consider amendment H—3453, previously ruled not germane.

Roll call was requested by Anderson of Jasper and Byerly of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H–3453?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Corey	Davitt	De Groot	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Holt	Horn	Howell
Jay	Jochum	Lloyd-Jones	Lonergan
Mann	Miller	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Sturgeon	Sullivan
Swartz	Tyrrell	Walter	Welsh
Woods			

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Conlon	Cook
Crabb	Crawford	Daggett	Danker
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Swearingen	Tofte
Trucano	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 3:

Clark, J. H.	Cusack	Lageschulte

The motion lost.

Hoffmann of Muscatine in the chair at 6:18 p.m.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 829)

The ayes were, 72:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Cochran	Conlon	Connolly	Connors
Crabb	Crawford	Daggett	Davitt
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Horn	Howell	Jay	Jochum
Johnson, W.	Kirkenslager	Krewson	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schroeder	Shimanek	Shull
Smith	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Walter	Welsh	Woods	Madam Speaker (Hoffmann)

The nays were, 24:

Anderson, J.	Branstad	Clements	Cook
Corey	Danker	De Groot	Gross
Holt	Hummel	Johnson, J.	Johnson, R.
Lind	Mann	Maulsby	Pellett
Pelton	Renken	Schnekloth	Smalley
Stueland	Tyrrell	Van Maanen	Welden

Absent or not voting, 4:

Clark, J. H.	Cusack	Lageschulte	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES
(House Files 807, 834, 444, 836 and 837)

Pope of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 807, 834, 444, 836 and 837.

MOTION TO RECONSIDER
(House File 797)

I move to reconsider the vote by which House File 797 passed the House on April 10, 1981.

DIELEMAN of Marion

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 399, a bill for an act relating to the revision of laws governing recreational boating in Iowa.

Also: That the Senate has on April 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 545, a bill for an act legalizing the proceedings of the board of directors of the Fort Dodge community school district relating to a contract for repairs to real property.

LINDA HOWARTH MACKAY, Secretary

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty twelfth grade students from Belle Plaine Senior High School, Belle Plaine, accompanied by Randy Northrop. By Carl of Poweshiek.

Sixty fourth grade students from Brooklyn-Guernsey-Malcolm Community School, accompanied by Diane Norden, Kay Potsander, and Deb Kretchman. By Carl of Poweshiek and Tyrrell of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1981-38 Hartley High School Girls' Basketball Team

PAT H. HARPER
Chief Clerk of the House

AMENDMENTS FILED

H—3614 S.F. 87 Johnson of Linn

H–3615	S.F. 235	Spear of Lee
H–3616	S.F. 289	Smalley of Polk
H–3617	S.F. 289	Smalley of Polk
H–3618	S.F. 324	Arnould of Scott
H–3619	S.F. 324	Arnould of Scott
H–3620	S.F. 514	Conlon of Muscatine
H–3621	H.F. 800	Running of Linn
H–3622	H.F. 827	Conlon of Muscatine
H–3623	H.F. 800	Krewson of Polk
H–3624	S.F. 480	Conlon of Muscatine
H–3625	S.F. 480	Conlon of Muscatine
H–3626	S.F. 324	Conlon of Muscatine
H–3627	S.F. 355	Trucano of Polk Halvorson of Webster
H–3628	S.F. 87	Schroeder of Pottawattamie
H–3629	S.F. 87	Spear of Lee
H–3630	S.F. 324	Connors of Polk
H–3631	H.F. 791	Poffenberger of Dallas
H–3632	H.F. 796	Hummel of Benton
H–3633	H.F. 827	Conlon of Muscatine
H–3634	H.F. 827	Poffenberger of Dallas
H–3635	S.F. 324	Schroeder of Pottawattamie
H–3636	S.F. 87	Schroeder of Pottawattamie
H–3637	S.F. 324	Ritsema of Sioux

On motion by Pope of Polk, the House adjourned at 6:32 p.m., until 9:00 a.m., Tuesday, April 14, 1981.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 14, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Chet Davis, pastor of the First United Methodist Church, Toledo and Chelsea.

The Journal of Monday, April 13, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon.

PETITION FILED

The following petition was received and placed on file:

By Clark of Cerro Gordo, from seventy-one constituents of the eleventh district regarding House Files 109 and 608 and favoring the elimination of Iowa's 3% sales tax on manufacturing equipment and machinery.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 440, a bill for an act authorizing the use of railroad assistance funds for the restoration and improvement of railroad main lines.

LINDA HOWARTH MACKAY, Secretary

HOUSE FILES 827 and 791 DEFERRED

Pope of Polk asked and received unanimous consent that House Files 827 and 791 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 761, a bill for an act to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H–3443 filed by the committee on appropriations and moved its adoption:

H–3443

Amend House File 761 as follows:
1. Page 1, by striking lines 22 through 30.
2. Renumber and change internal references to conform to this amendment.

Roll call was requested by Chiodo of Polk and Woods of Polk.

On the question "Shall the committee amendment H–3443 be adopted?"

The ayes were, 59:

Anderson, J.	Arnould	Bennett	Branstad
Clark, B. J.	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Groth	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Stueland
Sturgeon	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 40:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clements	Cochran	Conlon
Connolly	Connors	Davitt	Dieleman

Doderer	Gettings	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Krewson	Lloyd-Jones	O'Kane	Pavich
Poncy	Rapp	Renaud	Running
Smalley	Spear	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

Absent or not voting, 1:

Clark, J. H.

The committee amendment H—3443 was adopted.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—3498 filed by Byerly et al., on April 6, 1981.

Byerly of Polk offered the following amendment H—3497 filed by Byerly et al., and moved its adoption:

H—3497

Amend House File 761 as follows:
1. Page 1, by inserting after line 21 the following:
"Sec. . The Iowa department of job service shall enter into an agreement with the city of Des Moines which agreement shall provide that the department shall pay a fee to the city for police and fire protection services rendered by the city in regard to the building located at 150 Des Moines Street, Des Moines, Iowa."

Roll call was requested by Renaud of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—3497 be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Clements	Cochran
Conlon	Connolly	Connors	Cusack
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Hanson, D.
Horn	Howell	Jay	Jochum

Krewson	Lloyd-Jones	Mann	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Trucano	Walter	Welsh
Woods			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Clark, B. J.
Clark, J. H.	Cook	Corey	Crabb
Crawford	Daggett	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Lonergan
Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, none.

Amendment H—3497 lost.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 761)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Clark, B. J.	Clark, J. H.	Cochran
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich

Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Van Maanen	Walter
Welden	Mr. Speaker		

The nays were, 14:

Avenson	Byerly	Carpenter	Chiodo
Clements	Conlon	Mann	O'Kane
Renaud	Smalley	Trucano	Tyrrell
Welsh	Woods		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 479 SUBSTITUTED FOR HOUSE FILE 805

Corey of Louisa asked and received unanimous consent to substitute Senate File 479 for House File 805.

Senate File 479, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs, was taken up for consideration.

Avenson of Fayette rose on a point of order and invoked House Rule 37 to refer Senate File 479 to the committee on ways and means.

The Speaker ruled the point not well taken and House Rule 37 not in order.

Avenson of Fayette moved to suspend House Rule 37.

The Speaker ruled the motion out of order inasmuch as House Rule 37 was not in order.

Spear of Lee asked and received unanimous consent that Senate File 479 be deferred and that the bill retain its place on the calendar.

Regular Calendar

Senate File 87, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 10:53 a.m.

Trucano of Polk asked and received unanimous consent to defer action on the committee on human resources amendment H–3233 for the consideration of amendment H–3628.

Schroeder of Pottawattamie offered the following amendment H–3628 filed by him:

H–3628

Amend Senate File 87, as amended, passed, and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 103A.21, subsection 3, Code 1981, is amended to read as follows:

3. As an alternative to filing criminal charges as provided in this section, the commissioner may file a petition in the district court and obtain injunctive relief for any violation of this chapter or chapter 104A.

Sec. 2. Chapter 104A, Code 1981, is amended by adding the following new section:

NEW SECTION. Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, used by the general public, which are not residences and which provide forty-eight or more parking spaces, shall set aside at least six-tenths of one percent of the parking spaces provided as handicapped parking spaces as defined in section 601E.1.

Effective January 1, 1982, all public and private buildings and facilities, temporary and permanent, which are residences and which provide twelve or more parking spaces, excluding extended health care facilities, shall set aside at least one handicapped parking space as defined in section 601E.1 for each individual dwelling unit in which a handicapped person resides.

Buildings and facilities required under this section

to provide handicapped parking spaces shall set aside at least one such space.

Sec. 3. Section 321.484, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing or parking of a vehicle, whether the provision is contained in this chapter, or chapter 601E, or an ordinance or other regulation or rule, if the owner establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F. The furnishing to the clerk of court where the charge is pending of a copy of the certificate of responsibility prescribed by section 321F.6 that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this

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paragraph, and the charge against the owner shall be dismissed. The clerk of court then shall cause a uniform citation and complaint to be issued against the lessee of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the certificate of responsibility.

Sec. 4. Section 601E.1, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Handicapped ~~or paraplegic~~ person" means:

Sec. 5. Section 601E.1, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Department" means the state department of transportation.

NEW SUBSECTION. "Director" means the director of transportation.

NEW SUBSECTION. "Handicapped identification device" means an identification device bearing the international symbol of accessibility issued by the department.

NEW SUBSECTION. "Handicapped parking space" means a parking space designated for use by only motor vehicles displaying a handicapped identification device that meets the requirements of section 601E.8.

Sec. 6. Section 601E.2, Code 1981, is amended to read as follows:

601E.2 DISABLED MOTOR VEHICLE—DISPLAY OF FLAG.

A person whose motor vehicle is disabled, may use

or display a distress flag as a distress signal if he ~~qualifies as~~ or she is a handicapped ~~or paraplegic~~ person and has been issued a permit and a distress flag as provided in section 601E.3.

Sec. 7. Section 601E.3, Code 1981, is amended to read as follows:

601E.3 APPLICATION—ISSUANCE OF FLAG. Any person desiring a distress flag for use as provided in section 601E.2 shall apply to the department ~~of transportation,~~ upon an application form furnished by the department, providing ~~his~~ the applicant's name, address, date of birth, a physician's signature attesting to the disability and information on the type of physical apparatus needed to operate a motor vehicle, if any, and information relating to ~~his~~ the applicant's handicap required by the director ~~of transportation~~. Upon determination by the director that the applicant qualifies as a handicapped ~~or paraplegic~~ person as defined in section 601E.1 and the payment of a fee, the director shall issue the applicant a permit to use a distress flag. The director shall determine the fee for the distress flag except that the fee

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shall not exceed the cost of the flag to the department. Each distress flag shall be numbered and in the event of its loss or destruction, the director may issue a duplicate upon payment of the fee. The director shall maintain a record of all applicants and those qualified applicants receiving permits and distress flags.

Sec. 8. Section 601E.4, Code 1981, is amended to read as follows:

601E.4 RETURN OF FLAG. If a person who has been issued a permit and distress flag under this chapter becomes disqualified as a handicapped ~~or paraplegic~~ person, ~~he~~ the person shall return the permit and the distress flag to the department.

Sec. 9. Section 601E.5, Code 1981, is amended to read as follows:

601E.5 PENALTY. Any person who is not ~~qualified as~~ a handicapped ~~or paraplegic~~ person and uses a distress flag as provided in this chapter or for any other purpose is guilty of a simple misdemeanor.

Sec. 10. Section 601E.6, Code 1981, is amended to read as follows:

601E.6 ~~SPECIAL~~ HANDICAPPED IDENTIFICATION DEVICES ~~FOR HANDICAPPED PERSONS~~.

1. A ~~special~~ handicapped identification device ~~bearing the international symbol of accessibility~~

may be displayed in a motor vehicle being used, either as operator or passenger, by ~~an individual who is confined to a wheelchair or is otherwise so physically handicapped that he or she has significant difficulty or insecurity in walking~~ person. The devices shall be of uniform design and fabricated of durable material, suitable for display from within the passenger compartment of a motor vehicle, and readily transferable from one vehicle to another. They shall be acquired by the department and sold at cost, not to exceed five dollars, to handicapped persons ~~who are physically handicapped to the extent described in this section,~~ upon application on forms prescribed by the department. Before delivering a ~~special~~ handicapped identification device to a purchaser, the department shall permanently affix to the device a unique number which may be used by the department to identify that individual purchaser. A handicapped registration issued under section 321.34, subsection 8, is also a valid handicapped identification device.

2. A city or other political subdivision which provides on-street parking areas or off-street parking facilities shall ~~in all cases where so required by chapters 103A and 104A, and may in all other cases,~~

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set aside ~~special~~ at least sixth-tenths of one percent of the metered parking ~~places designated only for parking motor vehicles displaying a special identification device issued under this section~~ spaces as handicapped parking spaces. A person may also set aside handicapped parking spaces on the person's property provided each parking space is clearly and prominently designated as a handicapped parking space. The use of a handicapped parking ~~spaces which are so designated and are located on public property~~ space by a motor vehicle not displaying ~~such~~ a handicapped identification device, or by a motor vehicle displaying such a device but not being used as operator or passenger by ~~the individual to whom the device has been issued or another individual physically~~ a handicapped ~~to the extent described by this section~~ person, ~~shall be~~ is a misdemeanor for which a fine ~~not to exceed one hundred dollars~~ may be imposed upon the owner, operator, or lessee of the motor vehicle. The fine for each violation is fifteen dollars. Proof of conviction of three or more ~~such~~ violations involving improper use of the same ~~special~~ handicapped identification device ~~shall be~~ is grounds for revocation by the department of the holder's privilege

to use the device.

3. The department shall promulgate rules:

a. Establishing procedure for applying to the department for issuance of a ~~special~~ permanent or temporary handicapped identification device under this section.

b. Requiring persons ~~issued special identification devices to furnish evidence at appropriate intervals that they remain physically handicapped to the extent described by subsection 1~~ who seek permanent handicapped identification devices to furnish evidence upon initial application that they are permanently handicapped; and requiring persons who seek temporary handicapped identification devices to furnish evidence upon initial application that they are physically handicapped and, in addition, to furnish evidence at six-month intervals that they remain physically handicapped.

~~c. Establishing advisory standards for dimensions and general location of parking spaces, to be considered by cities and other political subdivisions which elect to proceed under subsection 2. The advisory standards promulgated under this paragraph shall not unnecessarily duplicate and shall not conflict with standards promulgated pursuant to chapters 103A and 104A.~~

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~~d~~ c. Governing the manner in which ~~special~~ handicapped identification devices are to be displayed in motor vehicles parked in spaces designated under subsection 2.

d. Establishing procedure and proof requirements for application to the department for issuance of a handicapped identification device to nonhandicapped individuals, government agencies, or private organizations which are engaged in providing transportation services for handicapped persons.

Sec. 11. Section 601E.6, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Handicapped identification devices issued by other states to their handicapped citizens shall be valid handicapped identification devices in this state.

Sec. 12. Chapter 601E, Code 1981, is amended by adding the following new sections as sections 601E.7 and 601E.8:

NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN. The handicapped parking sign shall bear the international symbol of accessibility. If a person

who owns or leases real property in a city is required to provide handicapped parking spaces, the city shall provide the signs for the person. The signs shall be provided upon request at cost.

NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE—LOCATION—REQUIREMENTS.

1. Parking spaces for handicapped persons and accessible loading zones that serve a particular building shall be located on the shortest accessible route to an entrance to the building.

2. A handicapped parking space designated after July 1, 1981, shall meet the following requirements:

a. Each space shall be at least one hundred forty-four inches wide, or, if two or more spaces are adjacent to each other, each space shall be at least one hundred twenty inches wide with at least a forty-eight inch walkway between each space.

b. Each space shall be clearly designated as a handicapped parking space by the display of the international symbol of accessibility.

c. The requirements of this subsection which specify the dimensions of a handicapped parking space shall not apply to metered on-street parking spaces.

Sec. 13. Section 602.55, Code 1981, is amended to read as follows:

602.55 FUNDS, REPORTS. Each month each judicial magistrate and district associate judge shall file with the clerk of the district court of the proper

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county a sworn, itemized statement, of all cases disposed of and all funds received and disbursed per case, and at least monthly shall remit to the clerk all funds received ~~by him or her~~. The clerk shall provide adequate clerical assistance to judicial magistrates and district associate judges to carry out this section. The clerk shall remit ninety percent of all fines and forfeited bail received from a magistrate or district associate judge to the city that was the plaintiff in any action, shall remit to the city or county ninety percent of all fines and forfeited bail received for improper use of handicapped parking spaces in violation of section 601E.6, subsection 2, when the violations occurred within the city or the county when the violations occurred in the unincorporated area of the county, and shall provide that city with a statement showing the total number of such cases, the total of all fines and forfeited bail collected and the total of all cases dismissed. The clerk shall remit the remaining

ten percent to the county treasurer for deposit in the county general fund. The clerk shall remit to the treasurer of the county, for the benefit of the school fund, all other fines and forfeited bail received from a magistrate. All fees and costs for the filing of a complaint or information or upon forfeiture of bail received from a magistrate shall be remitted monthly by the clerk as follows:

1. Two-thirds to the treasurer of state to be credited to the general fund of the state.

2. One-third to the county treasurer to be credited to the general fund of the county.

Sec. 14. Section 805.8, subsection 2, Code 1981, is amended by adding the following new lettered paragraph:

NEW LETTERED PARAGRAPH. For a violation of section 601E.6, regulating the use of handicapped parking spaces, the scheduled fine is fifteen dollars."

Clements of Scott offered amendment H—3641, to amendment H—3628, filed by him from the floor and requested division as follows:

H—3641

Amend amendment H—3628 to Senate File 87, as amended, passed and reprinted by the Senate, as follows:

H—3641A

1. Page 1, line 15, by striking the words "and private".

2. Page 1, line 22, by striking the words "and private".

3. Page 1, by inserting after line 29 the following:

"Effective January 1, 1982, owners or lessees of private buildings and facilities, used by the general public, which are not residences and which provide forty-eight or more parking spaces, who identify handicapped parking spaces in parking facilities serving the private buildings and facilities shall be subject to the requirements of this Act."

H—3641B

4. Page 1, line 32, by inserting after the word "space." the words "Private buildings and facilities at which handicapped persons are not residents, employees, or regular visitors or users, are not required to provide handicapped parking spaces."

H—3641C

5. Page 1, by inserting after line 32 the following:

"Sec. . Chapter 104A, Code 1981, is amended by adding the following new section:

NEW SECTION. The owner of a private building or facility required to provide handicapped parking spaces may petition the department of transportation to allow a handicapped parking space that is not being regularly used to revert to normal parking."

H—3641D

6. By renumbering sections and correcting internal references as required by this amendment.

On motion by Clements of Scott, amendment H—3641A lost.

Running of Linn offered the following amendment H—3645, to amendment H—3628, filed by him from the floor and moved its adoption:

H—3645

Amend amendment H—3628 to Senate File 87 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, lines 18 and 19, by striking the words "six-tenths of".

2. Page 4, line 1, by striking the words "six-tenths of".

Roll call was requested by Running of Linn and Byerly of Polk.

On the question "Shall amendment H—3645, to amendment H—3628, be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Conlon	Connolly
Connors	Cusack	Davitt	Diemer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Smalley	Sturgeon
Sullivan	Swartz	Welsh	Woods

The nays were, 57:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cook
Corey	Crabb	Crawford	Daggett
De Groot	Dieleman	Doderer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Miller	Mullins
Pellett	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Mr. Speaker (Menke)			

Absent or not voting, 3:

Danker	Pelton	Stromer

Amendment H—3645 lost.

Johnson of Linn offered the following amendment H—3642, to amendment H—3628, filed by him from the floor and moved its adoption:

H—3642

Amend amendment H—3628 to Senate File 87 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 24, by inserting after the word "residences" the words "excluding condominiums as defined in Chapter 499B".

Amendment H—3642 was adopted.

The House resumed consideration of amendment H—3641B, to amendment H—3628.

Clements of Scott moved the adoption of amendment H—3641B, to amendment H—3628.

A non-record roll call was requested.

The ayes were 34, nays 58.

Amendment H—3641B lost.

The House resumed consideration of amendment H—3641C, to amendment H—3628.

Clements of Scott moved the adoption of amendment H—3641C, to amendment H—3628.

A non-record roll call was requested.

The ayes were 36, nays 57.

Amendment H—3641C lost, placing out of order amendment H—3641D.

Spear of Lee offered the following amendment H—3643, to amendment H—3628, filed by him from the floor and moved its adoption:

H—3643

Amend House amendment H—3628 to Senate File 87 as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by striking lines 27 through 31 and inserting in lieu thereof the words "may be displayed in a motor vehicle being used by a handicapped person, either as operator or passenger, ~~by an individual who is confined to a wheelchair or is otherwise so physically handicapped that he or she has significant difficulty or insecurity in walking~~. The devices shall".

2. Page 4, by striking lines 13 through 17 and inserting in lieu thereof the words "such a device but not being used by a handicapped person, as operator or passenger ~~by the individual to whom the device has been issued or another individual physically handicapped to the extent described by this section, shall be~~ is a misdemeanor for which a fine".

Amendment H—3643 was adopted.

Clements of Scott offered the following amendment H—3644, to amendment H—3628, filed by him from the floor:

H—3644

Amend amendment H—3628 to Senate File 87, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, by striking lines 21 through 26 and inserting in lieu thereof the following: "The handicapped parking sign shall bear the international symbol of accessibility. If a political subdivision of the state or a person who owns or leases real property in the state is required by the state to provide one or more handicapped parking spaces, all costs, including the costs of the sign, installation, maintenance, repair and any other costs incurred by the person in order to comply with this Act, shall be paid by the state."

2. Page 6, line 11, by striking the word "ninety" and inserting in lieu thereof the word "ten".

3. Page 6, line 20, by inserting after the word "remaining" the words "ninety percent of all fines and forfeited bail received for violations of section 601E.6, subsection 2, to the treasurer of state to be credited to the general fund of the state and the remaining".

4. Page 6, line 21, by inserting after the word "percent" the words "of all other fines and forfeited bail".

5. By renumbering sections and correcting internal references as required by this amendment.

Norland of Worth rose on a point of order that amendment H—3644 was not germane.

The Speaker ruled the point not well taken and amendment H—3644 germane.

Clements of Scott moved the adoption of amendment H—3644, to amendment H—3628.

Amendment H—3644 lost.

(Senate File 87 and amendment H—3628, as amended, pending at recess.)

On motion by Pope of Polk, the House recessed at 11:52 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 33
By Doderer, Byerly, Cochran, Johnson of Linn, Mann, Schroeder and Clark of Lee

Whereas, chapter 400, relating to civil service for cities, was not revised in the legislation passed to implement the city home rule amendment and has not been examined and revised for many years; and

Whereas, problems relating to chapter 400 have arisen in many cities; and

Whereas, the Citizens' Aide has issued critical reports in regard to the chapter; and

Whereas, the League of Iowa Municipalities has proposed legislation to revise chapter 400, which proposal was introduced as Senate File 354, but was not passed out of committee; and

Whereas, this subject is important to every Iowa city with a population greater than 8000; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is encouraged to establish a joint subcommittee composed of members of both political parties on the House and Senate Committees on Cities to conduct a study during the 1981 interim of civil service for cities; and

Be It Further Resolved, That the joint subcommittee consider chapter 400, the proposals contained in Senate File 354, and other proposals offered by persons knowledgeable in city government which relate to city civil service and personnel policies; and

Be It Further Resolved, That the joint subcommittee shall submit a report of its conclusions and recommendations including bill drafts to implement its recommendations to the Legislative Council and to the General Assembly meeting in 1982.

Laid over under Rule 30.

SENATE MESSAGES CONSIDERED

Senate File 399, by committee on natural resources, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Read first time and referred to committee on **natural resources.**

Senate File 440, by committee on transportation, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds.

Read first time and referred to committee on **appropriations.**

Senate File 545, by committee on judiciary, a bill for an act to legalize the proceedings of the board of directors of the Fort Dodge community school district relating to a contract for repairs to real property.

Read first time and referred to committee on **judiciary and law enforcement.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 506, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter 419.

LINDA HOWARTH MACKAY, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 87,** a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, and amendment H—3628, as amended.

Mann of Greene offered the following amendment H—3640, to amendment H—3628, (found on pages 1227 through 1233) filed by her from the floor and moved its adoption:

H—3640

Amend amendment H—3628 to Senate File 87 as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, by striking lines 24 through 26 and inserting in lieu thereof the following: "to provide

handicapped parking spaces, the department shall provide the signs for the person upon request at no cost."

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 46, nays 54.

Amendment H—3640 lost.

Lind of Black Hawk offered the following amendment H—3646, to amendment H—3628, filed by him from the floor and moved its adoption:

H—3646

Amend amendment H—3628 to Senate File 87 as amended, passed and reprinted by the Senate as follows:

1. Page 5, line 26, by inserting after the word "cost" the words "and shall be portable".

A non-record roll call was requested.

The ayes were 25, nays 68.

Amendment H—3646 lost.

Schroeder of Pottawattamie offered the following amendment H—3636, to amendment H—3628, filed by him and moved its adoption:

H—3636

Amend amendment H—3628 to Senate File 87 as amended, passed and reprinted by the Senate as follows:

1. Page 5, by inserting after line 45 the following:

"d. A variance to the space and location requirements may be granted by cities."

Amendment H—3636 was adopted.

On motion by Schroeder of Pottawattamie, amendment H—3628, as amended, was adopted, placing out of order the following amendments:

H—3233 filed by the committee on human resources on March 10, 1981.

H—3412, to amendment H—3233, filed by Running of Linn on March 31, 1981.

H—3378, to amendment H—3233, filed by Mann of Greene on March 26, 1981.

H—3393, to amendment H—3233, filed by Clements of Scott on March 30, 1981.

H—3212 filed by Clements of Scott on March 4, 1981.

H—3231 filed by Shull of Warren and Van Maanen of Mahaska on March 9, 1981.

H—3317 filed by Clements of Scott on March 18, 1981.

H—3614 filed by Johnson of Linn on April 13, 1981.

H—3411 filed by Clements of Scott on March 31, 1981.

H—3586 filed by Schroeder of Pottawattamie on April 9, 1981.

H—3338 filed by Conlon of Muscatine on March 24, 1981.

H—3629 filed by Spear of Lee on April 13, 1981.

H—3305 filed by Spear of Lee on March 16, 1981.

H—3377 filed by Mann of Greene on March 26, 1981.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 87)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lloyd-Jones	Lonergan	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger

Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Branstad	Lind	Mann	Smalley

Absent or not voting, 2:

Krewson	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 235, a bill for an act to prohibit the possession and operation of a radar jamming device and providing a penalty, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H–3615 filed by him and requested division as follows:

H–3615

Amend Senate File 235, as amended, passed and reprinted as follows:

H–3615A

1. Page 1, line 6, by striking the word "used".

H–3615B

2. Page 1, by inserting after line 7 the following:

" . This section does not apply to a radar jamming device in a vehicle if the device is inside a cargo or luggage compartment where the device is not readily accessible to any person riding in the vehicle."

3. By numbering and renumbering as necessary to conform to this amendment.

Spear of Lee moved the adoption of amendment H–3615A.

A non-record roll call was requested.

The ayes were 43, nays 50.

Amendment H—3615A lost.

Spear of Lee moved the adoption of amendment H—3615B.

Amendment H—3615B lost.

Halvorson of Webster moved to reconsider the vote by which amendment H—3615A failed to be adopted by the House on April 14, 1981.

A non-record roll call was requested.

The ayes were 60, nays 32.

The motion prevailed and the House reconsidered amendment H—3615A.

On motion by Spear of Lee, amendment H—3615A was adopted.

Johnson of Howard moved to reconsider the vote by which amendment H—3615B failed to be adopted by the House on April 14, 1981.

Johnson of Howard asked and received unanimous consent to withdraw his motion to reconsider amendment H—3615B.

Holt of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 235)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford

Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Lind	Tyrrell

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN
(Senate File 284)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider Senate File 284, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance, filed by him on April 9, 1981.

Pelton of Clinton asked and received unanimous consent to withdraw the motion to reconsider Senate File 284, a bill for an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance, filed by him on April 9, 1981.

MOTIONS TO RECONSIDER TABLED
(House File 823)

Ritsema of Sioux called up for consideration the motion to reconsider House File 823, filed on April 10, 1981, and moved to reconsider the vote by which House File 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction, passed the House on April 10, 1981, and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 55, nays 39.

The motion to table prevailed, placing out of order the motion to reconsider filed by Bruner of Story on April 10, 1981.

(Senate File 469)

Ritsema of Sioux called up for consideration the motion to reconsider Senate File 469, filed on April 10, 1981, and moved to reconsider the vote by which Senate File 469, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state, passed the House on April 10, 1981, and to table the motion to reconsider.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 51, nays 48.

The motion to table prevailed, placing out of order the motion to reconsider filed by Schnekloth of Scott on April 10, 1981.

COMMUNICATIONS FROM SECRETARY OF STATE

April 13, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that House File 211 was published in The Perry Daily Chief, Perry, Iowa on March 27, 1981 and in The Monticello Express, Monticello, Iowa on April 1, 1981.

Also: I hereby certify that Senate File 106 was published in the Fort Madison Daily Democrat, Fort Madison, Iowa on March 23, 1981 and in The Conservative and Advertiser, Tipton, Iowa on March 26, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 332 Ways and Means

Relating to the issuance of general obligation bonds by school districts, effective upon publication and retroactively.

PRESENTATION OF VISITORS

Johnson of Woodbury presented to the House the Honorable Louis A. Peterson, former member of the House representing Woodbury County.

Cochran of Webster presented to the House the Honorable Harold C. McCormick, former member of the House representing Delaware County.

The Speaker announced that the following visitors were present in the House chamber:

Seven juniors from various Plymouth County high schools, accompanied by Mrs. Donna Kewlay and Mr. and Mrs. Weston Karr. By Binneboese of Plymouth and Ritsema of Sioux.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Gerald Smith. By Jay of Appanoose.

Twenty-one senior students from Albia High School, Albia, accompanied by Jerry Cumberland and Hyalmer Lindberg. By Poncy of Wapello and Van Maanen of Mahaska.

Twenty government students from Dexfield Junior-Senior High School, Dexter, accompanied by Frank Brigham. By Davitt of Warren.

Twenty-one students from Tipton Middle School, Tipton, accompanied by Nancy Regennitter. By Stueland of Clinton.

Forty-five Camp Fire Girls from Iowa City Community School District, Iowa City, accompanied by Linda Warby, Sandy Hahn, Carol Hoyle, Kathy Peters and Mary Jane Fabritz. By Doderer and Lloyd-Jones of Johnson.

Eighteen eighth grade students from St. Mary's Regional School, Panama, accompanied by Mrs. Burgod. By Danker of Pottawattamie.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 2:30 p.m., April 13, 1981

Convened: 2:35 p.m.

Adjourned: 3:50 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Arnould, Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: None.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON CITIES

Senate File 507, a bill for an act permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations, and taking effect upon publication.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 514, a bill for an act relating to the operation of a motor vehicle, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H–3639.**

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3647.**

COMMITTEE ON STATE GOVERNMENT

Senate File 519, a bill for an act related to certain regulated or prohibited activities and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3648.**

AMENDMENTS FILED

H–3639	S.F. 514	Committee on Judiciary and Law Enforcement
H–3647	S.F. 517	Committee on Judiciary and Law Enforcement
H–3648	S.F. 519	Committee on State Government
H–3649	S.F. 13	Hansen of O'Brien Clark of Cerro Gordo
H–3650	S.F. 456	Schroeder of Pottawattamie Kirkenslager of Des Moines Hoffmann of Muscatine

Doderer of Johnson		Johnson of Linn
Lloyd-Jones of Johnson		Smith of Scott
Woods of Polk		Harbor of Mills
Menke of O'Brien		Hansen of O'Brien
H—3651	S.F. 276	Poffenberger of Dallas
		Gross of Ringgold
H—3652	H.C.R. 31	Schroeder of Pottawattamie
H—3653	H.F. 841	Harbor of Mills
H—3654	S.F. 479	Spear of Lee
		Corey of Louisa
H—3655	H.F. 800	O'Kane of Woodbury

On motion by Pope of Polk, the House adjourned at 5:40 p.m., until 9:30 a.m., Wednesday, April 15, 1981.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day—Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 15, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Frank Crabb, state representative from Crawford County.

The Journal of Tuesday, April 14, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. E. Douglas, Belle Plaine.

PETITION FILED

The following petition was received and placed on file:

By Lind of Black Hawk, from sixty-eight constituents opposing any change in the present bingo law.

SENATE MESSAGE CONSIDERED

Senate File 506, by committee on cities, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter 419 for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste or for the purpose of a telephone company or to be used as part of any commercial amusement or theme park or to be used for an office building, including appropriate ancillary facilities, exclusively by professional health care providers and providing for its effect upon publication.

Read first time and referred to committee on **ways and means.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 370, a bill for an act reorganizing Iowa's administrative structure for the delivery and funding of mental health and mental retardation services.

Also: That the Senate has on April 14, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 474, a bill for an act relating to tort liability of governmental subdivisions.

LINDA HOWARTH MACKAY, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, for the remainder of the day, on request of Danker of Pottawattamie; Woods of Polk, for the morning session, on request of Renaud of Polk.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 320, a bill for an act relating to the performance of audiometric examinations under the Iowa occupational hearing loss Act, with report of committee recommending passage was taken up for consideration.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 320)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.

Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Van Maanen	Walter
Welden	Welsh	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Harbor	Pope	Tyrrell
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, was taken up for consideration.

Johnson of Linn asked and received unanimous consent to withdraw amendment H–3575 filed by him on April 9, 1981, placing out of order amendment H–3576 filed by Spear of Lee on April 9, 1981 and amendment H–3623 filed by Krewson of Polk on April 13, 1981, both to amendment H–3575.

Spear of Lee offered the following amendment H–3432 filed by him:

H–3432

Amend House File 800 as follows:

1. Page 1, by striking line 6 and inserting in lieu thereof the following: "inspections at any reasonable time upon receipt of complaints,".

Running of Linn offered the following amendment H–3621, to amendment H–3432, filed by him and moved its adoption:

H–3621

Amend amendment H–3432 to House File 800 as follows:

1. Page 1, lines 3 and 4, by striking the words "at any reasonable time" and inserting in lieu thereof the words "at reasonable times".

Amendment H–3621 was adopted.

On motion by Spear of Lee, amendment H–3432, as amended, was adopted, placing out of order amendment H–3655 filed by O'Kane of Woodbury on April 14, 1981.

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 800)

The ayes were, 77:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Gross	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Miller	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renken	Ritsema
Running	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Mr. Speaker			

The nays were, 20:

Anderson, R.	Arnould	Avenson	Binneboese
Chiodo	Connolly	Connors	Cusack
Doderer	Groth	Halvorson, R. N.	Howell
Jochum	Lloyd-Jones	Lonergan	Norland
Renaud	Shimanek	Sturgeon	Welsh

Absent or not voting, 3:

Harbor Schnekloth Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 12:00 noon, Speaker pro tempore Menke of O'Brien in the chair.

On motion by Pope of Polk, the House was recessed at 12:01 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 527, a bill for an act relating to custodial parent's, custodial guardian's or custodian's liability for unlawful acts of a child and to victim restitution under the juvenile justice law.

LINDA HOWARTH MACKAY, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 31

Schroeder of Pottawattamie called up for consideration House Concurrent Resolution 31, relating to the preservation of Iowa's bankrupt rail system, filed on April 10, 1981 and found on pages 1188 and 1189 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H–3652 filed by him and moved its adoption:

H–3652

Amend House Concurrent Resolution 31 as follows:

1. Page 2, line 18, by inserting after the word "Lines," the following: "the President of the Atchison, Topeka & Santa Fe Railway, the President of the Burlington Northern Incorporated, the President of Chicago, Milwaukee, St. Paul & Pacific, the President of Illinois Central Gulf Railroad, the President of Norfolk & Western Railway Company, the President of Union Pacific Railroad, the President of Chicago, Rock Island & Pacific, the President of Iowa Terminal Railroad, the President of Electric Railroad, the President of Cedar Rapids & Iowa City Railroad, the President of Davenport, Rock Island & North Western, the President of Des Moines & Central Iowa Railway, the President of Des Moines Terminal Company, the President of Des Moines Union Railway, the President of Fort Dodge, Des Moines & Southern Railway, the President of Iowa Transfer Railway Company, the President of Waterloo Railroad Company,".

Amendment H—3652 was adopted.

On motion by Schroeder of Pottawattamie, House Concurrent Resolution 31, as amended, was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 17

Pope of Polk called up for consideration Senate Concurrent Resolution 17, providing for an Easter recess for the 1981 Session of the Sixty-ninth General Assembly, received from the Senate on April 10, 1981 and found on page 1174 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE MESSAGES CONSIDERED

Senate File 370, by committee on human resources, a bill for an act reorganizing Iowa's administrative structure for the delivery and funding of mental health and mental retardation services.

Read first time and referred to committee on **human resources.**

Senate File 474, by committee on judiciary, a bill for an act relating to the tort liability of governmental subdivisions.

Read first time and referred to committee on **county government.**

Senate File 527, by committee on judiciary, a bill for an act relating to a parent's liability for unlawful acts of a child and to victim restitution under the juvenile justice law.

Read first time and referred to committee on **judiciary and law enforcement.**

The House stood at ease at 4:32 p.m., until the fall of the gavel.

The House resumed session at 5:37 p.m., Speaker Stromer in the chair.

REFERRED TO COMMITTEE ON WAYS AND MEANS
(Senate File 310)

The Speaker announced that Senate File 310, presently on the regular calendar, was referred to the committee on ways and means.

MOTIONS TO RECONSIDER
(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

CRABB of Crawford

(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

KREWSON of Polk

(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

O'KANE of Woodbury

(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

BRUNER of Story

(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

RAPP of Black Hawk

(House File 800)

I move to reconsider the vote by which House File 800 passed the House on April 15, 1981.

BRANDT of Black Hawk

(Amendment H—3432 to House File 800)

I move to reconsider the vote by which amendment H—3432 to House File 800 was adopted by the House on April 15, 1981.

SPEAR of Lee

(Amendment H—3621 to House File 800)

I move to reconsider the vote by which amendment H—3621 to amendment H—3432 to House File 800 was adopted by the House on April 15, 1981.

RUNNING of Linn

(Senate File 87)

I move to reconsider the vote by which Senate File 87 passed the House on Tuesday, April 14, 1981.

CLEMENTS of Scott

(Amendment H—3628 to Senate File 87)

I move to reconsider the vote by which amendment H—3628 to Senate File 87 was adopted by the House on April 14, 1981.

CLEMENTS of Scott

EXPLANATION OF VOTE

I was necessarily absent from the House chamber when the vote was taken on House File 800. Had I been present, I would have voted "aye."

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five senior students from Adel Junior-Senior High School, Adel, accompanied by Mike Myers. By Davitt of Warren and Poffenberger of Dallas.

Thirty eighth grade students from Dow City-Arion High School, Dow City, accompanied by Don Ray. By Crabb of Crawford.

The following visitors were present in the House chamber on April 14, 1981:

Thirty eighth grade students from Essex Junior-Senior High School, Essex. By Harbor of Mills.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 408, a bill for an act relating to the production and sale of dairy products by updating certain standards and changing internal references required by the Interstate Milk Shippers Compact and by striking or repealing inconsistent provisions.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 531, a bill for an act relating to pipelines.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3656.**

COMMITTEE ON COMMERCE

Senate File 423, a bill for an act establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 435, a bill for an act relating to the regulation of savings and loan associations.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COUNTY GOVERNMENT

Senate File 209, a bill for an act to amend the county agricultural extension law by providing for approval of the county agricultural extension council budget by the board of supervisors and increasing the dollar amount which may be levied for budget.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

Senate File 420, a bill for an act relating to the siting of hazardous waste treatment, storage and disposal facilities, providing penalties and imposing a surcharge on the fee for land burial of hazardous waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3657.**

AMENDMENTS FILED

H–3656	S.F. 531	Committee on Agriculture
H–3657	S.F. 420	Committee on Ways and Means
H–3658	H.C.R. 24	Clements of Scott
H–3659	H.F. 841	Lageschulte of Bremer
H–3660	H.F. 841	Cook of Hardin
Mullins of Kossuth		Maulsby of Calhoun
De Groot of Lyon		Branstad of Winnebago
Schnekloth of Scott		Oxley of Linn
Miller of Buchanan		Lageschulte of Bremer
Poffenberger of Dallas		Renken of Grundy
Crabb of Crawford		Shimanek of Jones
		Stueland of Clinton
H–3661	H.F. 841	Swearingen of Keokuk
H–3662	S.F. 409	Spear of Lee
H–3663	H.F. 841	Cook of Hardin
		De Groot of Lyon
H–3664	H.F. 842	Spear of Lee
H–3665	S.F. 513	Daggett of Taylor
H–3666	S.F. 409	Spear of Lee
H–3667	H.F. 800	Spear of Lee
		Running of Linn
H–3668	S.F. 456	Welden of Hardin
		Schroeder of Pottawattamie
H–3669	S.F. 80	Poffenberger of Dallas
H–3670	S.F. 199	Danker of Pottawattamie

On motion by Pope of Polk, the House adjourned at 5:39 p.m., until 9:00 a.m., Thursday, April 16, 1981.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day—Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 16, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Jerry Schmallenberger, pastor of St. John's Lutheran Church, Des Moines.

The Journal of Wednesday, April 15, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Goetz, Creston.

PETITIONS FILED

The following petitions were received and placed on file:

By Norland of Worth, from twenty-eight constituents opposing Senate File 530 and House File 104, acts relating to the investment of money from the IPERS trust fund in real estate mortgages.

By Lind of Black Hawk, from forty-five constituents, opposing any changes in the present bingo law.

PRESENTATION OF IOWA'S JUNIOR MISS

Gettings of Wapello escorted to the Speaker's station and presented to the House Tana Parsons, Iowa's Junior Miss for 1981.

Tana, daughter of Richard and Donna Parsons of Ottumwa, will be representing Iowa at the National Junior Miss Contest in Mobile, Alabama on June 15 and 16. Among her many honors, Tana received the American Legion Award, she is an all-state vocalist, on the Academic and Citizenship Honor Roll, and the National Honor Society.

The House rose and expressed its welcome and Miss Parsons addressed the House briefly.

PROOF OF PUBLICATION
(Senate File 545)

Published copy of Senate File 545 and verified proof of publication of said bill in The Messenger, a daily newspaper, printed and published in Fort Dodge, Webster County, Iowa, on April 3, 1981 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

REFERRED TO COMMITTEE ON APPROPRIATIONS
(Senate File 332)

The Speaker announced that Senate File 332, presently on the **regular calendar**, was referred to the committee on **appropriations.**

UNFINISHED BUSINESS CALENDAR
(House File 841)

Pope of Polk asked and received unanimous consent that House File 841, presently on the ways and means calendar, be placed on the calendar under unfinished business.

MOTION TO RECONSIDER LOST
(House File 797)

Tyrrell of Iowa called up for consideration the motion to reconsider House File 797, filed on April 13, 1981 by Dieleman of Marion, and moved to reconsider the vote by which House File 797, a bill for an act relating to the certified eligible list for promotion for city civil service, passed the House on April 10, 1981.

A non-record roll call was requested.

The ayes were 24, nays 67.

The motion lost.

CONSIDERATION OF BILLS

SENATE FILE 13 SUBSTITUTED FOR HOUSE FILE 454

Clark of Cerro Gordo asked and received unanimous consent to substitute Senate File 13 for House File 454.

Senate File 13, a bill for an act relating to the maximum rate of interest on investments of public funds in banks, was taken up for consideration.

Hansen of O'Brien offered the following amendment H–3649 filed by him and Clark of Cerro Gordo and moved its adoption:

H–3649

Amend Senate File 13, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Section 453.5, Code 1981, is amended to read as follows:

453.5 REFUSAL OF DEPOSITS–PROCEDURE. If ~~none of~~ the duly approved banks will not accept ~~said~~ the deposits under the conditions ~~herein~~ prescribed or authorized in this chapter, ~~said~~ the funds may be deposited, on the same or better terms as were offered to the depositories, in any approved bank or banks conveniently located within the state.

If a governmental unit makes in writing to all qualified, approved depositories a bona fide proffer to deposit public funds either in a savings account, or in a time certificate of deposit and ~~such~~ the proffer is not then accepted, then and only then may ~~such~~ the governmental unit invest ~~such~~ the funds so declined, on the same or better terms as were offered to the depositories, in bonds or other evidences of indebtedness issued, assumed, or guaranteed by the United States of America or by any agency or instrumentality thereof, ~~but these provisions shall not affect the investment of funds as provided in sections 453.9 and 453.10~~. However, public funds that will not be deposited or invested for a term of at least fifteen days may be invested, without prior offer to an approved depository, in notes, certificates, bonds, or other direct obligations of the United States or any of its agencies.

~~Public funds which cannot be deposited for periods of at least ninety days may be invested in notes, certificates, bonds, or other obligations of the United States or any of its agencies, as provided in section 452.10.~~ In addition to the investments herein authorized, the treasurer of state may invest in any of the investments authorized for the Iowa public employees' retirement system in section 97B.7, subsection 2, paragraph "b" except that investment in common stocks shall not be permitted. This section

does not affect the investment of funds as provided in sections 453.9 and 453.10."

2. Page 1, line 7, by inserting after the word "~~funds~~" the words "in a depository legally designated as depository for the funds".

3. Page 1, line 10, by striking the word "the" and inserting in lieu thereof the words "~~the~~ a minimum".

4. Page 1, line 14, by inserting after the word

Page 2

"at" the words "not less than".

5. Page 1, line 22, by inserting after the word "~~the~~" the word "minimum".

6. Renumber to conform to this amendment.

Amendment H—3649 was adopted.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 13)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Running
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Schnekloth

Absent or not voting, 3:

Jochum Lind Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 454 WITHDRAWN

Clark of Cerro Gordo asked and received unanimous consent to withdraw House File 454 from further consideration by the House.

Regular Calendar

Senate File 199, a bill for an act authorizing the appointment of legal counsel for county officers under certain circumstances, with report of committee recommending passage was taken up for consideration.

Danker of Pottawattamie offered the following amendment H–3670 filed by him and moved its adoption:

H–3670

Amend Senate File 199, as amended and passed by the Senate, as follows:

1. Page 1, by striking lines 1, 2, and 3 and inserting in lieu thereof the following:

"Section 1. NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL. At".

Amendment H–3670 was adopted.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 199)

The ayes were, 64:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Branstad	Clark, B. J.	Clark, J. H.	Clements
Cochran	Cook	Corey	Crabb
Cusack	Daggett	Danker	Davitt
De Groot	Diemer	Egenes	Gettings
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Lonergan	Mann	Maulsby
Menke	Miller	Oxley	Pellett
Pelton	Petrick	Pope	Renaud
Renken	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Mr. Speaker

The nays were, 33:

Arnould	Avenson	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Conlon	Connolly	Connors	Crawford
Dieleman	Doderer	Groth	Hall
Halvorson, R. N.	Hummel	Jay	Kirkenslager
Krewson	Lloyd-Jones	McKean	Mullins
Norland	O'Kane	Pavich	Poffenberger
Poncy	Ritsema	Shimanek	Welsh
Woods			

Absent or not voting, 3:

Jochum	Lind	Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 479**, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs, deferred on April 14, 1981.

Spear of Lee offered the following amendment H–3654 filed by him and Corey of Louisa and moved its adoption:

H–3654

Amend Senate File 479, as passed by the Senate,
as follows:

1. Page 1, by striking lines 16 through 35 and inserting in lieu thereof the following:

"A fee of not less than ~~five~~ fifteen dollars plus one dollar per acre or fraction thereof nor more than ~~sixty five~~ five hundred dollars per annum, according to the amount of stock inspected, shall be paid at the time of inspection or before a certificate is granted. Certificates shall be issued to nursery stock growers and dealers and shall be valid for one year from the date of issue. However, a certificate may be revoked if the state entomologist determines that conditions violate the standards for which the certificate was issued. Inspections and certifications shall take place as necessary to enforce this chapter and the rules made pursuant to it ~~Such certificate shall be valid for one year from date of issue, unless sooner revoked by the state entomologist. The inspection of nurseries shall take place between May 1 and October 30 of each year and at such other times as may be necessary to make effective the provisions of this chapter and the rules made pursuant thereto.~~"

Amendment H—3654 was adopted.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 479)

The ayes were, 63:

Anderson, J.	Anderson, R.	Bennett	Carpenter
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 34:

Arnould	Avenson	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Chiodo	Clements	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Horn	Howell
Jay	Lloyd-Jones	Lonergan	O'Kane
Pavich	Poncy	Renaud	Running
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

Absent or not voting, 3:

Jochum	Rapp	Shimanek

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 805 WITHDRAWN

Corey of Louisa asked and received unanimous consent to withdraw House File 805 from further consideration by the House.

SENATE FILE 355 DEFERRED

Senate File 355, a bill for an act requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing, with report of committee recommending passage was taken up for consideration.

Trucano of Polk offered the following amendment H–3627 filed by her and Halvorson of Webster:

H–3627

Amend Senate File 355 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 3 through 15 and inserting in lieu thereof the following:

"NEW SECTION. NEW CONSTRUCTION EQUIPMENT. The authority shall insure that fifty percent or more of the housing units provided directly or indirectly by the authority in each three-year period beginning July 1, 1981, are newly constructed housing units. Failure to comply with this requirement does not invalidate any bonds, notes, or other obligations

of the authority, but in the event of noncompliance with this requirement the authority shall make a special report to the governor and to the general assembly as to the reasons for noncompliance, and the authority shall not commit further funds for housing units that do not help meet this requirement until this requirement is reached, other than to complete projects already started."

Pope of Polk asked and received unanimous consent that Senate File 355 be deferred and that the bill retain its place on the calendar. (Amendment H—3627 pending.)

Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H—3637 filed by him:

H—3637

Amend Senate File 324, as amended, passed, and reprinted by the Senate, as follows:

1. By striking page 1, line 4 through page 3, line 35, and inserting in lieu thereof the following:

"1. Cities and counties which enact ordinances requiring the installation of smoke detectors in newly constructed buildings may provide that each day of a continuing violation after conviction is a separate offense and a single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

2. Inspection of a building or notification of compliance or noncompliance under the local ordinance is not the basis for a legal cause of action against the political subdivision, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection."

Welsh of Dubuque rose on a point of order that amendment H—3637 was not germane.

The Speaker ruled the point not well taken and amendment H—3637 germane.

Ritsema of Sioux moved the adoption of amendment H–3637.

A non-record roll call was requested.

The ayes were 18, nays 71.

Amendment H–3637 lost.

Connors of Polk offered the following amendment H–3630 filed by him and moved its adoption:

H–3630

Amend Senate File 324, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 11, by striking the word "three" and inserting in lieu thereof the word "two".

2. Page 1, line 18, by inserting after the number "4," the words "single-family residential dwellings and".

3. Page 1, line 22, by inserting after the word "the" the words "single-family residential dwellings or".

4. Page 1, by inserting after line 31 the following:

"d. In each area giving access to the immediate vicinity of a sleeping room within a single-family residential dwelling."

5. Page 2, by striking lines 2 and 3.

6. Page 2, line 15, by inserting after the number "2." the following: "A single-family residential dwelling shall be inspected only upon its completion as new construction or subsequently upon request of the occupant."

7. Page 3, line 11, by inserting after the word "the" the words "single-family residential dwelling or".

8. By renumbering subsections to conform to this amendment.

9. Amend the title, lines 1 and 2, by striking the word "multiple-unit".

A non-record roll call was requested.

The ayes were 39, nays 51.

Amendment H–3630 lost, placing out of order amendment H–3619 filed by Arnould of Scott on April 13, 1981.

Arnould of Scott offered the following amendment H—3618 filed by him and moved its adoption:

H—3618

Amend Senate File 324 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 35, by striking the words "three years" and inserting in lieu thereof the words "one year".

2. Page 3, line 32, by striking the words "three years" and inserting in lieu thereof the words "one year".

Amendment H—3618 lost.

Arnould of Scott moved that the rules be suspended to adopt amendment H—3619 (previously ruled out of order) filed by him as follows:

H—3619

Amend Senate File 324 as amended, passed and reprinted by the Senate as follows:

1. Page 2, by striking lines 2 and 3.

2. By renumbering the subsections as may be necessary.

A non-record roll call was requested.

The ayes were 32, nays 62.

The motion lost.

Conlon of Muscatine offered the following amendment H—3626 filed by him and moved its adoption:

H—3626

Amend Senate File 324, as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 12 the following:

"This section does not require the owner of a dormitory or multi-unit residential building to provide batteries for, or install batteries in, smoke detectors not located in common areas of a building.".

A non-record roll call was requested.

The ayes were 28, nays 67.

Amendment H–3626 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Menke of O'Brien, for the remainder of the day, on request of Lageschulte of Bremer.

Schroeder of Pottawattamie offered amendment H–3635 filed by him and requested division as follows:

H–3635

Amend Senate File 324 as amended, passed and reprinted by the Senate as follows:

H–3635A

1. Page 3, line 22, by inserting after the word "roomer." the following: "However a lessee, tenant, guest or roomer who has a residency of longer than 30 days is required to provide the battery for a battery operated smoke detector."

H–3635B

2. Page 3, by striking lines 25 through 28 and inserting in lieu thereof the word "misdemeanor."

Schroeder of Pottawattamie moved the adoption of amendment H–3635A.

A non-record roll call was requested.

The ayes were 60, nays 35.

Amendment H–3635A was adopted.

Clark of Lee offered the following amendment H–3343 filed by him and moved its adoption:

H–3343

Amend Senate File 324 as amended, passed and reprinted by the Senate as follows:

1. Page 3, by inserting after line 22 the following:

" . No person may render inoperable a smoke detector, which is required to be installed by this section, by tampering."

2. By numbering and renumbering as necessary.

Amendment H–3343 was adopted.

The House resumed consideration of amendment H–3635B.

Schroeder of Pottawattamie moved the adoption of amendment H–3635B.

Amendment H–3635B lost.

Miller of Buchanan asked for unanimous consent to defer action on Senate File 324.

Objection was raised.

Hansen of O'Brien in the chair at 12:08 p.m.

Welsh of Dubuque asked for unanimous consent to amend Senate File 324, line 23, page 2, by adding the word "oversee" before the word "placement".

Objection was raised.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 324)

The ayes were, 75:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, J. H.	Cochran	Connolly	Connors

Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Jay
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Running
Schnekloth	Schroeder	Shimanek	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Van Maanen	Walter
Welsh	Woods	Mr. Speaker (Hansen of O'Brien)	

The nays were, 23:

Byerly	Clark, B. J.	Clements	Conlon
Cook	Corey	Crabb	De Groot
Diemer	Hummel	Johnson, J.	Johnson, R.
Lind	Mann	Maulsby	McKean
Miller	O'Kane	Renken	Ritsema
Shull	Tyrrell	Welden	

Absent or not voting, 2:

Egenes	Menke

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Pope of Polk, the House was recessed at 1:06 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 844, by committee on ways and means, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1 and providing for a January 1 effective date.

Read first time and **placed on the ways and means calendar.**

House File 845, by committee on ways and means, a bill for an act providing for the assessment and taxation of waterworks, gasworks, electric light or power, telegraph, telephone, electric transmission line and pipeline companies upon publication and retroactive to January 1, 1981.

Read first time and **placed on the ways and means calendar.**

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of April, 1981: House File 775.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a short period of time on April 16, 1981. Had I been present, I would have voted "aye" on Senate Files 13 and 199.

LIND of Black Hawk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty fifth grade students from Roosevelt Elementary School, Ames, accompanied by Nathan O. Tosten and Jay C. Simser. By Bruner and Crawford of Story.

Forty seventh, eighth and ninth grade students from Holmes Junior High School, Cedar Falls, accompanied by Phil Gansen and Dave Andreasen. By Diemer of Black Hawk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 333 Ways and Means

To authorize a person who is confined in a hospital or nursing care facility to qualify for claiming the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date.

S.B. 334 Ways and Means

To legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

SUBCOMMITTEE ASSIGNMENTS

House File 808

Ways and Means: Schnekloth, Chair; Carpenter and Miller.

House File 824

Ways and Means: Hummel, Chair; Bennett, McKean, Miller and Cochran.

House File 838

Ways and Means: Clark of Lee, Chair; Branstad and Hall.

House File 839

Ways and Means: Renken, Chair; Clark of Lee and Oxley.

Senate File 24

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Senate File 48

Ways and Means: Conlon, Chair; Hanson of Delaware, Renken, Oxley and Pavich.

Senate File 217

Ways and Means: Ritsema, Chair; Diemer and Rapp.

Senate File 254

Commerce: Smith, Chair; Hummel and Woods.

Senate File 256

Commerce: Johnson of Linn, Chair; Schroeder and Woods.

Senate File 300

Commerce: Smith, Chair; Hummel and Woods.

Senate File 382

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Shimanek and Rapp.

Senate File 393

Energy: Poffenberger, Chair; Cusack and Petrick.

Senate File 394

Ways and Means: Poffenberger, Chair; Renken and Connolly.

Senate File 435

Commerce: Schroeder, Chair; Johnson of Linn and Chiodo.

Senate File 463

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

Senate File 482

Transportation: Schnekloth, Chair; Schroeder and Pavich.

Senate File 485

Energy: Ritsema, Chair; Carl, Cook, Howell and Poffenberger.

Senate File 489

Judiciary and Law Enforcement: Egenes, Chair; Pelton and Brandt.

Senate File 490

Judiciary and Law Enforcement: Ritsema, Chair; Doderer and Jay.

Senate File 492

Transportation: Schnekloth, Chair; Schroeder and Pavich.

Senate File 494

Judiciary and Law Enforcement: Conlon, Chair; Jay and Trucano.

Senate File 506

Ways and Means: Lageschulte, Chair; Branstad and Norland.

Senate File 509

Commerce: Schroeder, Chair; Johnson of Linn, Chiodo, Schnekloth and Jochum.

Senate File 511

Judiciary and Law Enforcement: Pelton, Chair; Jay and Swartz.

Senate File 515

Judiciary and Law Enforcement: Poffenberger, Chair; Smalley and Rapp.

Senate File 518

Judiciary and Law Enforcement: Smalley, Chair; Brandt and Johnson of Howard.

Senate File 522

Education: Johnson of Woodbury, Chair; Carpenter and Groth.

Senate File 532

Agriculture: Anderson of Audubon, Chair; Davitt, De Groot, Cochran and Stueland.

Senate File 535

Human Resources: Kirkenslager, Chair; Gross, Krewson, Menke and Miller.

Senate File 539

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 333

Ways and Means: Hanson of Delaware, Chair; Carpenter and Brandt.

Study Bill 334

Ways and Means: Hanson of Delaware, Chair; Conlon and Howell.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been

received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:30 p.m., April 15, 1981

Convened: 1:35 p.m.

Adjourned: 2:35 p.m.

Present: Shimanek, Chair; Conlon, Vice-Chair; Rapp, Ranking Member; Brandt, Clark of Cerro Gordo, Corey, Doderer, Egenes, Gross, Halvorson of Clayton, Jay, Jochum, Johnson of Howard, Pelton, Poffenberger, Ritsema, Smalley, Sturgeon, Swartz, Trucano and Welsh.

Absent: Arnould.

Excused: None.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 532, a bill for an act authorizing the Iowa family farm development authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of chapter 175.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON APPROPRIATIONS

Senate File 542, a bill for an act making a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1981, for the aid to dependent children program, field operations, and operation of the adult correctional institutions.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON COMMERCE

Senate File 299, a bill for an act relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 300, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3707.**

COMMITTEE ON COUNTY GOVERNMENT

Senate File 293, a bill for an act relating to the reporting of fruit-tree and forest reservations to the state conservation commission.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 455, a bill for an act relating to the conveyance of county property to the federal government.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3699.**

Senate File 500, a bill for an act authorizing the board of supervisors to adopt and enforce uniform personnel policies and compensation plans for county employees.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON EDUCATION

Senate File 522, a bill for an act to require that the department of public instruc-

tion and the area education agencies encourage schools to offer programs for gifted and talented children.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON ENERGY

Senate File 485, a bill for an act relating to hazardous waste management, including new prohibited acts and providing penalties for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3672.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 489, a bill for an act legalizing certain city waterworks.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 511, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3676.**

Senate File 515, a bill for an act relating to a limitation on the time period for the filing of estates.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 528, a bill for an act concerning certain criminal procedures relating to notice of seized property, nontestimonial identification, trial by jury, and deferred judgments, deferred sentences and suspended sentences.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3677.**

Senate File 545, a bill for an act to legalize the proceedings of the board of directors of the Fort Dodge Community school district relating to a contract for repairs to real property.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 463, a bill for an act exempting certain agricultural and other employers from the workers' compensation law, effective January 1.

Fiscal Note is not required.

Committee Action: **Failed to Pass as amended.**

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3675.**

COMMITTEE ON NATURAL RESOURCES

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 526, a bill for an act relating to the registration and operation of snowmobiles.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3701.**

COMMITTEE ON STATE GOVERNMENT

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3682.**

Senate File 325, a bill for an act relating to licensure of speech pathologists and audiologists.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 384, a bill for an act relating to elections by revising the statutes governing the furnishing of nomination papers, nominations by parties, nonparty political organizations and petition, nominations of presidential electors, information requested for registration, closing registration for elections, reporting on party registration, allowing employees time off work to vote, and delivering absentee ballots.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3688.**

Senate File 425, a bill for an act relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3681.**

Senate File 438, a bill for an act to make employment applications confidential records and allow them to be discussed in closed session.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3679.**

Senate File 439, a bill for an act relating to the retail sale of beer by manufacturers of beer on the premises of the manufacturing facility for on or off premises consumption.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

Fiscal Note is required.

Recommended **Do Pass.**

Senate File 524, a bill for an act establishing a transportation regulation authority to replace the three-member transportation regulation board with a January 1, 1982 effective date.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 529, a bill for an act relating to material donated to a public library, museum or archive.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 533, a bill for an act relating to administrative positions within the department of social services.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Senate File 492, a bill for an act relating to the operation of urban transit systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3674.**

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 811), relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 279), providing for the assessment and taxation of waterworks, gasworks, electric light or power, telegraph, telephone, electric transmission line and pipeline companies.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H—3672	S.F. 485	Committee on Energy
H—3673	S.F. 355	Conlon of Muscatine Trucano of Polk Cusack of Scott
H—3674	S.F. 492	Committee on Transportation
H—3675	S.F. 539	Committee on Labor and Industrial Relations
H—3676	S.F. 511	Committee on Judiciary and Law Enforcement

H—3677	S.F. 528	Committee on Judiciary and Law Enforcement
H—3678	S.F. 519	Halvorson of Clayton Jay of Appanoose
H—3679	S.F. 438	Committee on State Government
H—3680	S.F. 146	Spear of Lee Ritsema of Sioux Carpenter of Polk Anderson of Jasper Holt of Clay Maulsby of Calhoun Carl of Poweshiek
H—3681	S.F. 425	Committee on State Government
H—3682	S.F. 213	Committee on State Government
H—3683	S.F. 517	Pelton of Clinton
H—3684	S.F. 225	O'Kane of Woodbury
H—3685	S.F. 225	O'Kane of Woodbury
H—3686	S.F. 225	O'Kane of Woodbury
H—3687	S.F. 225	O'Kane of Woodbury
H—3688	S.F. 384	Committee on State Government
H—3689	S.F. 225	O'Kane of Woodbury
H—3690	H.F. 841	Sullivan of Van Buren Davitt of Warren
H—3691	H.F. 841	Byerly of Polk
H—3692	H.F. 841	Davitt of Warren Sullivan of Van Buren
H—3693	H.F. 36	Connors of Polk Sturgeon of Woodbury Jochum of Dubuque
H—3694	S.F. 517	Pelton of Clinton
H—3695	S.F. 492	Miller of Buchanan Woods of Polk Johnson of Howard
H—3696	H.F. 841	Lageschulte of Bremer
H—3697	H.F. 841	Pellett of Cass
H—3698	H.F. 841	De Groot of Lyon
H—3699	S.F. 474	Committee on County Government

H–3700	S.F. 517	Halvorson of Clayton
H–3701	S.F. 526	Committee on Natural Resources
H–3702	S.F. 514	Conlon of Muscatine
H–3703	S.F. 506	Miller of Buchanan
H–3704	S.F. 420	Howell of Floyd
H–3705	S.F. 420	Howell of Floyd
H–3706	H.F. 841	Anderson of Audubon
H–3707	S.F. 300	Committee on Commerce
H–3708	H.F. 841	Anderson of Audubon
H–3709	H.F. 841	Danker of Pottawattamie
H–3710	S.F. 517	Doderer of Johnson
H–3711	S.F. 514	Spear of Lee
H–3712	S.F. 517	Doderer of Johnson
H–3713	S.F. 420	Poffenberger of Dallas
H–3714	S.F. 225	Van Maanen of Mahaska
H–3715	H.F. 841	Harbor of Mills Davitt of Warren
H–3716	S.F. 514	Dieleman of Marion
H–3717	H.F. 841	Dieleman of Marion
H–3718	H.F. 841	Poffenberger of Dallas

Pursuant to Senate Concurrent Resolution 17, duly adopted, and on motion by Pope of Polk, the House adjourned at 4:47 p.m., until 10:00 a.m., Tuesday, April 21, 1981.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day—Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 21, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Bishop Wayne Clymer, Bishop of the Iowa Conference, United Methodist Church, Des Moines.

The Journal of Thursday, April 16, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Tom Bergstrom, Winterset.

PETITIONS FILED

The following petitions were received and placed on file:

By Carl of Poweshiek, from six hundred seventy-five constituents opposing the closing of the Toledo Home in Toledo, Iowa.

By Lind of Black Hawk, from fifty-eight constituents opposing any change in the present bingo laws.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gettings of Wapello on request of Walter of Pottawattamie; Binneboese of Plymouth, for a portion of the morning, on request of Howell of Floyd.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 157, a bill for an act relating to the authority of school districts to sell, lease, or dispose of school property.

Also: That the Senate has on April 15, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 371, a bill for an act providing for the prohibition of open burning under certain conditions.

Also: That the Senate has on April 15, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 466, a bill for an act relating to the creation of conservancy district wards.

Also: That the Senate has on April 15, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 509, a bill for an act limiting refunds of the state insurance retaliatory tax.

Also: That the Senate has on April 15, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 565, a bill for an act authorizing foreign insurance corporations doing business under chapter 515 of the Code to reincorporate as Iowa corporations.

Also: That the Senate has on April 15, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 588, a bill for an act relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certain real property purchase-money loans.

Also: That the Senate has on April 15, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 737, a bill for an act including life cycle cost and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products.

Also: That the Senate has on April 15, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 740, a bill for an act to increase the fee for a duplicate registration card, plate, or pair of plates and the form of restricted certificates of title.

Also: That the Senate has on April 15, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 572, a bill for an act relating to the duties of the board of review.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Regular Calendar

The House resumed consideration of **Senate File 355**, (deferred April 16, 1981) a bill for an act requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing, and amendment H–3627, found on pages 1268 and 1269 of the House Journal.

Conlon of Muscatine offered the following amendment H–3673, to amendment H–3627, filed by Conlon, et al., and moved its adoption:

H–3673

Amend the amendment, H–3627, to page 1 of Senate File 355 as passed by the Senate as follows:

1. Page 1, by striking lines 7 and 8, and by inserting in lieu thereof the words "of the proceeds from sales of obligations of the authority in each three-year period beginning".

Amendment H–3673 was adopted.

On motion by Trucano of Polk, amendment H–3627, as amended, was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 355)

The ayes were, 57:

Anderson, R.	Bennett	Carpenter	Chiodo
Clark, B. J.	Connolly	Connors	Corey
Crabb	Crawford	Davitt	De Groot
Diemer	Doderer	Egenes	Hall
Halvorson, R. A.	Hansen, I.	Harbor	Hoffmann
Holt	Horn	Hummel	Johnson, R.
Johnson, W.	Kirkenslager	Lind	Lonergan
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear

Stueland	Swartz	Swearingen	Tofte
Trucano	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 36:

Arnould	Avenson	Brandt	Branstad
Bruner	Carl	Clements	Cochran
Conlon	Cook	Cusack	Daggett
Danker	Dieleman	Gross	Halvorson, R. N.
Hanson, D.	Howell	Jay	Johnson, J.
Krewson	Lageschulte	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Miller
Norland	Renaud	Renken	Sturgeon
Sullivan	Tyrrell	Van Maanen	Welden

Absent or not voting, 7:

Anderson, J.	Binneboese	Byerly	Clark, J. H.
Gettings	Groth	Jochum	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 507, a bill for an act permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations, and taking effect upon publication, with report of committee recommending passage was taken up for consideration.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 507)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gross	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.

Kirkenslager	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Cusack	Krewson

Absent or not voting, 8:

Binneboese	Byerly	Clark, B. J.	Clark, J. H.
Gettings	Groth	Jochum	Shimanek

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 308 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 308 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

Senate File 420, a bill for an act relating to the siting of hazardous waste treatment, storage and disposal facilities, providing penalties and imposing a surcharge on the fee for land burial of hazardous waste, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3657 filed by the committee on ways and means:

H–3657

Amend Senate File 420 as amended, passed and reprinted by the Senate, as follows:

1. Page 3, line 26, by inserting after the word "accepted." the words "An application rejected under

this subsection may be resubmitted only once. If a resubmitted application is rejected the applicant may reapply for a license by giving notice and resubmitting an application as provided in subsections 1 and 2, including payment of the nonrefundable application fee."

2. Page 5, line 13, by striking the words "linear mile" and inserting in lieu thereof the words "mile from the boundaries".

3. Page 6, line 16, by inserting after the word "risk" the words "and effect".

4. Page 6, by striking lines 18 and 19 and inserting in lieu thereof the words:

"i. The impact of the facility on the operations and responsibilities of the city and county in which the facility is proposed to be located and on cities and counties near the proposed site."

5. Page 7, line 5, by inserting before the word "A" the number "3.".

6. Page 7, line 13, by inserting after the word "liability." the words "A municipality shall not be required to pay any portion of the costs associated with the response to a release or threatened release of a hazardous waste from a facility into the land, air, or water that threatens or may threaten human health or the environment unless the municipality is responsible for or in control of the facility or unless the municipality is otherwise subject to liability under this subsection."

7. Page 7, line 19, by inserting after the word "agrees" the words "and is able".

8. Page 9, line 8, by inserting after the period the words: "The executive director shall forward a copy of the site license to the director of revenue which shall be the appropriate license for the collection of the land burial surcharge tax and shall be subject to suspension or revocation if the site license holder fails to collect or remit the tax collected under section 15 of this Act. The provisions of sections 422.25, subsection 4, 422.30, 422.48 to 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69, subsection 1, and 422.70 to 422.75, consistent with the provisions of this Act, shall apply with respect to the taxes authorized under this Act, in the same manner and with the same effect as if the land burial surcharge tax were retail sales taxes within the

Page 2

meaning of those statutes. Notwithstanding the provisions of this paragraph, the director shall

provide for only quarterly filing of returns as prescribed in section 422.51."

Speaker pro tempore Menke of O'Brien in the chair at 10:47 a.m.

Ritsema of Sioux asked and received unanimous consent to defer action on the committee amendment H—3657.

Howell of Floyd offered the following amendment H—3704 filed by him and moved its adoption:

H—3704

Amend Senate File 420 as amended, passed and reprinted by the Senate as follows:

1. Page 9, line 4, by striking the word "two" and inserting in lieu thereof the word "ten".

Amendment H—3704 lost.

The House resumed consideration of the committee amendment H—3657.

Krewson of Polk offered the following amendment H—3723, to the committee amendment H—3657, filed by him from the floor and moved its adoption:

H—3723

Amend amendment H—3657 to Senate File 420 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 21, by inserting after the word "site." the words "The commission may require the applicant to remit to a host city or county or a city or county near the proposed site an amount determined by the commission as necessary to pay the costs of additional equipment or personel training the commission determines is necessary for the city or county to protect their citizens from potential adverse effects caused by the proposed facility."

2. Page 1, by inserting after line 35 the following:

" . Page 7, line 20, by inserting after the word "license." the words "Any amount to be paid by the applicant to a city or county under section 8, subsection 1, paragraph i, shall not be included in computing the cost of the proceeding under this section and to the extent the cost to the applicant may exceed the limits prescribed in this section."

Amendment H—3723 lost.

Ritsema of Sioux moved the adoption of the committee amendment H—3657.

The committee amendment H—3657 was adopted.

Howell of Floyd offered the following amendment H—3705 filed by him and moved its adoption:

H—3705

Amend Senate File 420 as amended, passed and reprinted by the Senate as follows:

1. Page 9, by inserting after line 10 the following section:

"Sec. . Section 455B.131, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Adopt rules prohibiting the disposal of any hazardous waste without prior treatment to neutralize or render the waste non-hazardous. Whenever any hazardous waste is disposed of, the commission may request, and the generator or disposer of that hazardous waste shall supply the commission with, a formal, complete, and detailed statement justifying why the hazardous waste was not treated to neutralize or render the waste non-hazardous.

Roll call was requested by Howell of Floyd and Davitt of Warren.

On the question "Shall amendment H—3705 be adopted?"

The ayes were, 36:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Hall	Halvorson, R. N.	Horn	Howell
Jay	Lind	Lloyd-Jones	Lonergan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Running	Spear
Sturgeon	Sullivan	Swartz	Welsh

The nays were, 56:

Anderson, J.	Bennett	Branstad	Carpenter

Clements	Conlon	Cook	Corey
Crabb	Crawford	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Mann	Maulsby	McKean	Miller
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renaud	Renken
Ritsema	Schroeder	Shimanek	Shull
Smalley	Smith	Stromer	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Woods	Mr. Speaker (Menke)

Absent or not voting, 8:

Clark, B. J.	Clark, J. H.	Daggett	Gettings
Groth	Jochum	Schnekloth	Welden

Amendment H—3705 lost.

Poffenberger of Dallas offered the following amendment H—3713 filed by her:

H—3713

Amend Senate File 420 as amended, passed and reprinted by the Senate as follows:

1. Page 9, by inserting after line 10 the following:

"Sec. 16. Section 422.12, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. A hazardous waste investment credit equal to seven percent of the actual amount paid or to be paid by the taxpayer for the purchase, construction, or installation of machinery or equipment, in which the taxpayer has an ownership interest, used solely for the treatment or recycling of hazardous waste. The credit is applicable to the tax year in which the machinery or equipment is first operated for the treatment or recycling of hazardous waste. This credit is not allowed on machinery or equipment used for the land burial of hazardous waste. This credit shall be deducted after the deduction of other credits provided in this section. If this credit exceeds the remaining tax liability of the taxpayer, the excess credit shall be carried forward to subsequent tax years.

For purposes of this subsection, "hazardous waste"

and "treatment" have the same meaning ascribed to them in section 455B.130.

Sec. 17. Section 422.35, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. After the adjustments to net income provided in this section and computation of the tax under section 422.33, there shall be allowed a hazardous waste investment credit equal to seven percent of the actual amount paid or to be paid by the taxpayer for the purchase, construction, or installation of machinery or equipment, in which the taxpayer has an ownership interest, used solely for the treatment or recycling of hazardous waste. The credit applies to the tax year in which the machinery or equipment is first operated for the treatment or recycling of hazardous waste. This credit is not allowed on machinery or equipment used for the land burial of hazardous waste. If this credit exceeds the tax liability of the taxpayer, the excess credit shall be carried forward to subsequent tax years.

For purposes of this subsection, "hazardous waste" and "treatment" have the same meaning ascribed to them in section 455B.130.

Sec. 18. Chapter 422, division VI, Code 1981, is amended by adding the following new section:

NEW SECTION. If the taxpayer disposes of or ceases to use solely for the treatment or recycling of

Page 2

hazardous waste the machinery or equipment for which the taxpayer received a credit under section 16 or 17 of this Act within the six years following the tax year for which the credit was first received, the taxpayer's tax liability under division II, III, or V for the tax year in which the taxpayer disposes of or ceases to use solely for the treatment or recycling of hazardous waste the machinery or equipment is increased by an amount equal to the excess of the amount of credit the taxpayer received under section 16 or 17 of this Act over the amount of credit the taxpayer would have received if the credit had been computed by substituting for the seven percent in section 16 or 17 of this Act a percentage equal to the number of years the taxpayer had an ownership interest in and used the machinery or equipment solely for the treatment or recycling of hazardous waste.

Sec. 19. Sections 16, 17, and 18 of this Act take effect July 1 following enactment for tax years beginning on or after the effective date."

Rapp of Black Hawk rose on a point of order that amendment H—3713 was not germane.

The Speaker ruled the point well taken and amendment H—3713 not germane.

Avenson of Fayette moved that the rules be suspended to consider amendment H—3713.

Roll call was requested by Avenson of Fayette and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—3713?"

The ayes were, 37:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Byerly	Carl	Chiodo
Cochran	Connolly	Connors	Cusack
Davitt	Dieleman	Doderer	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh			

The nays were, 58:

Anderson, J.	Bennett	Branstad	Bruner
Carpenter	Clark, B. J.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Mullins
Pellett	Pelton	Petrick	Pope
Rapp	Renken	Ritsema	Schnekloth
Shimanek	Shull	Smalley	Smith
Stromer	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Woods	Mr. Speaker (Menke)		

Absent or not voting, 5:

Clark, J. H.	Gettings	Jochum	Poffenberger
Schroeder			

The motion lost.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 420)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 3:

Davitt	Howell	Van Maanen

Absent or not voting, 4:

Clark, J. H.	Gettings	Halvorson, R. N.	Jochum

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Pope of Polk, the House was recessed at 12:00 noon, until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lind of Black Hawk, for the remainder of the day, on request of Diemer of Black Hawk; Jochum of Dubuque, for a portion of the day, on request of Carl of Poweshiek.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-three members present, seven absent.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 520, a bill for an act to strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 520)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Woods		

The nays were, 3:

Hansen, I.	Welden	Mr. Speaker

Absent or not voting, 7:

Connors	Gettings	Jochum	Lind
Schroeder	Tofte	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered amendment H–3647 filed by the committee on judiciary and law enforcement and requested division as follows:

H–3647

Amend Senate File 517, as amended, passed, and reprinted by the Senate, as follows:

H–3647A

1. Page 1, by striking lines 1 through 5.

H—3647B

2. Page 2, line 13, by inserting after the word "another" the words "or with the intent to commit sexual abuse".

H—3647C

3. Page 2, line 14, by striking the word "A" and inserting in lieu thereof the words "Except as otherwise provided in this chapter, a".

H—3647D

4. Page 2, by inserting after line 29 the following:

"Sec. . Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. INDECENT CONTACT WITH A CHILD. A person eighteen years of age or older who touches or fondles the body of a child whether clothed or unfondled, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them, is guilty of an aggravated misdemeanor."

5. Amend the title, line 2, by inserting after the word "terrorism," the words "indecent contact with a child,".

6. By renumbering to conform to this amendment.

On motion by Halvorson of Clayton, the committee amendment H—3647A was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—3710, to the committee amendment H—3647, filed by her on April 16, 1981.

Doderer of Johnson offered amendment H—3725, to the committee amendment H—3647, filed by her from the floor and requested division as follows:

H—3725

Amend amendment H—3647 to Senate File 517, as amended, passed and reprinted by the Senate as follows:

H—3725A

1. Page 1, by striking lines 4 through 6.

H—3725B

2. Page 1, by inserting after line 9 the following:
" . Page 2, by inserting after line 17 the following:
"Sec. . Section 708.3, Code 1981, is amended to read as follows:
708.3 ASSAULT WHILE PARTICIPATING IN A FELONY. Any person who commits an assault, as defined in section 708.1, while participating in a felony or with the intent to commit sexual abuse is guilty of a class "C" felony if the person thereby causes serious injury to any person; if no serious injury results, the person is guilty of a class "D" felony." "
3. By renumbering to conform to this amendment.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on amendments H—3725A and H—3647B.

Halvorson of Clayton offered the following amendment H—3700, to the committee amendment H—3647C, filed by him:

H—3700

Amend the House amendment H—3647 to Senate File 517, as amended, passed, and reprinted by the Senate, as follows:
1. By striking lines 7 through 9 and inserting in lieu thereof the following:
"3. Page 2, line 15, by inserting after the word "another" the words "or unintentionally causing serious injury to another"."

Ritsema of Sioux asked and received unanimous consent to temporarily defer action on amendment H—3700 for the consideration of amendment H—3724.

Ritsema of Sioux offered the following amendment H—3724, to the committee amendment H—3647C, filed by him from the floor and moved its adoption:

H—3724

Amend amendment H—3647 to Senate File 517 as amended, passed and reprinted by the Senate as follows:
1. Page 1, by striking lines 7 through 9 and inserting in lieu thereof the following:
"3. Page 2, by striking lines 14 through 16 and inserting in lieu thereof the following:

"2. A person who commits an assault, as defined in section 708.1, without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of a serious misdemeanor." "

Amendment H—3724 was adopted, placing out of order amendment H—3700 filed by Halvorson of Clayton on April 16, 1981.

The House resumed consideration of amendment H—3725B, to the committee amendment H—3647C.

Amendment H—3725B was adopted.

On motion by Halvorson of Clayton, the committee amendment H—3647C, as amended, was adopted.

The House resumed consideration of amendment H—3725A, to the committee amendment H—3647B.

On motion by Doderer of Johnson, amendment H—3725A, to the committee amendment H—3647B, was adopted.

On motion by Halvorson of Clayton, the committee amendment H—3647B, as amended, was adopted.

On motion by Halvorson of Clayton, the committee amendment H—3647D was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—3712 filed by her on April 16, 1981.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3569 filed by him on April 8, 1981.

Pelton of Clinton offered the following amendment H—3694 filed by him:

H—3694

Amend Senate File 517 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 26 through 35.
2. Page 2, by striking lines 1 through 7.
3. By renumbering to conform to this amendment.

The House stood at ease at 3:00 p.m., until the fall of the gavel.

The House resumed session at 4:21 p.m. and consideration of amendment H–3694 to Senate File 517, Speaker Stromer in the chair.

Pelton of Clinton moved the adoption of amendment H–3694.

Roll call was requested by Trucano of Polk and Smalley of Polk.

On the question "Shall amendment H–3694 be adopted?"

The ayes were, 21:

Arnould	Brandt	Bruner	Carl
Carpenter	Clark, B. J.	Crawford	Doderer
Egenes	Hanson, D.	Jochum	Krewson
Lloyd-Jones	Mullins	Norland	O'Kane
Pelton	Poffenberger	Ritsema	Shimanek
Walter			

The nays were, 76:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Byerly	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lonergan	Mann
McKean	Menke	Miller	Oxley
Pavich	Pellett	Petrick	Poncy
Pope	Rapp	Renaud	Renken
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

Absent or not voting, 3:

Gettings	Lind	Maulsby

Amendment H–3694 lost.

Pelton of Clinton offered amendment H—3683 filed by him and requested division as follows:

H—3683

Amend Senate File 517, as amended, passed and reprinted by the Senate as follows:

H—3683A

1. Page 1, line 30, by striking the words "or loss" and inserting in lieu thereof the words "~~or loss~~".

H—3683B

2. Page 1, line 33, by inserting after the word "force" the word "only".

3. Page 1, by striking line 34 through page 2, line 7, and inserting in lieu thereof the following: "that such force is necessary to avoid serious injury or death to a person, or to avoid the forced abandonment of one's dwelling."

Pelton of Clinton asked and received unanimous consent to withdraw amendment H—3683A.

The following amendment H—3743, to amendment H—3683B, filed by Pelton of Clinton from the floor, was adopted by unanimous consent:

H—3743

Amend amendment H—3683B to Senate File 517, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 11, by inserting after the word "dwelling." the following: "~~Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to one's life or safety, or the life or safety of a third party, or requires one to abandon or retreat from his or her dwelling or place of business or employment.~~"

Pelton of Clinton moved the adoption of amendment H—3683B, as amended.

Roll call was requested by Clements of Scott and Trucano of Polk.

On the question "Shall amendment H—3683B, as amended, be adopted?"

The ayes were, 18:

Arnould	Brandt	Bruner	Carl
Carpenter	Clark, B. J.	Connolly	Cusack
Doderer	Jochum	Krewson	Lloyd-Jones
Mullins	Pelton	Poffenberger	Ritsema
Shimanek	Walter		

The nays were, 79:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Byerly	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connors	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lonergan
Mann	Maulsby	McKean	Menke
Miller	O'Kane	Oxley	Pavich
Pellett	Petrick	Poncy	Pope
Rapp	Renaud	Renken	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

Absent or not voting, 3:

Gettings	Lind	Norland

Amendment H—3683B, as amended, lost.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3583 filed by him on April 9, 1981.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 517)

The ayes were, 81:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Bruner	Byerly
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Truŧano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 16:

Arnould	Brandt	Carl	Carpenter
Crawford	Doderer	Hanson, D.	Jochum
Krewson	Lloyd-Jones	Mullins	Pelton
Poffenberger	Ritsema	Shimanek	Walter

Absent or not voting, 3:

Clark, B. J.	Gettings	Lind

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILL

House File 846, by committee on ways and means, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Read first time and **placed on the ways and means calendar.**

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend

House Rule 39 to make the "Supplement to the Weekly Debate Calendar" distributed today, a part of the Weekly Debate Calendar for the week of April 21, 1981. This includes the following bills: Senate Files 293, 299, 300, 399, 455, 474, 500, 522, 526, 532 and 542.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 293, a bill for an act creating a revolving farm fund for the department of social services.

LINDA HOWARTH MACKAY, Secretary

SPECIAL PRESENTATION

Jochum of Dubuque presented to the House, the following members of Boys' Club representing four areas in the State: Pat Baldus, Ames; David Monetano, Des Moines; Stephen Sterens and Derrick Holms, Waterloo. In conjunction with National Boys' Club Week, today has been proclaimed National Boys' Club Day in Iowa by Governor Robert D. Ray.

The House rose and expressed its welcome.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 1981, he approved and transmitted to the Secretary of State the following bill:

House File 775, an act providing for successors to the interest of a franchisee upon the death of the franchisee under a franchise relating to the distribution or retail sale of motor fuels and special fuels.

PRESENTATION OF VISITORS

Poffenberger of Dallas, presented to the House Steve Olson, House Intern, who was awarded the Harry S. Truman Memorial Scholarship.

McKean of Jones, presented to the House, the Honorable Scott Newhard, former member of the House representing Jones County.

The Speaker announced that the following visitors were present in the House chamber:

Fifty sixth grade students from Magnolia Elementary School, Magnolia, accompanied by Lowell F. Arps, Linda Bresee and James Rider. By Crabb of Crawford.

Seventy-five sixth grade students from Southeast Elementary School, Ankeny, accompanied by Mrs. Plantz, Mrs. Durand and Mr. Bell. By Byerly of Polk.

Fifteen students from Indianola Junior High School, Indianola, accompanied by Bill Pendgraft. By Shull of Warren.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1981-39	Howard P. Mogler
1981-40	Ross W. Edwards
1981-41	Donald Gosch

PAT H. HARPER
Chief Clerk of the House

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 6, proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency.

Fiscal Note is not required.

Committee Action: **Failed to Pass as amended.**

AMENDMENTS FILED

H–3719	H.F. 466	Senate Amendment
H–3720	H.F. 509	Senate Amendment
H–3721	H.F. 572	Senate Amendment
H–3722	H.F. 737	Senate Amendment
H–3726	H.F. 293	Senate Amendment
H–3727	H.F. 841	Welsh of Dubuque
H–3728	S.F. 308	Kirkenslager of Des Moines
H–3729	H.F. 841	Byerly of Polk Schroeder of Pottawattamie
H–3730	S.F. 474	Shimanek of Jones
H–3731	H.F. 841	Danker of Pottawattamie
H–3732	S.F. 237	Carpenter of Polk
H–3733	S.F. 209	Lageschulte of Bremer
H–3734	S.F. 384	Spear of Lee
H–3735	S.F. 384	Trucano of Polk
H–3736	S.F. 244	Shull of Warren Chiodo of Polk
H–3737	S.F. 384	Davitt of Warren
H–3738	S.F. 528	Clements of Scott
H–3739	S.F. 464	Pavich of Pottawattamie
H–3740	S.F. 539	Schroeder of Pottawattamie
H–3741	S.F. 474	Krewson of Polk Shimanek of Jones Avenson of Fayette
H–3742	S.F. 522	Miller of Buchanan
H–3744	S.F. 146	Spear of Lee
H–3745	S.F. 146	Schroeder of Pottawattamie
H–3746	H.F. 841	Norland of Worth

On motion by Pope of Polk, the House adjourned at 5:42 p.m., until 9:00 a.m., Wednesday, April 22, 1981.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day—Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 22, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Pastor Robert H. Jacobsen, pastor of St. John Lutheran Church, Cedar Falls.

The Journal of Tuesday, April 21, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Carlson, Ankeny.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Taylor, from eighty-six constituents of the 96th district favoring funding of the negotiated contract between the state of Iowa and its employees.

By Lind of Black Hawk, from twenty-one constituents opposing any change in the present bingo law.

By Maulsby of Calhoun, from seven hundred twenty-five constituents of the 47th district opposing the closing of the Women's Reformatory at Rockwell City.

By Sullivan of Van Buren and Kirkenslager of Des Moines, from eighteen constituents of the 84th and 87th districts opposing reductions in the unemployed parents program, Medicaid or related measure which would tend to foster dissolution of family units.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie, for a portion of the day, on request of Binneboese of Plymouth.

HOUSE RESOLUTION 14
By Norland and Clark of Cerro Gordo

Whereas, the 34th Infantry Division, the celebrated Red Bull Division, was called into federal service in 1941 and served with distinction throughout World War II; and

Whereas, Iowa National Guardsmen were a vital part of the Division, the first division to be sent overseas after Pearl Harbor; and

Whereas, the Division saw considerable action in the Mediterranean Theatre, in North Africa, Sicily and Italy and served 517 days in actual combat with some of its units having served up to 611 days in combat, more than any other division in that war; and

Whereas, the Division's artillery expended more shells than any other divisional artillery; and

Whereas, the Division's personnel are highly decorated, having received at least 15,000 Purple Hearts and more than 3,000 decorations for bravery; *Now Therefore*,

Be It Resolved by the House of Representatives, That on the 40th anniversary of the mobilization of the 34th Division, in recognition of the distinguished service to our country by its personnel, appreciation is expressed to those who served in the 34th Division and best wishes are extended for the reunion to be held in Mason City on July 18, 1981 of the second Battalion of the 133rd Infantry Regiment of the 34th Infantry Division.

Laid over under Rule 30.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1981, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 469, a bill for an act relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

Also: That the Senate has on April 16, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 487, a bill for an act allowing the operation of golf carts on the streets of cities.

LINDA HOWARTH MACKAY, Secretary

REFERRED TO COMMITTEE ON APPROPRIATIONS
(Senate File 464)

The Speaker announced that Senate File 464, presently on the **regular calendar**, was referred to the committee on **appropriations.**

SPECIAL PRESENTATION

Pelton of Clinton presented to the House the Handicapped Iowan of the Year, Tom McDonnell of Clinton. Mr. McDonnell was also named the Handicapped American of the Year for 1980 and will receive the President's Trophy, America's highest award for disabled citizens, on May 7 in Washington, D.C. from President Reagan. Mr. McDonnell is being honored for the way he has overcome obstacles in his life as well as his dedication to the needs of disabled and non-disabled people. Pelton of Clinton stated that Mr. McDonnell "is a very special person and an enlightening example for us all."

Accompanying Mr. McDonnell in the House chamber was Paul Murphy, last year's Handicapped Iowan of the Year.

The House rose and expressed its welcome.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 841, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties, was taken up for consideration.

Halvorson of Clayton in the chair at 9:27 a.m.

Cook of Hardin offered the following amendment H—3660 filed by Cook, et al., :

H—3660

Amend House File 841 as follows:
1. By striking page 1, line 1 through page 9, line 1.

Speaker Stromer in the chair at 9:43 a.m.

Avenson of Fayette rose on a point of order that amendment H—3660 was not in order.

The Speaker ruled the point not well taken and amendment H—3660 in order.

The House stood at ease at 9:57 a.m., until the fall of the gavel.

(House File 841 and amendment H—3660 pending.)

COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau.

To: Chief Clerk of the Iowa House of Representatives, Secretary of the Iowa Senate, and Members of the Iowa General Assembly

From: Serge H. Garrison, Director and Gary L. Kaufman, Legal Counsel, Iowa Legislative Service Bureau

Date: April 22, 1981

As required by House File 707, approved May, 1980 by the Sixty-eighth General Assembly, the accompanying bill embodying a plan of legislative and congressional districting is delivered. At the direction of the Temporary Redistricting Advisory Commission, maps illustrating the plan, a summary of the standards for redistricting as required by House File 707, and a statement of the population of each district included in the plan are also being submitted. The summary of the standards for redistricting are provided in this document. The plan submitted and prepared is in strict adherence to the requirements of law.

The House resumed session at 11:01 a.m., Speaker Stromer in the chair.

The House stood at ease at 11:03 a.m., until the fall of the gavel.

The House resumed session at 11:42 a.m., Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 34
By Clark of Cerro Gordo, Mullins and Shimanek

Whereas, providing treatment for Iowans with mental health problems, with substance abuse difficulties, and who are mentally retarded is one of the continuing concerns of the Iowa legislature; and

Whereas, although it is preferable in all cases to have the individual voluntarily receive services, at times it is necessary to involuntarily commit the person to a hospital or other facility for the protection of the individual and of others; and

Whereas, the procedures for commitment and the provisions for protecting the rights of the individual during the process of commitment are different for each type of problem and are to be found scattered throughout the Code; and

Whereas, responsibility for the cost of services to the mentally ill, the mentally retarded and substance abusers depends largely upon the county of legal settlement of the individual receiving services; and

Whereas, the provisions relating to the determination of legal settlement vary from one type of disability to another; *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is requested to establish a study committee composed of members of the standing Committees on the Judiciary and Human Resources of the House and Senate for the purpose of reviewing the procedures for the commitment of the mentally ill, the mentally retarded, and substance abusers and for determining legal responsibility for the cost of services to these individuals and to make recommendations to the second regular session of the Sixty-ninth General Assembly.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 11:43 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

Hansen of O'Brien moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Hansen of O'Brien, Trucano of Polk and Howell of Floyd.

Hansen of O'Brien, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report of the committee was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary of the Senate to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

JOINT CONVENTION
PIONEER LAWMAKERS
(HOUSE CHAMBER — 1:30 p.m.)

In accordance with House Concurrent Resolution 16, duly adopted, the joint convention was called to order, President Branstad presiding.

President Branstad announced a quorum present and the joint convention duly organized.

Senator Hultman of Montgomery moved that a committee of four be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Senator Holden of Scott, Senator Miller of Des Moines, Representative Smith of Scott and Representative Cochran of Webster.

The committee escorted the Pioneer Lawmakers to the well of the House chamber.

President Branstad presented Senator Richard Ramsey, President pro tempore of the Senate, who welcomed the Pioneer Lawmakers on behalf of the Senate as follows:

I am delighted to greet all of you today — and am especially happy that this program is taking place after lunch. A story is told of the first gathering of lawmakers which included people from Iowa, although it took place while Iowa was still part of the Wisconsin territory.

The group gathered in Belmont, Wisconsin — a town which was ill prepared for such a large group. Provisions for lodging were inadequate, there was no stable, and even fewer restaurants than there were beds. Of course, the legislators grumbled a lot — and one is recorded as having declared: "Empty stomachs make clear heads, but not good laws! The Lord deliver us from a set of hungry legislators!"

As I look over the group assembled here today, I am sure most of you had full stomachs when you were serving in the General Assembly.

Today is a suitable day to welcome all of you here — for it is the day we have received the long awaited reapportionment plan from the Legislative Service Bureau. Reapportionment — you all know what that is — that's the plan which fairly divides the Senate and House districts according to population in as equal a manner as possible — so that each of us here can continue to serve our constituency! However, it does appear to some of us to make us a part of this body of Pioneer Lawmakers. You don't need to ask the individual legislator as to how he fared in the plan. Just look at their face and see whether they are smiling or not.

Those of you who served here during the sixties well know the problems and the turbulence caused by the reapportionment plans presented. We hope to avoid some of those difficulties this year.

Reapportionment has been a concern of Iowans from the very beginning of our statehood. Our first constitution in 1846 called for a House with no less than 26 members nor more than 39. Section 32 provided that no county was to be divided in forming a congressional, senatorial or representative district. How some of us would like to go back to this.

As far back as 1857, the constitution capped the Senate at 50 members and the House at 100.

The state legislature continued its interest in reapportionment as long as the population of Iowa grew. By 1888, the population seemed to have stabilized, so despite the constitution, the legislature failed to have a reapportionment plan. Constitutional amendments in 1904 and 1928 dealt with reapportionment — but complete reapportionment did not occur until after the 1960 census. The General Assemblies just chose to ignore the entire problem! The Sixty-ninth General Assembly is prepared to face up to its responsibility on this issue.

Many of you are familiar with "Palimpsest", the monthly magazine of the State Historical Society, which has stated that "the history of Iowa may be likened to a palimpsest which holds the record of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history."

You, our predecessors in the legislature, helped to decipher the records, to build on those records while writing your own. We are grateful that you were true to the past and to Iowa's heritage. I hope that we who serve today are continuing to build and to remain true to our heritage.

We welcome you today and wish you a happy reunion with old and new friends. Thank you.

President Branstad presented Representative Lester Menke, Speaker pro tempore of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House as follows:

We are gathered in this chamber today to honor you, the Pioneer Lawmakers, our predecessors in the Iowa Legislature. At least, that's the official reason. I can't help wondering if maybe we don't have, as legislators sometimes do, an ulterior motive. I wonder if we don't have you here to reassure ourselves....the present legislative body. To reassure ourselves that our problems are not new and insurmountable. You, too, have coped with unemployment and unfavorable market conditions. You, too, have been faced with public pleas for tax relief coupled with demands for continued government assistance that can only be financed with tax dollars.

To reassure ourselves that our efforts are not in vain. Like you, we seem to find ourselves addressing the same problems over and over again. And, as you did before us, we come to realize that situations change and there may not be a perfect, permanent solution. Sometimes we may take ourselves and some of the things we do too seriously as was pointed out to me by a very good friend.

To reassure ourselves that we are part of a continuum. Your presence helps us keep things in perspective — no matter what we do here, we are only one part of that continuum.

And, on the other hand, to reassure ourselves of the value and importance of our role in Iowa's government. We would do well to remember Winston Churchill who said, all great things are simple and most of them can be expressed in single words; freedom, justice, honor, duty, mercy and hope.

We in the Iowa Legislature — past, present and future — are brothers and sisters in those great things — we share a duty to preserve and protect the justice and freedom in which Iowans can pursue a good life. We also share the obligation to perform that duty as I know you did with honor, in a spirit of mercy and hope.

It's a tall order, but you reassure us that it can be filled.

The things I have left unsaid through the years have gotten me into the least trouble. For that reason, may I thank you, in behalf of the House of Representatives and I am certain the entire State of Iowa thanks you for your past service. We are indeed pleased to welcome each of you today.

President Branstad presented the Honorable John L. Mowry who responded to the welcome and addressed the joint convention as follows:

On behalf of the Pioneer Lawmakers, may I, in response, express our appreciation for the welcome which you have extended to us on behalf of both the Senate and House.

The last time I was on this podium, a Representative called up a bill to tax consumer trading stamps. I didn't know whether it was a point of personal privilege or

whether he was in earnest about the bill. He insisted he was in earnest as he was sick and tired of licking stamps. Before we got through, the only thing left to do was to recess the House.

Our presence today may serve to remind you that you have been preceded by others who have some understanding of the problems that face you now annually, for us biannually, and help you realize that things are not as bad as they seem. We did reapportionment biannually, not every ten years.

You know as do we, that in the ultimate performance of your duties, partisanship must be subordinated to that quality of legislative performance which will provide sound legislation for the problems of today together with an enduring foresightedness for the years that lie ahead.

You are indeed the stewards of the State of Iowa with the responsibility for good management and an obligation to make sure that the State is left in as good as condition as it was when you assumed your obligation.

As Pioneer Legislators, we do cherish this opportunity to renew old acquaintances and briefly recall the battles won and lost, our experiences, friendships and remembrances forever enduring.

Mr. Mowry recognized the Honorable Harold Fischer and requested he escort to the well of the House for recognition Mr. Otto Weber, former Director of the Iowa Legislative Bulletin Service and political reporter for WHO Radio and WHO-TV for many years, who by a unanimous resolution duly adopted, was awarded honorary membership in the Pioneer Lawmakers Association.

President Branstad then presented the Honorable Warren J. Rees, retired Justice of the Iowa Supreme Court, who addressed the joint convention as follows:

Mr. President, Mr. Speaker, Members of the Senate and Members of the House, former legislators, distinguished guests, ladies and gentlemen:

Late last fall your President of the Pioneer Lawmakers Association, John Mowry, called me and asked me to appear and say a few words at the Annual Meeting of the Pioneer Lawmakers Association. I declined, telling him that I was about to take the first wintertime vacation I had ever enjoyed; and then he told me that the meeting would not be held until some time in April. I then told him to call me early in April, thinking, of course, that some other speaker would be secured in the interim. But, when he did call me, I was still reluctant until he told me that my speech need not be long nor good. When we reached a meeting of the minds on these two conditions, I accepted the invitation to appear today, and I can assure you now that my speech will not be good, nor will it be long.

At the outset, I want to make reference to the program, and I know that my name appears as James Warren Rees. I have always gone by the name of Warren J. Rees, although I would have to admit if pressed that when I was christened I was named James Warren Rees. This led to considerable confusion in the family circle as both my grandfathers were named James. I had two cousins named James and an uncle named James. There was some thought about asking some of the members of the family, who bore that cognomen, to change, because when someone yelled "Jim," the grandfathers, the uncles, the cousins and all answered the call. In addition to this confusion, my grandfather had a Jersey bull named Jim and a bulldog named Jim. So the bull bellered and the dog barked at the same time.

When my maternal grandfather was approached about changing his name, he declined, as he had been blessed with the middle name Hazel. When you know that he was 6'4" and weighed 312 pounds and had been a blacksmith all his life, he rebelled, saying that the name Hazel was more fitting a character with more effeminate traits.

My paternal grandfather was a Democrat, so nobody thought to approach him. Neither of my cousins, nor my uncle, were receptive to the name change idea, and of course the change of name of the bull and bulldog was out of the question. Therefore, they started calling me by my middle name.

For a time, I used the first initial, J. Warren Rees. Then I thought that was somewhat of an affectation, so I dropped the initial back to the middle of the name, where I have carried it ever since. I don't know where John Mowrey got the information that my name was James Warren Rees, because the only place it appears that I know of is on the records of the Cradle Roll at the Methodist Church or Sunday School in Anamosa, a record made some seventy years ago. But I am sure that this research source was not explored by John.

A few evenings ago, when I began collecting my thoughts to prepare myself for a few remarks today, the thought occurred to me but for a stroke of fate I, myself, might be one of those honored as a pioneer lawmaker. In 1934, I was a candidate for election to the House of Representatives from my county. At that time, each county had a representative in the lower House of the Iowa Legislature. As Adlai Stevenson remarked after the 1952 election, "A funny thing happened to me on the way to the Statehouse. I was defeated in the election." I know of no provision for defeated candidates to qualify for membership in the Pioneer Lawmakers Association, but if I had been successful forty-six or seven years ago in securing election to the lower House of the Legislature, I would probably be in attendance here today for recognition with the other members of the Association.

I suppose my only other intimate connection with the Iowa General Assembly arises from the fact that as a member of the Iowa Supreme Court in the early 1970's I was designated to write the opinion on the Legislative Redistricting Plan growing out of the litigation instituted by Jean Lloyd-Jones, Louise Noun and others, the opinion under my name having been filed January 14, 1972, with supplemental opinions setting out the details of the plan being filed thereafter, so it might be said I stand somewhat in the relationship of "pater familias" to the legislature as now constituted, as all of the present Senators and Representatives have been elected from districts created by those opinions. I want to acknowledge that all of the members of the Court had a hand in fashioning the districts, and we had the advice, counsel and technical assistance of

Phil Burks, Serge Garrison, Mark Soldat, Don Hoskins and others, so it might be said the plan was "sired by the Legislative Service Bureau." It might also be said it was "Damned by the members of the legislature who were adversely affected by the plan."

Certainly the plan adopted in 1972 did not meet with universal acclaim. One legislator from eastern Iowa in commenting on the plan made reference to the Supreme Court as being composed of "Nine Jackasses." I hope the current efforts at redistricting can be successfully accomplished without rancor.

John Mowry suggested that I might try to interject a little humor into my remarks today. I am a little reluctant to try this too, because on a recent occasion, when I was the speaker at a convention of volunteer firefighters, I thought I would have a little sport with them. I remarked in passing that I was very grateful to the volunteer firefighters for the work they did, and I complimented the volunteer fire department in my home town on being one of the finest firefighting organizations in the state. I told the group there assembled that we had had a fire in our town a few weeks before that was in an old house that would probably have burned itself out in a couple of hours, and our department kept it going for three days. My remarks didn't generate much approval with the members of our local fire department; and for a time I was apprehensive that if my house caught fire, it might meet the same fate as did the one I told the group about that night.

As I have never had legislative experience, I think it would be presumptuous of me to stand here today and talk to you about the duties and functions of a legislative body. A good portion of my professional life has been devoted to the third branch of the government, namely the judicial branch. From that vantage point, I recognize that there has been some confusion of the functions of the legislative and judicial branches of the government, and that legislatures are being accused of engaging in judicial functions; and the courts, of course, are being constantly charged with usurping the function of the legislative bodies.

What I do want to do here today is to pay tribute to those legislators who are now serving in the House and Senate in this state, and those who have gone before who are honored today as members of the Pioneer Lawmakers Association. I realize that all of you now serving, and those who have served in the past, have come from homes, farms, shops, factories, stores, schools and offices throughout the length and breadth of this state, and have made the biennial trips and in more recent years the annual trips to Des Moines to perform the very necessary function of enacting measures for the government of the populace of this state. You people now serving, and those who have gone before, have performed selfless and dedicated service to the state of Iowa. As a citizen of Iowa, I want to congratulate each and every one of you for your dedication and selflessness in the work you have performed and are now performing.

I have, from time to time, been an observer in the halls of the Legislature and remember some of the fine people who have served here, men and women who have given of their time and talents to further the cause of good government by serving as members of these legislative bodies. The names of a few of these greats come to mind: Dewey Good, Bob Blue, Gus Keaster, Gus Alesch, George O'Malley, Elmer Johnson, Senator Ross Mowry, and many others whose voices still ring in these halls. I believe, if memory serves me, the first woman elected to serve in the Legislature was Senator Carolyn Pendray of Jackson County. While I was not intimately acquainted with Mrs. Pendray, I knew her and her husband and observed her in her work in the Legislature.

In recent years, of course, the distaff side has been better represented by such worthies as Mrs. Lipsky, Mrs. Doderer, Mrs. Lawrence of Ottumwa, Senators Gentleman and Yenger and Representatives Brandt, Carl, Carpenter, Clark, Egenes, Hoffmann, Lloyd-Jones, Lonergan, Mann, Mullins, Poffenberger, Smith, Trucano, Walter, and a young lady with whom I have had a close association for a time, Nancy Shimanek, who served as my law clerk immediately out of law school and with whom I had a very pleasant relationship. Those I have named are but a few of the fine men and women who have served in this chamber.

I suppose the honoring of the Pioneer Lawmakers here today is in keeping with the general trend of thought that all things old are entitled to a certain degree of reverence. I further suppose that my advanced age is one of the reasons John Mowry saw fit to invite me to appear here today.

Lines of a poem, the author's name having escaped me for the moment, occurred to me: "It is not growing like a tree in bulk, doth make man greater be, nor standing long an oak 300 year, to fall at last a log, dry, bald and sere. A lily of a day is fairer far in May, etc."

The poem goes on for some stanzas, but the thought expressed in the foregoing lines is one I wish to touch on for a moment.

I do not think it credible to pay tribute to the people who have served in this Legislature from many years past, only because their service was a long time ago. The honoring of these men and women today should be and is, in my judgment, on the basis of the fact that they served in a capacity of representation of their constituents in an honorable and conscientious fashion. The mere fact that they served many years ago, insofar as many of them are concerned, only entitles them to congratulations on the basis of their virility and strength, and the fact that they have managed to survive this long.

I believe I notice a marked difference as I look around the chamber here today and compare the age of the members of the House and Senate today with the average age of those who served, say, twenty-five or thirty-five or forty years ago, when I visited these halls as an observer. Truly, the emphasis is on youth, the problems which face a legislative body today can best be resolved by those with a youthful outlook and visions for the future, rather than reminiscences of the past.

A Chinese proverb, which I remember as an old copybook maxim, goes: "Your old men shall dream dreams, but your young men shall see visions." It is the fervent hope of every Iowan today that the members of the Legislature entertain visions of hope for the future of this state, and we are content to let the dreaming of dreams be left to those who qualify for membership in the Pioneer Lawmakers Association.

I approached the discharge of my office here today, that is as Speaker at this Joint Session of the Legislature honoring Pioneer Lawmakers, with some trepidation. I know that many of the members of these bodies are gifted orators. The more I pondered over what I might say to you here today, the more apprehensive I became. I was getting, as my daughter used to say when she was a small child, "nervouser and nervouser." I kept having to reassure myself that someone has to do this, and it probably is my turn. This didn't serve to reassure me too much, and I was reminded of the

story of the chap who was pushing a cart around the supermarket with his young child in it, and the kid was best described as a hellion. He was pulling the merchandise off the shelves, tugging at the coattails of all the shoppers he met in the aisles, screaming and yelling and wanting everything he saw. His father kept saying, "Now, Roger, control yourself. Roger, behave. Roger, don't lose your temper. Roger, keep your cool. Roger, don't blow your stack." A lady shopper came up to him and said, "Sir, I have been observing the way you have been handling your little boy here, and I want to compliment you. You haven't struck him, you haven't shaken him up. All you have been doing is saying to him in a calm tone of voice, 'Roger, behave yourself. Roger, control yourself. Roger, don't lose your temper.' I want to congratulate you." He said, "Look lady, I'm Roger."

One of my first associations with John Mowry was in Philadelphia in 1948. John was attending the Republican National Convention seeking to advance the aspirations of one Thomas E. Dewey. You may recall that name. He was elected President of the United States that year, and if you don't believe it, I can show you a copy of the Chicago Tribune dated early November, 1948, with a large masthead evidencing the fact that he had defeated Harry Truman for President.

I was a delegate to that convention, and John and others invited some of the Iowa group to attend a little soiree in an apartment in Philadelphia for the purpose of regaling us with the sterling qualities of Mr. Dewey. The mercury was bouncing around the hundred mark someplace; and when we got to the place where the cocktail party was being held and started up in the elevator, the power failed. We were stuck in the elevator for a considerable period of time. I lost my enthusiasm for the entire convention processes in that elevator, and I never attended a national convention since that one. I have, of course, had many pleasant associations with John in the years since, and I want to thank you, John, for the invitation to appear here today. This is a very pleasant affair, and I am pleased to be the spokesman for the people of Iowa in paying tribute to the members of the Legislature who have served this State so well in the past. Whether or not I performed this function within the reaches of your expectations, I will have to leave it up to you.

In any event, I am reminded of another tale about the chap who left the midwest and went to Manhattan to take up residence. He was working, I believe, for an advertising agency. After a few years, he became more of a New Yorker than the native New Yorkers were. He became very blase and sophisticated. A country cousin came to visit him from middle Iowa someplace, and the country cousin was all eyes and ears and was beholding the scenes and sights of Manhattan. One Sunday morning, the resident took his country cousin on a walking tour of mid-Manhattan. It happened the country cousin stammered. As they were walking along, the visitor kept saying, "B-b-b-boy, did you see th-th-that b-b-blond go by. Well, n-n-never mind, she's g-g-gone now." Then they went on for a little while, and he said, "B-b-boy, d-d-did you see th-th-that Cadillac go by? Well, n-n-never mind, it's g-g-gone now." Pretty soon, he said, "B-b-boy, did you see —" And the New Yorker, being pretty well fed up with what was going on, said, "Yes, I saw it." And the country cousin said, "Well, if you s-s-saw it, why in the h-h-hell did you s-step in it."

John, I don't know whether or not I have performed this function to your satisfaction, but at least I hope I haven't stepped in it.

Thank you very much.

Halvorson of Clayton moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

The House stood at ease at 2:10 p.m., until the fall of the gavel.

The House resumed session at 3:41 p.m., Speaker Stromer in the chair.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 5:46 p.m., Speaker Stromer in the chair.

HOUSE FILE 841 DEFERRED

Pope of Polk asked and received unanimous consent that House File 841 be deferred and that the bill retain its place on the calendar under unfinished business.

PRESENTATION OF VISITORS

Harbor of Mills presented to the House the Honorable John Camp, former member of the House representing Clinton County.

Schnekloth of Scott presented to the House, foreign students, Ruth Evans and Marisa New with their instructor Paul Beddows, all from Rowley Regis College, Birmingham, England. They are staying with Larry Minard, Davenport.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five senior students from Central Webster Schools, Burnside, accompanied by Jim Ainslie. By Halvorson of Webster.

Forty-three eighth grade students from Holy Trinity School, Des Moines, accompanied by Mrs. Pavlik-Heger and Mrs. Hunter. By Trucano and Smalley of Polk.

One hundred thirty eighth grade students from Winterset Middle School, Winterset, accompanied by Larry Merser, Bonnie Bass and Carolyn Fellows. By Davitt of Warren.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Brian Kent. By Jay of Appanoose.

Fifty-six sixth grade students from Milford Elementary School, Milford, accompanied by Eyleen Anderson and Judy Hagedorn. By Hansen of O'Brien and Holt of Clay.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

IOWA ENERGY POLICY COUNCIL

The seventh annual report of the Iowa Energy Policy Council has been received pursuant to Chapter 93.7 (4), Code of Iowa.

AMENDMENTS FILED

H–3747	S.F. 526	Spear of Lee
H–3748	S.F. 384	Anderson of Jasper
H–3749	H.F. 36	Conlon of Muscatine
Crabb of Crawford		Halvorson of Clayton
Corey of Louisa		Egenes of Story
Mann of Greene		Johnson of Linn
Smalley of Polk		
H–3750	S.F. 514	Johnson of Linn
H–3751	S.F. 146	Ritsema of Sioux
H–3752	H.F. 840	Norland of Worth
H–3753	S.F. 474	Ritsema of Sioux
H–3754	S.F. 474	Ritsema of Sioux
H–3755	S.F. 519	Chiodo of Polk
H–3756	S.F. 519	Chiodo of Polk
Woods of Polk		Hanson of Delaware
Swearingen of Keokuk		Menke of O'Brien
Smith of Scott		Hansen of O'Brien
Hoffmann of Muscatine		Johnson of Linn
Lageschulte of Bremer		Connors of Polk
Jochum of Dubuque		Welsh of Dubuque

H—3757	H.F. 841	Tyrrell of Iowa
H—3758	S.F. 526	Spear of Lee
H—3759	S.F. 539	Bennett of Ida
H—3760	S.F. 306	Clements of Scott
Hanson of Delaware		Branstad of Winnebago
Renken of Grundy		Johnson of Howard
Mann of Greene		Smalley of Polk
Tyrrell of Iowa		Dieleman of Marion
H—3761	S.F. 384	Arnould of Scott
H—3762	S.F. 384	Arnould of Scott
H—3763	H.F. 841	Norland of Worth
H—3764	S.F. 474	Hanson of Delaware
H—3765	S.F. 522	Ritsema of Sioux
H—3766	S.F. 514	Walter of Pottawattamie
		Harbor of Mills
H—3767	S.F. 485	Howell of Floyd
H—3768	S.F. 522	Norland of Worth
H—3769	S.F. 474	Jay of Appanoose
H—3770	S.F. 384	Halvorson of Webster
Halvorson of Clayton		Branstad of Winnebago
Maulsby of Calhoun		Groth of Buena Vista
Dieleman of Marion		Running of Linn
Pavich of Pottawattamie		Jay of Appanoose
Johnson of Linn		Smith of Scott
Tyrrell of Iowa		

On motion by Pope of Polk, the House adjourned at 5:47 p.m., until 9:00 a.m., Thursday, April 23, 1981.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day—Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 23, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Gary R. Annis, pastor of the First United Methodist Church, Woodbine.

Following the prayer, "Now Thank We All Our God" was sung by the Celebration Quartet.

The Journal of Wednesday, April 22, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Merlin Broers, Schleswig.

PETITION FILED

The following petition was received and placed on file:

By Lind of Black Hawk, from thirty-nine constituents opposing any change in the present bingo law.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, for a portion of the day, on request of Crabb of Crawford.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 164, a bill for an act to authorize the state department of transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 292, a bill for an act providing that domestic fire and casualty insurers may engage in certain options transactions.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 438, a bill for an act relating to laws which restrict the receipt of gifts by employees of the department of banking.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 465, a bill for an act relating to the preparation of the farm unit soil conservation folder and plan.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 547, a bill for an act relating to permissible loans and real property purchases by a life insurance company.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 724, a bill for an act to modify the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 727, a bill for an act to allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 729, a bill for an act to extend the temporary operating authority to forty-five days for commercial vehicles.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 730, a bill for an act exempting certain security information of adult correctional institutions from public disclosure.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 731, a bill for an act relating to criminal investigative data, criminal history data, intelligence data, and the confidentiality of peace officers' investigative reports.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 746, a bill for an act relating to the issuance by the commissioner of health of citations to health care facilities.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 765, a bill for an act relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 768, a bill for an act requiring the commissioner of insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 789, a bill for an act relating to unemployment compensation by mandating a rate table and modifying the qualifications for contribution rate.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 806, a bill for an act to delay implementation of administrative rules establishing minimum standards for county jails.

Also: That the Senate has on April 21, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 821, a bill for an act relating to substance abuse programs by making changes in facility licensing.

Also: That the Senate has on April 21, 1981 adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 8, directing the Governor to designate March 21 of each year as Bird Day.

Also: That the Senate has on April 21, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 114, a bill for an act relating to the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher.

LINDA HOWARTH MACKAY, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 29

Trucano of Polk called up for consideration House Concurrent Resolution 29, requesting the Governor to designate April 26, 1981 as a day of recognition for Veterans of the Vietnam Era, filed on April 7, 1981 and found on page 1099 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Trucano of Polk presented to the House the following Iowa Vietnam Veterans: John Francis, Bob Taft and Stan Roach. They were accompanied by Jackie Day.

The House rose and expressed its appreciation to the veterans.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 87)

Clements of Scott asked and received unanimous consent to withdraw the motion to reconsider Senate File 87, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty, filed by him on April 15, 1981, placing out of order the motion to reconsider amendment H—3628, to Senate File 87, filed by him on April 15, 1981.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 542, a bill for an act making a supplemental appropriation to the department of social services for the fiscal year ending June 30, 1981, for the aid to dependent children program, field operations, and operation of the adult correctional institutions, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 542)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 4:

Branstad	Clements	Mann	Tyrrell

Absent or not voting, 7:

Clark, J. H.	Halvorson, R. A.	Jochum	Johnson, W.
Pelton	Rapp	Smalley	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(Senate File 542)

Pope of Polk asked and received unanimous consent that Senate File 542 be immediately messaged to the Senate.

Regular Calendar

Senate File 409, a bill for an act relating to the qualifications of the superintendent of a state mental health institute, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H–3555 filed by him on April 8, 1981.

Spear of Lee offered the following amendment H–3662 filed by him:

H–3662

Amend Senate File 409 as passed by the Senate as follows:

1. Page 1, by striking lines 10 through 15 and inserting in lieu thereof the following: "as both superintendent and business manager. ~~When a~~ A hospital administrator ~~is~~ appointed superintendent ~~he~~ may also be designated to perform the duties of business manager~~,~~ without additional compensation ~~therefor, and a.~~ A physician ~~having the requisite qualifications for appointment as~~ appointed superintendent shall be designated clinical director and shall".

Spear of Lee offered the following amendment H–3666, to amendment H–3662, filed by him and moved its adoption:

H–3666

Amend H–3662 to Senate File 409 as passed by the Senate, as follows:

1. Page 1, line 6, by inserting after the word "administrator" the words "or other person qualified in business management".

Amendment H–3666 was adopted.

On motion by Spear of Lee, amendment H–3662, as amended, was adopted.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 409)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo

Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brandt	Clark, J. H.	Halvorson, R. A.	Harbor
Jochum	Johnson, W.	Pelton	Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 528, a bill for an act concerning certain criminal procedures relating to notice of seized property, nontestimonial identification, trial by jury, and deferred judgments, deferred sentences and suspended sentences, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3677 filed by the committee on judiciary and law enforcement and moved its adoption:

H–3677

Amend Senate File 528 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 10 the following:

"Sec. 2. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. AUTHORITY TO ISSUE ORDER. A nontestimonial identification order authorized by this chapter may be issued only by a district court or district associate court judge upon written application of a prosecuting attorney in the investigation of a felony offense.

Sec. 3. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. TIME OF APPLICATION. Applications for a nontestimonial identification order under this chapter may be made prior to the arrest of a suspect. The procedural provisions of this chapter shall not limit the conduct of lineups or other nontestimonial procedures after arrest.

Sec. 4. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTENTS OF APPLICATION. The application shall:

1. Describe the felony offense that is being investigated;

2. Name or describe with particularity the person to be detained for the desired nontestimonial identification procedure;

3. State the time when and place where the applicant requests that the nontestimonial identification procedure be conducted; and

4. Be supported by one or more affidavits setting forth the facts and circumstances showing that the basis for issuance of an order under this chapter exist. If an affidavit is based in whole or in part on hearsay, the affiant shall set forth particular facts bearing on the informant's reliability and shall disclose, as far as is practicable, the means by which the information was obtained.

Sec. 5. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. BASIS FOR ORDER. An order authorized by this chapter shall be issued only if the court finds that the application and the affidavit or affidavits in support of the application establish each of the following:

1. That there is probable cause to believe that a felony described in the application has been committed.

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2. That there are reasonable grounds to suspect that the person named or described in the application committed the felony and it is reasonable in view of the seriousness of the offense to subject that

person to the requested nontestimonial identification procedures.

3. That the results of the requested nontestimonial identification procedures will be of material aid in determining whether the person named or described in the application committed the felony.

4. That such evidence cannot practicably be obtained from other sources.

Sec. 6. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. ISSUANCE OF ORDER. Upon a showing that the required grounds exist, the court shall issue an order directing the person named or described in the application to appear at a designated time and place for nontestimonial identification procedures.

Sec. 7. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTENTS OF ORDER. The order shall be directed to the person named or described in the application and shall inform the person of all of the following:

1. That the presence of the person is required for the purpose of conducting or permitting nontestimonial identification procedures in order to aid in the investigation of the felony specified therein.

2. The time and place of the required appearance.

3. The nontestimonial identification procedures to be conducted, the methods to be used, and the approximate length of time the procedures will require.

4. The grounds to suspect that the person named in the affidavit committed the felony specified therein.

5. That the person will be under no legal obligation to submit to any interrogation or to make any statement during the period of the person's appearance except for that required for voice identification.

6. That the person may request the judge to make a reasonable modification of the order with respect to time and place of appearance, including a request to have any nontestimonial identification procedure other than a lineup conducted at the person's place of residence.

7. That if the person fails to appear, he or she may be held in contempt of court.

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8. That the right to counsel shall apply during nontestimonial identification procedures, including

the right of indigent persons to appointed counsel.

9. That the person may request that the court modify or vacate the order as provided in this chapter.

Sec. 8. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. MODIFICATION OF ORDER. At the request of the person named or described in the application, the issuing court may modify a nontestimonial identification order with respect to time, place or manner of conducting the identification procedures if it appears reasonable under the circumstances to do so.

Sec. 9. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. VACATION OF ORDER. On motion of the person named or described in the application, the issuing court shall vacate the nontestimonial identification order if the court finds that the order was improperly issued or that there are no longer sufficient grounds for issuance of the order.

Sec. 10. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. SERVICE OF ORDER. The order issued pursuant to this chapter shall be served by a law enforcement officer by delivery of a copy of the order to the person named or described in the order.

Sec. 11. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. TIME OF SERVICE.

1. The nontestimonial identification order shall be served upon the person named or described in the order within five days after its issuance, excluding Saturdays, Sundays, and legal holidays, between the hours of 8:00 a.m. and 12:00 midnight, and shall be so served not later than twelve hours prior to the time of the person's required participation.

2. If the issuing court finds reasonable cause to believe that the person named or described in the application may either flee or alter or destroy the nontestimonial evidence sought, the court may direct a law enforcement officer to bring the person before the court. Upon presentation of the person, the court shall read the nontestimonial identification order to the person and afford a reasonable opportunity for the person to consult with a lawyer and to seek modification or vacation of the order. The court may then direct the person to participate immediately in the designated nontestimonial identification

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procedures. After the procedures have been completed,

the person shall be released or charged with a felony.

Sec. 12. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. IMPLEMENTATION OF ORDER. Nontestimonial identification procedures may be conducted by any law enforcement officer or other person designated by the judge. The judge may require medical supervision for any test ordered pursuant to this chapter when the judge deems such supervision necessary. A person who appears under an order of appearance issued pursuant to this chapter shall not be detained longer than is reasonably necessary to conduct the specified nontestimonial identification procedures unless he or she is arrested for a felony.

Sec. 13. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. FAILURE TO COMPLY. Any person who, without adequate excuse, fails to comply with a nontestimonial identification order served upon the person pursuant to this chapter may be held in contempt of the court which issued the order.

Sec. 14. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. RETURN. Within ten days after the nontestimonial identification procedure, the order shall be returned to the issuing court. The court, the prosecuting attorney, and the person who was the subject of the order, shall be furnished with a written report of the results of any tests or comparisons utilizing the evidence obtained in the authorized procedures. This report shall be disclosed promptly after it becomes available unless the court directs that disclosure be delayed.

Sec. 15. Chapter 810, Code 1981, is amended by adding the following new section:

NEW SECTION. DISPOSITION OF EVIDENCE. If at the time of the return probable cause does not exist to believe that the person committed the felony specified in the application, the court shall order that the products of the nontestimonial identification procedures and all copies thereof, be promptly destroyed. Upon motion of the prosecuting attorney, the court may authorize further retention of the nontestimonial evidence so obtained for such time as reasonably necessary to facilitate a continuing investigation or prosecution."

2. Page 1, line 11, by striking the figure "2" and inserting in lieu thereof the figure "16".

3. Page 1, line 23, by striking the figure "3"

and inserting in lieu thereof the figure "17".

The committee amendment H—3677 was adopted.

Clements of Scott offered the following amendment H—3738 filed by him:

H—3738

Amend Senate File 528, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 28 the following:

"Sec. . Section 907.3, subsection 2, Code 1981, is amended to read as follows:

2. By record entry at the time of or after sentencing, the court may suspend the sentence and place the defendant on probation upon such terms and conditions as it may require including commitment to an alternate jail facility or a community correctional residential treatment facility for a specific number of days to be followed by a term of probation as specified in section 907.7. A person so committed who has probation revoked shall be given credit for such time served. This subsection shall not apply if the defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty."

2. By numbering as necessary.

Ritsema of Sioux rose on a point of order that amendment H—3738 was not germane.

The Speaker ruled the point well taken and amendment H—3738 not germane.

Clements of Scott moved that the rules be suspended to consider amendment H—3738.

Roll call was requested by Woods of Polk and Byerly of Polk.

On the question "Shall the rules be suspended to consider amendment H—3738?"

The ayes were, 43:

Anderson, R.	Avenson	Binneboese	Branstad
Byerly	Carl	Chiodo	Clements
Cochran	Connolly	Cook	Corey
Cusack	Davitt	Dieleman	Gettings

Groth	Halvorson, R. N.	Holt	Horn
Howell	Johnson, J.	Johnson, R.	Lonergan
Mann	Maulsby	Miller	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Renken	Running
Spear	Sturgeon	Sullivan	Swartz
Tyrrell	Welsh	Woods	

The nays were, 50:

Anderson, J.	Arnould	Bennett	Brandt
Bruner	Carpenter	Clark, B. J.	Clark, J. H.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Doderer	Egenes	Hall	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Hummel
Jay	Jochum	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	McKean	Menke
Mullins	Pellett	Petrick	Poffenberger
Pope	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Van Maanen	Walter
Welden	Mr. Speaker		

Absent or not voting, 7:

Gross	Halvorson, R. A.	Johnson, W.	Lind
Pelton	Smalley	Trucano	

The motion lost.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 528)

The ayes were, 89:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
De Groot	Dieleman	Diemer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.

Johnson, R.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 8:

Arnould	Brandt	Danker	Doderer
Mann	Maulsby	Smalley	Tyrrell

Absent or not voting, 3:

Davitt	Halvorson, R. A.	Johnson, W.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 480, a bill for an act relating to properties that are exempt from judicial process, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3577 filed by the committee on judiciary and law enforcement and moved its adoption:

H–3577

Amend Senate File 480 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 3, by striking the words "-- DIVORCED SPOUSE" and inserting in lieu thereof the words "--~~DIVORCED~~ ~~SPOUSE~~".

2. Page 2, line 4, by inserting after the word "bees," the words "poultry to the value of one hundred dollars,".

3. Page 2, line 11, by striking the word "one" and inserting in lieu thereof the word "two".

4. Page 3, line 10, by inserting after the period the words "This exemption is in addition to any motor vehicle held exempt under paragraph b."

5. Page 3, by inserting after line 16 the

following:

"Sec. . Section 627.18, Code 1981, is amended to read as follows:

627.18 PUBLIC PROPERTY. Public buildings owned by the state, or any county, city, school district, or other municipal corporation, or any other public property which is necessary and proper for carrying out the general purpose for which such corporation is organized, are exempt from execution. ~~The property of a private citizen can in no case be levied on to pay the debt of any such.~~"

6. Page 3, by striking line 17 and inserting in lieu thereof the following:

"Sec. . Sections 561.17, 627.1, 627.14, 627.15 and 627.16, Code 1981, are repealed."

7. By renumbering sections.

The committee amendment H—3577 was adopted.

Johnson of Howard offered the following amendment H—3584 filed by him and moved its adoption:

H—3584

Amend Senate File 480 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, lines 3 and 4, by striking the words "The homestead of every ~~family, whether owned by the husband or wife,~~ person" and inserting in lieu thereof the words "The portion of the homestead of every ~~family, whether owned by the husband or wife,~~ person that does not exceed thirty thousand dollars in value in the aggregate".

2. Page 1, lines 10 and 11, by striking the words "homestead to be exempt from judicial sale" and inserting in lieu thereof the words "exemption under this section".

A non-record roll call was requested.

The ayes were 38, nays 56.

Amendment H—3584 lost.

Conlon of Muscatine asked and received unanimous consent to temporarily defer on amendment H—3624.

Conlon of Muscatine offered the following amendment H—3625 filed by him and moved its adoption:

H–3625

Amend Senate File 480 as amended, passed, and reprinted by the Senate, as follows:

1. Page 2, line 1, by striking the word "or", and by inserting in lieu thereof the word "and".

Amendment H–3625 was adopted, placing out of order amendment H–3624 filed by Conlon of Muscatine on April 13, 1981.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 480)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Mann	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 7:

Holt	Johnson, W.	Lind	Maulsby
Miller	Van Maanen	Welden	

Absent or not voting, 2:

Halvorson, R. A.	Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker pro tempore Menke of O'Brien in the chair at 10:54 a.m.

Senate File 485, a bill for an act relating to hazardous waste management, including new prohibited acts and providing penalties for violations, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3672 filed by the committee on energy and moved its adoption:

H–3672

Amend Senate File 485, as passed by the Senate, as follows:

1. Page 2, by striking lines 18 through 21 and inserting in lieu thereof the following: "facility or site to conduct reasonable monitoring, testing, analysis, and reporting with respect to the facility or site to determine the nature and extent of the hazard."

2. Page 3, by striking lines 18 and 19 and inserting in lieu thereof the words "reasonable monitoring, testing, or analysis to determine the nature and extent of the".

3. Page 4, line 11, by striking the words "Destroys, alters or conceals" and inserting in lieu thereof the words "Destroy, alter or conceal".

4. Page 5, line 7, by inserting after the word "~~conclusive~~" the word "substantial".

The committee amendment H–3672 was adopted.

Howell of Floyd offered the following amendment H–3767 filed by him:

H–3767

Amend Senate File 485, as passed by the Senate, as follows:

1. Page 6, by inserting after line 1, the following section:

"Sec. . Section 455B.141, Code 1981, is amended to read as follows:

455B.141 ACQUISITION AND LEASE OF SITES. The

commission shall adopt rules establishing criteria for the identification of land areas or sites which are suitable for the operation of a treatment or disposal facility. Upon request, the department shall assist the executive council in locating suitable sites for the location of a treatment or disposal facility. The commission may recommend to the executive council the purchase or condemnation of land to be leased for the operation of a treatment or disposal facility. The executive council may purchase or may condemn the land subject to chapter 471. Consideration for a contract for purchase of land shall not be in excess of funds appropriated by the general assembly for that purpose. The executive council upon recommendation of the commission may lease land purchased under this section ~~to any person except the state or a state agency. This section does not authorize the state to own or operate a hazardous waste treatment or disposal facility and the state shall not own or operate such a facility~~. The terms of the lease shall establish responsibility for long-term monitoring and maintenance of the site. The lessee is subject to all applicable requirements of this part including permit and licensing requirements. The commission may require the lessee to post bond conditioned upon performance of conditions of the lease relating to long-term monitoring and maintenance. The leasehold interest including improvements made to the property shall be listed, assessed and valued as any other real property as provided by law."

Howell of Floyd offered the following amendment H–3774, to amendment H–3767, filed by him from the floor and moved its adoption:

H–3774

Amend amendment H–3767 to Senate File 485, as passed by the Senate, as follows:

1. Page 1, by striking lines 23 through 27 and inserting in lieu thereof the following: "section to any person except the state or a state agency. This section does not authorize the state to ~~own or~~ operate a hazardous waste treatment or disposal facility ~~and the state shall not own or operate such a facility~~. The terms of the lease shall establish".

Amendment H–3774 was adopted.

Ritsema of Sioux rose on a point of order that amendment H—3767 was not germane.

The Speaker ruled the point well taken and amendment H—3767 not germane.

Howell of Floyd moved that the rules be suspended to consider amendment H—3767, as amended.

A non-record roll call was requested.

The ayes were 36, nays 55.

The motion lost.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 485)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, 2:

Mann Van Maanen

Absent or not voting, 2:

Anderson, R. Halvorson, R. A.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Cook of Hardin offered the following amendment H—3549 filed by the committee on agriculture:

H—3549

Amend Senate File 289, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 9, by inserting after the word "therein." the following: "Nothing in this paragraph shall prohibit dogs in hot pursuit of game or furbearing animals from entering upon property that the hunter has not received approval to hunt."

Pelton of Clinton asked for unanimous consent to amend amendment H—3549 by inserting the word "wounded" before the word "game" on line 5.

Objection was raised.

Cook of Hardin moved the adoption of the committee amendment H—3549.

A non-record roll call was requested.

The ayes were 70, nays 20.

The committee amendment H—3549 was adopted.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—3616 filed by him on April 13, 1981.

Smalley of Polk offered amendment H—3617 filed by him and requested division as follows:

H—3617

Amend Senate File 289 as amended, passed and reprinted by the Senate, as follows:

H—3617A

1. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall restrict the activities of law enforcement officers or persons engaging in emergency or life-saving activities or the service of process."

H—3617B

2. Page 1, by inserting after line 9 the following:
"Express permission may be granted either orally or in writing for whatever time period and under any restrictions specified by the grantor."
3. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall prohibit the owner of domestic animals from entering upon the property of another to recover them."

H—3617C

4. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall prohibit a person from pursuing and taking game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another."

H—3617D

5. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall require permission for navigating upon any watercourse in the state of Iowa, regardless of the ownership of the watercourse bed, so long as the vessel is lawfully launched and removed."

H—3617E

6. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall apply to state-owned land not designated as a wildlife refuge or otherwise restricted by law or rule."

H–3617F

7. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall extend the liability for injuries sustained by persons entering upon property with the express permission of the person in lawful possession."

H–3617G

8. Page 1, by inserting after line 9 the following:
"Nothing in this paragraph shall apply to unposted land without a boundary fence in place."

Smalley of Polk offered the following amendment H–3779, to amendment H–3617A, filed by Smalley, Avenson and Jay from the floor:

H–3779

Amend amendment H–3617 to Senate File 289 as amended, passed and reprinted by the Senate as follows:
1. Page 1, by inserting after line 2, the following:
"1. Page 1, line 9, by inserting after the word "therein" the following: ", if property lines are clearly marked so as to demonstrate ownership different from that of adjacent property"."
2. By renumbering as necessary to conform to this amendment.

Cook of Hardin rose on a point of order that amendment H–3779 was not germane.

The Speaker ruled the point well taken and amendment H–3779 not germane.

Jay of Appanoose moved that the rules be suspended to consider amendment H–3779.

A non-record roll call was requested.

The ayes were 39, nays 48.

The motion lost.

Smalley of Polk asked and received unanimous consent to defer action on amendments H–3617A, H–3617B, H–3617C, H–3617D, H–3617E and H–3617F for the consideration of amendment H–3617G.

(Senate File 289 and amendment H–3617G pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:02 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy members present, thirty absent.

HOUSE RESOLUTION 15
By Clark of Lee and Doderer

Whereas, the Code of Iowa contains inconsistent and differing procedures for publication and contract lettings; and

Whereas, the Code of Iowa contains varying threshold levels at which public notice of lettings must be given and contains diverse and vague direction on how contracts are awarded; and

Whereas, an attorney general's opinion has raised doubts about the intent of contract letting provisions of the Code; and

Whereas, the state, its subdivisions and agencies would be better served by greater uniformity in construction contract letting and awarding procedures; *Now Therefore*,

Be It Resolved by the House of Representatives, That the Legislative Service Bureau is directed to prepare a comprehensive compilation of Code provisions relating to hearings, bid requirements, contract awarding procedures, and related statutes regarding construction contracts for the state, its subdivisions and agencies for use and study by the study committee created in this resolution; and

Be It Further Resolved, That the Legislative Council is urged to create a study committee composed of members of both houses of the General Assembly representing both political parties for the purpose of studying contract letting and bid procedures as they relate to public contracts and the study committee shall make periodic reports to the Legislative Council and a final report to the Council and the members of the General Assembly meeting in the

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year 1982, accompanied by bill drafts designed to carry out its recommendations.

Laid over under Rule 30.

HOUSE RESOLUTION 16
By Anderson of Audubon, Corey, Jay, Connors, Conlon, Renken, Cook, Smith, Byerly, Chiodo and Gettings

Whereas, allegations were made that inefficiencies and irregularities are existent in the Iowa Beer and Liquor Control Department; and

Whereas, it has been decided that at present the evidence does not warrant any investigation into the allegations; *Now Therefore*,

Be It Resolved by the House of Representatives, That the public be invited to submit to the Appropriations Joint Subcommittee on Regulatory and Finance written complaints concerning their dealings with the Iowa Beer and Liquor Control Department or any of its stores.

Laid over under Rule 30.

SENATE FILE 289 DEFERRED TEMPORARILY

Pope of Polk asked and received unanimous consent that Senate File 289 be deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE
(House Concurrent Resolution 29)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 29 be immediately messaged to the Senate.

BUSINESS PENDING

The House resumed consideration of **Senate File 289**, a bill for an act relating to trespass on private property and imposing a penalty, and amendment H–3617G filed by Smalley of Polk and found on page 1348 of the House Journal.

Smalley of Polk moved the adoption of amendment H–3617G.

Roll call was requested by Bennett of Ida and Smalley of Polk.

On the question "Shall amendment H—3617G be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Conlon	Connors	Crawford	Cusack
Diemer	Doderer	Groth	Hall
Hansen, I.	Harbor	Horn	Howell
Johnson, R.	Krewson	Lloyd-Jones	Lonergan
McKean	O'Kane	Pavich	Poncy
Rapp	Renaud	Running	Shimanek
Smalley	Spear	Sturgeon	Sullivan
Tofte	Trucano	Tyrrell	Welden
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Cochran	Connolly
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Gettings
Gross	Halvorson, R. N.	Hanson, D.	Hoffmann
Holt	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Mann
Maulsby	Menke	Miller	Mullins
Norland	Oxley	Pellett	Petrick
Poffenberger	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smith	Stueland
Swartz	Swearingen	Van Maanen	Walter
Welsh	Mr. Speaker		

Absent or not voting, 9:

Chiodo	Clark, J. H.	Crabb	Egenes
Halvorson, R. A.	Hummel	Jay	Pelton
Pope			

Amendment H—3617G lost.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—3617A.

Further division of amendment H—3617B was requested, lines 8 through 11 to be amendment H—3617B; lines 12 through 15 to be amendment H—3617H.

Smalley of Polk moved the adoption of amendment H–3617B.

A non-record roll call was requested.

The ayes were 59, nays 29.

Amendment H–3617B was adopted.

Smalley of Polk asked and received unanimous consent to withdraw amendment H–3617H.

Smalley of Polk moved the adoption of amendment H–3617C.

A non-record roll call was requested.

The ayes were 66, nays 16.

Amendment H–3617C was adopted.

Smalley of Polk moved the adoption of amendment H–3617D.

Amendment H–3617D was adopted.

Smalley of Polk asked and received unanimous consent to withdraw amendment H–3617E.

Smalley of Polk moved the adoption of amendment H–3617F.

Amendment H–3617F was adopted.

Cook of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 289)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook

Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Anderson, R.	Halvorson, R. A.	Howell	Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk, for a portion of the day, on request of Johnson of Howard.

Senate Joint Resolution 10, a joint resolution proposing a compact between the states of Iowa, Kansas, Missouri and Nebraska regarding the Missouri River, with report of committee recommending passage was taken up for consideration.

Lind of Black Hawk asked for unanimous consent to suspend House Rule 36.8 for the consideration of amendment H—3781 filed by him from the floor.

Objection was raised.

Crabb of Crawford moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 10)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connors	Cook	Corey
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Woods	Mr. Speaker	

The nays were, 4:

Connolly	Lind	Welden	Welsh

Absent or not voting, 5:

Anderson, R.	Crabb	Halvorson, R. A.	Smalley
Swartz			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Senate File 225, a bill for an act relating to retainage withheld from payment to contractors under contracts for public improvements, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3444 filed by the committee on state government and moved its adoption:

H–3444

Amend Senate File 225 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 19, by inserting after the word "improvement." the words "The provisions of this section and section 384.58 shall not apply if the city has entered into a contract with the federal government or accepted a federal grant which is governed by federal laws or rules that are contrary to this section and section 384.58."

2. Page 1, line 34, by inserting after the word "party." the words "Interest shall not accrue on funds retained by a city to satisfy the provisions of section 573.14 regarding claims on file."

3. Page 2, by striking lines 9 through 12 and inserting in lieu thereof the figure "573.16."

4. Page 3, by striking lines 18 through 22 and inserting in lieu thereof the following: "Interest shall not accrue on funds retained by the public corporation to satisfy the provisions of this section regarding claims on file. The provisions of this chapter shall not apply if the public corporation has entered into a contract with the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of this chapter."

The committee amendment H–3444 was adopted.

O'Kane of Woodbury offered the following amendment H–3686 filed by him and moved its adoption:

H–3686

Amend Senate File 225, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 4, by striking the words "not to exceed" and inserting in lieu thereof the words "~~not to exceed~~ at least".

2. Page 2, line 28, by inserting after the word "payment" the words "at least".

A non-record roll call was requested.

The ayes were 36, nays 52.

Amendment H–3686 lost.

The following amendments were withdrawn by unanimous consent:

Amendments H—3684, H—3685, H—3687 and H—3689 filed by O'Kane of Woodbury on April 16, 1981 and amendment H—3714 filed by Van Maanen of Mahaska on April 16, 1981.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 225)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 13:

Branstad	Gettings	Groth	Hall
Norland	O'Kane	Oxley	Poffenberger
Renaud	Running	Sturgeon	Sullivan
Swartz			

Absent or not voting, 5:

Avenson	Byerly	Cochran	Halvorson, R. A.
Smalley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 514, a bill for an act relating to the operation of a motor vehicle, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Poffenberger of Dallas offered amendment H–3639 filed by the committee on judiciary and law enforcement. Division was requested as follows:

H–3639

Amend Senate File 514 as amended, passed and reprinted by the Senate, as follows:

H–3639A

1. Page 2, line 30, by striking the word "thirteen" and inserting in lieu thereof the word "fifteen".
2. Page 3, line 7, by striking the word "thirteen" and inserting in lieu thereof the word "fifteen".

H–3639B

3. Page 3, line 27, by striking the word "thirteen" and inserting in lieu thereof the word "fifteen".

Dieleman of Marion asked and received unanimous consent to withdraw amendment H–3716, to the committee amendment H–3639, filed by him on April 16, 1981.

Poffenberger of Dallas moved the adoption of the committee amendment H–3639A.

Roll call was requested by Dieleman of Marion and Branstad of Winnebago.

On the question "Shall the committee amendment H–3639A be adopted?"

The ayes were, 27:

Avenson	Brandt	Byerly	Chiodo
Connolly	Crawford	Horn	Hummel
Jay	Jochum	Johnson, R.	Krewson
Lloyd-Jones	Miller	Mullins	O'Kane
Pavich	Poffenberger	Rapp	Renaud
Ritsema	Running	Schroeder	Shimanek
Walter	Welsh	Woods	

The nays were, 72:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Branstad	Bruner	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connors	Cook
Corey	Crabb	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Howell	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Menke
Norland	Oxley	Pellett	Pelton
Petrick	Poncy	Pope	Renken
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 1:

Harbor

The committee amendment H—3639A lost.

Poffenberger of Dallas asked and received unanimous consent to withdraw the committee amendment H—3639B.

Spear of Lee offered the following amendment H—3711 filed by him and moved its adoption:

H—3711

Amend Senate File 514 as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by striking lines 7 through 9 and inserting in lieu thereof the following: "possible ~~but~~ and if able, shall then ~~forthwith~~ return to and ~~in every event shall~~ remain at the scene of the accident ~~until he has fulfilled the requirements of~~ in accordance with section 321.263. Every".

Amendment H—3711 was adopted.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—3702 filed by him on April 16, 1981.

Johnson of Linn offered the following amendment H—3750 filed by him:

H—3750

Amend Senate File 514 as amended, passed and reprinted by the Senate, as follows:

1. Page 3, line 13, by striking the word "shall" and inserting in lieu thereof the word "may".

Johnson of Linn offered the following amendment H—3788, to amendment H—3750, filed by him from the floor:

H—3788

Amend amendment H—3750 to Senate File 514, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 and 4 and inserting in lieu thereof the following:

"1. Page 3, line 13, by inserting after the word "shall" the following: ", if the defendant has had a previous suspension under section 321.209, 321.210, or 321.555,"."

Poffenberger of Dallas rose on a point of order that amendment H—3788 was not germane.

The Speaker ruled the point not well taken and amendment H—3788 germane.

Johnson of Linn moved the adoption of amendment H—3788 to amendment H—3750.

A non-record roll call was requested.

The ayes were 47, nays 43.

Amendment H—3788 was adopted.

Pope of Polk asked and received unanimous consent that Senate File 514 be deferred and that the bill retain its place on the calendar. (Amendment H—3750, as amended, pending.)

MOTION TO RECONSIDER
(Senate File 289)

I move to reconsider the vote by which Senate File 289 passed the House on April 23, 1981.

COOK of Hardin

COMMUNICATIONS FROM SECRETARY OF STATE

April 21, 1981

Pat H. Harper
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that Senate File 262 was published in The Fairfield Ledger, Inc., Fairfield, Iowa on April 10, 1981 and in the Oskaloosa Daily Herald, Oskaloosa, Iowa on April 10, 1981.

Also, on April 23, 1981:

I hereby certify that Senate File 305 was published in The Red Oak Express, Red Oak, Iowa on April 20, 1981 and in The Cedar Rapids Gazette, Cedar Rapids, Iowa on March 30, 1981.

Respectfully submitted,

MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-eight sixth grade students from Gladbrook Elementary School, Gladbrook, accompanied by Barb Schwarck. By Cook of Hardin.

Twenty senior students from Thompson Junior-Senior High School, Thompson, accompanied by Michael H. Hall. By Branstad of Winnebago.

Forty-five eighth grade students from West Harrison Jr. High School, Pisgah and Modale, accompanied by Darlene Hime, Larry White, Ronald Ullrich and LeRoy Clark. By Crabb of Crawford.

Seventy-five sixth grade students from Garner-Hayfield Junior High School, Garner, accompanied by Mr. Nielsen, Mrs. Stille and Mrs. Miller. By Stromer of Hancock.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 21, 1981. Had I been present, I would have voted "nay" on Senate File 355 and "aye" on Senate Files 420, 507, 517 and 520.

GETTINGS of Wapello

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

STATE OF MONTANA

House Joint Resolution No. 15, calling for the congress of the United States to propose and submit to the states an amendment to the United States Constitution that would protect unborn children.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 466, a bill for an act relating to the processing exemption in the state sales, services, and use tax by including the definition of services used in processing of tangible personal property, the reconditioning or repairing of tangible property of the type normally sold in the regular course of the retailer's business and which is held for sale upon which the sales, services, or use tax will be paid when the property is sold.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3777.**

Senate File 506, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter 419 for the purpose of including facilities to be used for the sanitary disposal for recycling of solid waste or for the purpose of a telephone company or to be used as part of any commercial amusement or theme park or to be used for an office building, including appropriate ancillary facilities, exclusively by professional health care providers and providing for its effect upon publication.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3778.**

Committee Bill (Formerly Study Bill 316), to place a limitation on the amount of money which may be credited to the reassessment expense fund from the general fund of the state.

Fiscal Note is required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3771	S.F. 384	Schroeder of Pottawattamie
H–3772	S.F. 532	Anderson of Audubon
H–3773	S.F. 519	Arnould of Scott
H–3775	S.F. 532	Miller of Buchanan
H–3776	S.F. 399	Smalley of Polk Jay of Appanoose Cook of Hardin Tofte of Winneshiek Tyrrell of Iowa Sullivan of Van Buren Connolly of Dubuque
H–3777	S.F. 466	Committee on Ways and Means
H–3778	S.F. 506	Committee on Ways and Means
H–3782	S.F. 514	Harbor of Mills Walter of Pottawattamie
H–3783	S.F. 48	Woods of Polk
H–3784	S.F. 500	Danker of Pottawattamie
H–3785	S.F. 524	Hoffmann of Muscatine
H–3786	S.F. 492	Schnekloth of Scott Harbor of Mills
H–3787	H.F. 841	Anderson of Audubon
H–3789	S.F. 146	Schroeder of Pottawattamie
H–3790	S.F. 492	Spear of Lee
H–3791	S.F. 438	Crawford of Story
H–3792	S.F. 514	Lind of Black Hawk
H–3793	S.F. 384	Crawford of Story Swearingen of Keokuk Hanson of Delaware

		Anderson of Jasper
		Halvorson of Webster
		Diemer of Black Hawk
		Carpenter of Polk
H—3794	S.F. 384	Renken of Grundy
		Hanson of Delaware
H—3795	S.F. 384	Schroeder of Pottawattamie
H—3796	S.F. 526	Spear of Lee
H—3797	S.F. 425	Hanson of Delaware
		Clark of Cerro Gordo
		Trucano of Polk
H—3798	S.F. 425	Trucano of Polk
H—3799	S.F. 519	Woods of Polk
H—3800	S.F. 474	Poffenberger of Dallas
H—3801	S.F. 300	Shull of Warren
		Chiodo of Polk
		Schroeder of Pottawattamie
H—3802	S.F. 514	Gross of Ringgold

On motion by Pope of Polk, the House adjourned at 5:04 p.m., until 9:00 a.m., Friday, April 24, 1981.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day—Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 24, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Dr. John B. Holcombe, pastor of the Altoona Christian Church, Altoona.

The Journal of Thursday, April 23, 1981 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Cochran of Webster, from twenty-two constituents opposing House File 104, relating to the investment of money from the IPERS trust fund in real estate mortgages and from sixty-one educators opposing President Reagan's plans to shed some of the federal authority over national parks and turn it over to private enterprise.

By Renaud of Polk, from twenty-four constituents opposing House File 104, relating to the investment of funds in the Iowa Public Employees' Retirement System.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 413, a bill for an act relating to the fee collected for copies of records by the department of health.

Also: That the Senate has on April 22, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 728, a bill for an act relating to the movement of mobile homes and factory-built structures with a width not exceeding sixteen feet under permit.

Also: That the Senate has on April 22, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 743, a bill for an act to amend the definitions contained in and to revise the disclosure requirements prescribed by the campaign disclosure-income tax checkoff Act.

Also: That the Senate has on April 22, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 756, a bill for an act relating to nonresident exemptions from the state motor vehicle licensing requirements.

Also: That the Senate has on April 22, 1981, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 13, proposing an amendment to the Constitution of the State of Iowa relating to the distribution of money subject to the support and maintenance of common schools.

Also: That the Senate has on April 22, 1981, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 116, a bill for an act relating to the state fair board convention.

Also: That the Senate has on April 22, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 130, a bill for an act to implement home rule for counties by supplementing and recodifying statutes relating to the organization and functions of county government.

Also: That the Senate has on April 22, 1981, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 235, a bill for an act to prohibit the possession and operation of a radar jamming device and providing a penalty.

LINDA HOWARTH MACKAY, Secretary

ADOPTION OF HOUSE RESOLUTION 13

Pope of Polk asked and received unanimous consent for the immediate consideration of House Resolution 13, relating to the observance of a week of remembrance for victims and survivors of the Nazi Holocaust; April 26-May 2, 1981, filed on April 10, 1981 and found on page 1173 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Appropriations Calendar

Senate File 170, a bill for an act relating to the payment of salary and expenses of members of the state functional classification review board, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3358 filed by the committee on appropriations and moved its adoption:

H–3358

Amend Senate File 170 as amended, passed and reprinted by the Senate as follows:
1. By striking page 1, line 32, through page 2, line 6.

The committee amendment H–3358 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 170)

The ayes were, 76:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Bruner	Carl	Carpenter
Clark, B. J.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crawford
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema

Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Van Maanen	Woods	Mr. Speaker

The nays were, 10:

Arnould	Branstad	Clements	Crabb
Danker	Gettings	Jay	O'Kane
Tyrrell	Walter		

Absent or not voting, 14:

Brandt	Byerly	Chiodo	Clark, J. H.
Cusack	Egenes	Hummel	Jochum
Krewson	Pelton	Smalley	Swartz
Welden	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 220, a bill for an act prohibiting the revoking of an anatomical gift by a person other than the donor, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 220)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Davitt	De Groot	Dieleman	Diemer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Horn	Howell
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger

Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, 5:

Hummel	Mann	Maulsby	Miller
Tyrrell			

Absent or not voting, 11:

Chiodo	Clark, J. H.	Danker	Doderer
Egenes	Harbor	Jochum	Pelton
Smalley	Swartz	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 461 WITHDRAWN

Clark of Cerro Gordo asked and received unanimous consent to withdraw House File 461 from further consideration by the House.

Senate File 358, a bill for an act relating to exemptions from the Iowa uniform securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations, with report of committee recommending passage was taken up for consideration.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 358)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman

Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 2:

Jay	O'Kane

Absent or not voting, 8:

Chiodo	Clark, J. H.	Jochum	Lind
Pelton	Smalley	Swartz	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 533, a bill for an act relating to administrative positions within the department of social services, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 533)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer

Doderer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renken
Ritsema	Running	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 5:

Groth	Jay	O'Kane	Renaud
Sullivan			

Absent or not voting, 9:

Avenson	Chiodo	Clark, J. H.	Jochum
Pelton	Schnekloth	Smalley	Swartz
Welsh			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 545, a bill for an act to legalize the proceedings of the board of directors of the Fort Dodge community school district relating to a contract for repairs to real property, with report of committee recommending passage was taken up for consideration.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 545)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford

Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Mullins	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Running
Schnekloth	Schroeder	Shimanek	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 9:

Clements	Cusack	Groth	Hanson, D.
Jay	Mann	Maulsby	O'Kane
Ritsema			

Absent or not voting, 9:

Chiodo	Clark, B. J.	Clark, J. H.	Jochum
Norland	Pelton	Smalley	Swartz
Welsh			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 489, a bill for an act legalizing certain city waterworks, with report of committee recommending passage was taken up for consideration.

Egenes of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 489)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clements	Cochran	Conlon

Connolly	Connors	Cook	Corey
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, 3:

Cusack	O'Kane	Ritsema

Absent or not voting, 8:

Chiodo	Clark, J. H.	Crabb	Howell
Jochum	Pelton	Swartz	Welsh

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 299, a bill for an act relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations, with report of committee recommending passage was taken up for consideration.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 299)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter

Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Clark, J. H.	Jochum	Kirkenslager
Pelton	Swartz	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 526, a bill for an act relating to the registration and operation of snowmobiles, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winneshiek offered the following amendment H–3701 filed by the committee on natural resources and moved its adoption:

H–3701

Amend Senate File 526 as follows:

1. Page 4, by inserting after line 28, the following:

"Sec. . Section 321G.9, subsection 6, unnumbered paragraph 2, Code 1981, is amended by striking the unnumbered paragraph."

The committee amendment H—3701 was adopted.

Spear of Lee offered the following amendment H—3747 filed by him and moved its adoption:

H—3747

Amend Senate File 526, as passed by the Senate as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following: "inspect a snowmobile operated, parked, or stored on a public street, highway, public land, or on frozen waters of the state".

Amendment H—3747 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3758 filed by him on April 22, 1981, placing out of order amendment H—3796, to amendment H—3758, filed by him on April 23, 1981.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 526)

The ayes were, 93:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carpenter	Chiodo	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Corey	Crabb	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope

Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Carl	Cook

Absent or not voting, 5:

Anderson, J.	Clark, J. H.	Crawford	Jochum
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 425, a bill for an act relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements, with report of committee recommending amendment and passage was taken up for consideration.

Trucano of Polk offered the following amendment H—3681 filed by the committee on state government and moved its adoption:

H—3681

Amend Senate File 425 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking lines 1 through 4.

The committee amendment H—3681 was adopted.

Hanson of Delaware offered the following amendment H—3797 filed by Hanson, et al., and moved its adoption:

H—3797

Amend Senate File 425 as follows:

1. Page 1, line 17, by inserting after the word "members" the following: "who are present and eligible to vote".

Amendment H–3797 was adopted.

Trucano of Polk offered the following amendment H–3798 filed by her and moved its adoption:

H–3798

Amend Senate File 425 as amended, passed and reprinted by the Senate as follows:

1. Page 3, line 23, by striking the numeral "15" and inserting in lieu thereof the numeral "14".

Amendment H–3798 was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 425)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark, J. H. Holt Jochum Krewson
Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, for the remainder of the day, on request of Crabb of Crawford; Swartz of Marshall, for a portion of the morning, on request of Avenson of Fayette.

UNANIMOUS CONSENT TO VOTE

Doderer of Johnson asked and received unanimous consent to change her vote from "nay" to "aye" on Senate File 299, and the vote was so recorded.

Senate File 524, a bill for an act establishing a transportation regulation authority to replace the three-member transportation regulation board with a January 1, 1982 effective date, with report of committee recommending passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3785 filed by her and moved its adoption:

H–3785

Amend Senate File 524, as passed by the Senate, as follows:

1. Page 1, by inserting before line 1 the following new section:

"Section 1. Section 13.7, Code 1981, is amended to read as follows:

13.7 SPECIAL COUNSEL. No compensation shall be allowed to any person for services as an attorney or counselor to any executive department of the state government, or the head thereof, or to any state board or commission, but the executive council may employ

legal assistance, at a reasonable compensation, in any pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform said service, which reasons and action of the council shall be entered upon its records. When the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation. This section shall not affect the office of the commerce counsel, the transportation regulation ~~board~~ authority counsel, or the legal counsel of the Iowa department of job service."

2. Page 7, line 27, by striking the figure "13.7,".

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Amendment H—3785 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 524)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager

Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Clark, J. H.	Crabb	Halvorson, R. A.	Harbor
Jochum	Lind	Norland	Shimanek
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 158, a bill for an act relating to the disposition of unused highway right of way, with report of committee recommending passage was taken up for consideration.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 158)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte

Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark, J. H.	Halvorson, R. A.	Jochum	Shimanek
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 325, a bill for an act relating to licensure of speech pathologists and audiologists, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 325)

The ayes were, 76:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Byerly
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Connolly	Connors	Cook
Corey	Crabb	Crawford	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Maulsby
Menke	Mullins	Norland	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud

Renken	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sullivan	Swearingen	Tofte	Trucano
Welden	Welsh	Woods	Mr. Speaker

The nays were, 22:

Avenson	Binneboese	Carl	Clements
Conlon	Cusack	Daggett	Danker
Gettings	Johnson, R.	Mann	McKean
Miller	O'Kane	Pelton	Ritsema
Running	Smalley	Sturgeon	Tyrrell
Van Maanen	Walter		

Absent or not voting, 2:

Halvorson, R. A.	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 455 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 455 be deferred and that the bill retain its place on the calendar.

Senate File 278, a bill for an act relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities, with report of committee recommending passage was taken up for consideration.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 278)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer

Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Halvorson, R. A.	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 230, a bill for an act relating to the person to whom notice of garnishment is served in a school district, with report of committee recommending passage was taken up for consideration.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 230)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann

Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Carl	Gross	Halvorson, R. A.	Jay
Pelton	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 244, a bill for an act relating to mortgage loan disclosure, reporting, and record-keeping, with report of committee recommending passage was taken up for consideration.

Shull of Warren offered the following amendment H–3736 filed by him and Chiodo of Polk and moved its adoption:

H–3736

Amend Senate File 244, as passed by the Senate, as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter 524, division VIII, Code 1981, is amended by adding the following new section:

NEW SECTION. A state bank may act as an escrow agent with respect to real property, and may receive funds and make disbursements from escrowed funds in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with respect to these funds. A bank which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with re-

spect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year. The summary shall be delivered or mailed not later than thirty days following the year to which disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year.

Sec. 2. Chapter 533, Code 1981, is amended by adding the following new section:

Page 2

NEW SECTION. A credit union may act as an escrow agent with respect to real property that is mortgaged to the credit union, and may receive funds and make disbursements from escrowed funds in that capacity. The credit union shall be deemed to be acting in a fiduciary capacity with respect to these funds. A credit union which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other

than the calendar year.

The summary shall be delivered or mailed not later than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year.

Sec. 3. Chapter 534, Code 1981, is amended by adding the following new section:

NEW SECTION. A savings and loan association may act as an escrow agent with respect to real property that is mortgaged to the association, and may receive funds and make disbursements from escrowed funds in that capacity. The association shall be deemed to

be acting in a fiduciary capacity with respect to these funds. A savings and loan association which maintains such an escrow account, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year.

The summary shall be delivered or mailed not later

than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year."

2. Page 1, by inserting after line 25 the following:

"Sec. . Sections 1 through 3 of this Act apply to mortgage loan accounts that are in existence as of the effective date of this Act and those that are established after the effective date of this Act. The disclosures required by sections 1 through 3 of this Act apply only with respect to calendar or fiscal years commencing on or after the effective date of this Act."

3. By renumbering sections of the bill.

A non-record roll call was requested.

The ayes were 77, nays 16.

Amendment H—3736 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 244)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brandt	Cochran	Halvorson, R. A.	Johnson, R.
Lind	Mullins	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 283, a bill for an act relating to mileage expense for witnesses and jurors, with report of committee recommending passage was taken up for consideration.

Shimanek of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 283)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Clark, B. J.	Halvorson, R. A.	Howell	Jay
Lind	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 529, a bill for an act relating to material donated to a public library, museum or archive, with report of committee recommending passage was taken up for consideration.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 529)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Connors	Cook	Halvorson, R. A.
Howell	Lind	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 492, a bill for an act relating to the operation of urban transit systems, with report of committee recommending amendment and passage was taken up for consideration.

Kirkenslager of Des Moines offered the following amendment H—3674 filed by the committee on transportation and moved its adoption:

H–3674

Amend Senate File 492, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 9, by striking the words "two hours" and inserting in lieu thereof the words "one hour".

A non-record roll call was requested.

The ayes were 67, nays 5.

The committee amendment H–3674 was adopted, placing out of order amendment H–3602 filed by Kirkenslager, et al., on April 10, 1981.

Spear of Lee offered the following amendment H–3790 filed by him and moved its adoption:

H–3790

Amend Senate File 492, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 9 the following section:

"Sec. . Section 321.372, subsection 1, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The driver of ~~any~~ a school bus used to transport children to and from a public or private school shall, when stopping to receive or discharge pupils, turn on flashing warning lamps at a distance of not less than three hundred feet nor more than five hundred feet from the point where the pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing warning lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm and proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to ~~load or unload~~ receive or discharge pupils unless there is at least three hundred feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warn-

ing lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross the street or highway."

2. Page 1, by striking lines 23 through 29.

3. By numbering and renumbering sections and correcting internal references as are necessary.

Amendment H—3790 was adopted.

Schnekloth of Scott offered the following amendment H—3786 filed by him and moved its adoption:

H—3786

Amend Senate File 492, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 14, by striking the words "or other carrier".

2. Page 1, lines 16 and 17, by striking the words "or other carrier".

3. Page 1, line 19, by striking the words "or other carrier".

Amendment H—3786 was adopted.

Miller of Buchanan offered the following amendment H—3695 filed by Miller, et al., and moved its adoption:

H—3695

Amend Senate File 492 as amended, passed and reprinted by the Senate as follows:

1. Page 3, by adding the following section after line 2:

"Sec. . This Act, being deemed of immediate importance, shall take effect from and after its publication in The Hawk Eye, a newspaper published in Burlington, Iowa, and in The Bulletin-Journal, a newspaper published in Independence, Iowa."

Amendment H—3695 was adopted.

The following amendment H—3805, filed by Spear of Lee from the floor was adopted by unanimous consent:

H–3805

Amend Senate File 492, as amended, passed and reprinted by the Senate, as follows:

1. Title page, by striking line 1 and inserting in lieu thereof the following: "An Act relating to transportation of persons."

Schnekloth of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 492)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Running

Absent or not voting, 3:

Clark, J. H.	Halvorson, R. A.	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 423, a bill for an act establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans, with report of committee recommending passage was taken up for consideration.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 423)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Daggett	Groth	Halvorson, R. A.	Poffenberger
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 28, a bill for an act to allow instructional staff of a professional school to serve on the licensing board of that profession, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 28)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Lonergan	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellett	Petrick	Poffenberger
Pope	Rapp	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 11:

Gross	Jay	Lind	Mann
Miller	O'Kane	Pelton	Poncy
Running	Swartz	Van Maanen	

Absent or not voting, 1:

Halvorson, R. A.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 515, a bill for an act relating to a limitation on the time period for the filing of estates, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 515)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark, B. J.	Gross	Halvorson, R. A.	Norland
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 456 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 456 be deferred and that the bill retain its place on the calendar.

Senate File 292, a bill for an act relating to the deposit of public funds by officers of political subdivisions of the state, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H–3596 filed by the committee on county government on April 10, 1981.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	O'Kane	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, 7:

Chiodo	Howell	Pavich	Running
Sullivan	Swartz	Walter	

Absent or not voting, 1:

Halvorson, R. A.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Pope of Polk, the House was recessed at 11:11 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth, for the afternoon session, on request of Howell of Floyd.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 186, a bill for an act relating to permissible use of proceeds of property sold by a county board of hospital trustees.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Regular Calendar

Senate File 435, a bill for an act relating to the regulation of savings and loan associations, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey

Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Binneboese	Connors	Cusack	Egenes
Halvorson, R. A.	Krewson	Norland	O'Kane
Tofte	Welden	Welsh	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 121, a bill for an act allowing a parent to file a petition to change the name of a minor child of the parent, with report of committee recommending amendment and passage was taken up for consideration.

Doderer of Johnson offered the following amendment H–3526 filed by the committee on judiciary and law enforcement:

H–3526

Amend Senate File 121, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by striking lines 2 through 4 and inserting in lieu thereof the following: "consent ~~for~~ to the name change. ~~If both parents do not file their consent, the court shall decide the appropriateness of the change of the minor child's name~~ The court may waive the requirement of consent as to one of the parents if it finds:

1. That the parent has abandoned the child;
2. That the parent has been ordered to contribute to the support of the child or to financially aid in the child's birth and has failed to do so without good cause; or
3. That the parent does not object to the name change after having been given at least twenty days notice pursuant to the rules of civil procedure."

Rapp of Black Hawk offered the following amendment H—3608, to the committee amendment H—3526, filed by Rapp, et al., and moved its adoption:

H—3608

Amend amendment H—3526 to Senate File 121 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by striking line 8 and inserting in lieu thereof the following: "~~name~~ If one of the parents does not consent to the name change, a hearing shall be set on the petition on twenty days notice to the non-consenting parent pursuant to the rules of civil procedure. At the hearing the court may waive the requirement of consent"

2. Page 1, by striking lines 16 and 17 and inserting in lieu thereof the following: "change after having been given due and proper notice."

Amendment H—3608 was adopted.

On motion by Doderer of Johnson, the committee amendment H—3526, as amended, was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 121)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Cusack	Daggett

Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Binneboese	Connors	Danker	Halvorson, R. A.
Harbor	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 146, a bill for an act relating to procedures for construction, repair and improvement of public buildings, with report of committee recommending amendment and passage was taken up for consideration.

Anderson of Audubon offered the following amendment H–3445 filed by the committee on state government:

H–3445

Amend Senate File 146 as passed by the Senate as follows:

1. Page 1, by inserting after line 12 the following:

"Sec. 2. Section 23.18, Code 1981, is amended to read as follows:

23.18 BIDS REQUIRED–PROCEDURE. When the estimated total cost of construction, erection, demolition, alteration or repair of any public improvement exceeds

~~five~~ twenty-five thousand dollars, the municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done, the first of which shall be not less than fifteen days prior to the date set for receiving bids, and shall let the work to the lowest responsible bidder submitting a sealed proposal~~; provided, however~~. However, if in the judgment of the municipality bids received ~~be~~ are not acceptable, all bids may be rejected and new bids requested. All bids must be accompanied, in a separate envelope, by a deposit of money or certified check in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix ~~said~~ the bid security in an amount equal to at least five percent, but not more than ten percent of the estimated total cost of the work. The checks or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check or deposit of money of the successful bidder shall be returned upon execution of the contract documents. This section shall not apply to the construction, erection, demolition, alteration or repair of any public improvement when the contracting procedure for the doing of the work is provided for in another provision of law.

Sec. 3. Section 111A.6, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Upon the adoption ~~of any county of the provisions~~ of this chapter, the ~~county~~ board of supervisors of ~~such~~ the county may by resolution appropriate an amount of money from the general fund of the county for the payment of expenses incurred by the county conservation board in carrying out its powers and duties. The board of supervisors may temporarily transfer by resolution, ~~any~~ unobligated funds from the general fund of the county to the county conservation fund in anticipation of or to match committed receipts of private assistance or federal

Page 2

~~funds from the Heritage Conservation and Recreation Service~~ or state aid funds. The transferred funds shall be returned to the general fund of the county within ~~such~~ a time not to exceed five years as specified by the board of supervisors or upon receipt of the federal or state funds, whichever date is earlier. The board of supervisors may levy or cause

to be levied an annual tax, in addition to all other taxes, of not more than twenty-seven cents per thousand dollars of the assessed value of all real and personal property subject to taxation within ~~such~~ the county, upon proper certification by ~~said~~ the county conservation board made pursuant to and in compliance with all of the provisions of chapter 24, which tax shall be collected by the county treasurer as other taxes are collected, and shall be paid into a separate ~~and distinct~~ fund to be known as the county conservation fund, to be paid out upon ~~the~~ warrants drawn by the county auditor upon requisition of the county conservation board for the payment of expenses incurred in carrying out the powers and duties of ~~said~~ the conservation board. The county conservation board shall ~~have no power or authority to~~ not contract any debt or obligation ~~in any year~~ in excess of the moneys in the hands of the county treasurer immediately available for such purposes, except the board of supervisors may authorize deferred payments for land acquisition purchases not to exceed one-fourth of the annual conservation fund levy nor to extend over a period of more than ten years ~~or~~, and except for projects to be financed from unobligated funds in the county conservation fund ~~and~~ or committed federal ~~matching~~ or state grants. ~~Any~~ A single expenditure of, or contract to expend, ~~a sum of five~~ twenty-five thousand dollars ~~shall be~~ or more is subject to the provisions of chapter 23. Gifts, contributions, and bequests of money and all rent, licenses, fees, and charges and other revenue or money received or collected by the board shall be deposited in the county conservation fund to be used for the purchase of ~~land,~~ property ~~and equipment~~ and the payment of expenses incurred in carrying out the activities of the board, except that moneys given, bequeathed, or contributed upon specified trusts shall be held and applied in accordance with the trust specified.

Sec. 4. Section 218.59, Code 1981, is amended to read as follows:

218.59 PLANS AND SPECIFICATIONS. ~~Said~~ The commissioner shall cause plans and specifications to be prepared for all improvements authorized and

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costing over ~~five~~ twenty-five thousand dollars. No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount,

quality, and description of all material and labor required for the completion of ~~such~~ the improvement.

No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 5. Section 218.60, Code 1981, is amended to read as follows:

218.60 LETTING OF CONTRACTS—REPAIRS OR ALTERATIONS. The commissioner shall, in writing, let all contracts for authorized improvements costing in excess of ~~five~~ twenty-five thousand dollars to the lowest responsible bidder, after such advertisement for bids as the commissioner may deem proper in order to secure full competition. The commissioner may reject all bids and readvertise. ~~Provided, however, if the improvement be the repair or alteration of any building or grounds and is not new construction and the estimated cost thereof does not exceed twenty-five thousand dollars, the commissioner with the approval of the executive council may proceed with such repairs or alterations under a negotiated contract on such terms as the commissioner and the executive council may determine to be for the best interests of the state.~~"

2. Page 1, by inserting after line 30 the following:

"Sec. 7. Section 297.7, subsection 1, Code 1981, is amended to read as follows:

1. The provisions of sections 23.2 and 23.18 shall be applicable to the construction or repair of school buildings. Before constructing any school building at a cost of more than ~~five~~ twenty-five thousand dollars, the board of directors shall consult with the building consultant in the department of public instruction as to the most approved plan for such building, and the building consultant shall return the plan together with any recommendations to the board of directors within thirty days following the receipt of the plan.

Sec. 8. Section 297.8, Code 1981, is amended to read as follows:

297.8 EMERGENCY REPAIRS. When emergency repairs costing more than ~~twenty~~ twenty-five thousand dollars are necessary in order to prevent the closing of any school, the provisions of the law with reference to

Page 4

advertising for bids shall not apply, and in that event the board may contract for such emergency repairs without advertising for bids. However, before such

emergency repairs can be made to any schoolhouse, it shall be necessary to procure a certificate from the area education agency administrator that such emergency repairs are necessary to prevent the closing of the school.

Sec. 9. Section 332.7, subsections 1 and 2, Code 1981, are amended to read as follows:

1. If the probable cost of constructing or repairing a court building will exceed ~~five~~ twenty-five thousand dollars, the county building shall be constructed or repaired only after bid proposals for the construction or repair have been invited by advertisement once each week for three consecutive weeks in all of the official newspapers of the county in which the work is to be done and under an express written contract. The detailed plans and specifications for ~~such~~ the improvements shall be on file and open to public inspection in the office of the auditor of the county in which the work is to be done before advertisement for bids.

2. If the probable cost of constructing or repairing a county building will not exceed ~~five~~ twenty-five thousand dollars, the county building shall be constructed or repaired under an express written contract awarded through the formal bidding procedures specified in subsection 1 or through informal bidding procedures by notifying in writing at least three qualified bidders at least two weeks before letting the contract, except for repairs specified in subsection 3. The informal bids received and a statement of the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the meeting of the board of supervisors at which such action is taken.

Sec. 10. Section 346.26, subsection 4, Code 1981, is amended to read as follows:

4. Contracts for the construction of any building which involve the expenditure of ~~five~~ twenty-five thousand dollars or more shall be entered into pursuant to advertisement for bids in a manner approved and authorized by both the board of supervisors of the county and the council of the city. A county may apply for and accept federal aid in the construction of a building under this section, subject to conditions and stipulations imposed in connection with the federal aid and as approved by the board of supervisors."

3. By renumbering to conform with this amendment.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—3745, to the committee amendment H—3445, filed by him on April 21, 1981.

Schroeder of Pottawattamie offered the following amendment H—3789, to the committee amendment H—3445, filed by him and moved its adoption:

H—3789

Amend amendment H—3445 to Senate File 146 as passed by the Senate as follows:

1. Page 1, line 33, by striking the word "not" and inserting in lieu thereof the word "~~not~~".

2. Page 3, line 20, by inserting after the word "readvertise" the words "or may reject all bids and proceed with the construction, repair or improvement by such means the commissioner may determine if the bids are not acceptable".

A non-record roll call was requested.

The ayes were 22, nays 61.

Amendment H—3789 lost.

Dieleman of Marion offered the following amendment H—3585, to the committee amendment H—3445, filed by him and moved its adoption:

H—3585

Amend amendment H—3445 to Senate File 146 as passed by the Senate, as follows:

1. Page 1, line 10, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

2. Page 2, line 34, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

3. Page 3, line 1, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

4. Page 3, line 16, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

5. Page 3, line 37, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

6. Page 4, lines 12 and 13, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

7. Page 4, line 26, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

8. Page 4, line 41, by striking the word "twenty-five" and inserting in lieu thereof the word "fifteen".

A non-record roll call was requested.

The ayes were 36, nays 52.

Amendment H—3585 lost.

Ritsema of Sioux offered the following amendment H—3812, to the committee amendment H—3445, filed by him from the floor and moved its adoption:

H—3812

Amend amendment H—3445 to Senate File 146, as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by striking lines 30 through 44.

A non-record roll call was requested.

The ayes were 35, nays 56.

Amendment H—3812 lost.

Spear of Lee offered the following amendment H—3744, to the committee amendment H—3445, filed by him and moved its adoption:

H—3744

Amend H—3445, filed by the Committee on State Government, to Senate File 146, as passed by the Senate, as follows:

1. Page 3, by striking lines 33 through 44 and inserting in lieu thereof the following: "is amended by striking the subsection and inserting in lieu thereof the following:

1. Sections 23.2 and 23.18 are applicable to the construction and repair of school buildings. Before construction of a school building for which the cost of construction exceeds twenty-five thousand dollars, the board of directors of a school district shall send a copy of the plans to the building consultant in the department of public instruction for review.

The board of directors may submit for review a copy of the plans for repair or renovation of a school building. The building consultant shall return the plans together with any recommendations to the board of directors within thirty days following the receipt of the plans."

A non-record roll call was requested.

The ayes were 54, nays 37.

Amendment H—3744 was adopted.

Anderson of Audubon moved the adoption of the committee amendment H—3445, as amended.

The committee amendment H—3445 was adopted, as amended, placing out of order the following amendments:

H—3680 filed by Spear, et al., on April 16, 1981.
H—3751, to amendment H—3680, filed by Ritsema of Sioux on April 22, 1981.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 146)

The ayes were, 78:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Diemer	Doderer	Egenes
Hall	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Running

Schnekloth	Shimanek	Shull	Smith
Spear	Stueland	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Mr. Speaker		

The nays were, 20:

Byerly	Clements	De Groot	Dieleman
Gettings	Gross	Groth	Halvorson, R. N.
Howell	Jay	O'Kane	Pavich
Renken	Schroeder	Smalley	Sturgeon
Sullivan	Walter	Welden	Woods

Absent or not voting, 2:

Binneboese	Halvorson, R. A.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 522, a bill for an act to require that the department of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H–3765 filed by him and moved its adoption:

H–3765

Amend Senate File 522 as follows:

1. Page 1, line 5, by striking the words "encourage and".

2. Page 1, line 6, by inserting after the word "area" the word "desiring".

3. Page 1, line 34, by striking the words "encourage and".

4. Page 1, line 35, by inserting after the word "districts" the word "desiring".

A non-record roll call was requested.

The ayes were 26, nays 61.

Amendment H–3765 lost.

Norland of Worth asked and received unanimous consent to withdraw amendment H—3768 filed by him on April 22, 1981.

Miller of Buchanan offered amendment H—3742 filed by him and requested division as follows:

H—3742

Amend Senate File 522, as passed by the Senate, as follows:

H—3742A

1. Page 1, by striking lines 23 through 26 and inserting in lieu thereof the following: "~~A district shall not identify more than three percent of its budget enrollment for the budget year as gifted and talented.~~"

H—3742B

2. Page 1, by inserting after line 26 the following section:

"Sec. . Section 442.31, Code 1981, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. The parent or guardian of a pupil may request that a gifted and talented children program be established for pupils who qualify as gifted and talented children under section 442.33, including demonstrated achievement or potential ability in a single subject area."

H—3742C

3. Page 1, line 34, by inserting after the word "objectives." the words "The rules shall also prescribe an evaluation process for the identification of gifted and talented children."

H—3742B

4. By numbering and renumbering sections as necessary.

Miller of Buchanan moved the adoption of amendment H—3742A.

A non-record roll call was requested.

The ayes were 13, nays 62.

Amendment H–3742A lost.

Miller of Buchanan moved the adoption of amendment H–3742B.

A non-record roll call was requested.

The ayes were 52, nays 38.

Amendment H–3742B was adopted.

Miller of Buchanan moved the adoption of amendment H–3742C.

A non-record roll call was requested.

The ayes were 35, nays 53.

Amendment H–3742C lost.

Swearingen of Keokuk rose on a point of order and invoked House Rule 37 to refer Senate File 522 to the committee on appropriations.

The Speaker ruled the point not well taken and House Rule 37 not in order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek on request of Anderson of Jasper; Tofte of Winneshiek on request of Holt of Clay, both for the remainder of the day.

Johnson of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 522)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Bruner	Byerly
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Connolly	Connors	Corey
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 12:

Branstad	Clements	Conlon	Cook
Johnson, J.	Mann	Maulsby	Renken
Sturgeon	Trucano	Tyrrell	Welden

Absent or not voting, 4:

Binneboese	Carl	Halvorson, R. A.	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 39 SUSPENDED

Pope of Polk moved that House Rule 39 be suspended to place the following bills on the Daily Debate calendar for Friday, April 24, 1981: Senate Files 514, 268, 277, 80, 213, 539, 377, 531, 511, 384, 439, 399, 408, 519, 513, 506, 48 and 394.

A non-record roll call was requested.

The ayes were 56, nays 35.

The motion prevailed.

Unfinished Business Calendar

Pope of Polk moved that the following bills be placed on the calendar under unfinished business: Senate Files 514, 268, 277, 80, 213, 539, 377, 531, 511, 384, 439, 399, 408, 519, 513, 506, 48, 394, 300, 456, 474 and 532.

Avenson of Fayette moved as a substitute motion that the following bills be placed on the calendar under unfinished business: House Files 21, 55, 84, 36, 114, 225, 436, 59, 625, 725, 732 and 748.

Roll call was requested by Avenson of Fayette and Jay of Appanoose.

On the question "Shall the substitute motion prevail?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Brandt
Bruner	Byerly	Chiodo	Cochran
Connolly	Connors	Cusack	Davitt
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Lloyd-Jones	Lonergan
Miller	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Stueland	Swearingen	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Binneboese	Carl	Halvorson, R. A.	Holt
Rapp	Tofte		

The motion lost.

On the motion by Pope of Polk to place the bills listed on the unfinished business calendar, a non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 26

Lind of Black Hawk called up for consideration House Concurrent Resolution 26, urging the President and Congress to examine the value of the Community Services Administration and to consider continuing financial support to it, filed on April 3, 1981 and found on page 1026 of the House Journal, and moved its adoption.

A non-record roll call was requested.

The ayes were 63, nays 22.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 13

Tyrrell of Iowa called up for consideration House Concurrent Resolution 13, directing the Governor to designate July 1, 1981 to June 30, 1982 as the Year of the Tree, filed on February 11, 1981 and found on pages 366 and 367 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 14

Norland of Worth called up for consideration House Resolution 14, honoring the 34th Infantry Division upon the 40th anniversary of its mobilization, filed on April 22, 1981 and found on page 1312 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 30

O'Kane of Woodbury called up for consideration House Concurrent Resolution 30, endorsing National Victims' Rights Week April 20-26, 1981 and supporting laws that aid victims and witnesses of violent crime, filed on April 9, 1981 and found on pages 1148 and 1149 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 289)

Cook of Hardin asked and received unanimous consent to withdraw the motion to reconsider Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty, filed by him on April 23, 1981.

HOUSE FILE 126 WITHDRAWN

Trucano of Polk asked and received unanimous consent to withdraw House File 126 from further consideration by the House.

HOUSE FILE 392 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House File 392 from further consideration by the House.

INTRODUCTION OF BILL

House File 847, by committee on appropriations, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

Read first time and **placed on the appropriations calendar.**

MOTION TO RECONSIDER
(Senate File 522)

I move to reconsider the vote by which Senate File 522 passed the House on April 24, 1981.

SWEARINGEN of Keokuk

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 1981: House Files 157, 371, 588 and 740.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 16, 1981 and is on file in the office of the Chief Clerk.

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the Senate.

These include 10 claims of a general nature. This supplements our filing of December 22, 1980.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,

Maurice E. Baringer
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

PAT HARPER, Chief Clerk

OFFICE STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
6813-69-25	Planned Parenthood of Sioux City Sioux City Outdated Invoice	$ 265.00	Disapproved
9714-69-25	Swaney Equipment Company Ft. Dodge Prorate Refund	1,467.89	Disapproved
9730-69-25	Vernell Warren West Des Moines Back Wages	141.60	Disapproved
9871-69-25	Spies Farm Lands Graettinger Regulatory Fee Refund	10.00	Disapproved
9894-69-25	Family Medical Center Oskaloosa Outdated XIX claim	60.00	Disapproved
9905-69-25	Decorah Medical Association, P.C. Decorah Outdated XIX claim	152.00	Disapproved
9910-69-25	Gaylan Lee Bell Diagonal Prorate Refund	1,300.00	Disapproved
9926-69-25	Bradley J. & Wendy K. Peterson Bettendorf License Refund	51.00	Disapproved
9954-69-25	Derald G. & Ruth E. Bargmann Bancroft, Nebraska Regulatory Fee Refund	20.00	Disapproved
6225-69-25	Baker Mechanical, Inc. Des Moines Services Rendered to the State	7,563.70	Partially Disapproved

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for a short period of time on Friday, April 24, 1981. Had I been present, I would have voted "aye" on Senate File 244.

JOHNSON of Linn

I was necessarily absent from the House chamber for a short period of time on Friday, April 24, 1981. Had I been present, I would have voted "aye" on Senate File 533.

SCHNEKLOTH of Scott

On April 24, 1981 I inadvertently voted "nay." I wanted to vote "aye" on Senate File 522.

TRUCANO of Polk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventy-five eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan, Joyce Olsen and Joan McCann. By Brandt, Rapp and Lind of Black Hawk and Miller of Buchanan.

Eleven eighth grade students from Amos Hiatt Junior High School, Des Moines, accompanied by Jane Hildenbrand. By Connors of Polk.

Nineteen seventh and eighth grade students from Fonda Elementary School, Fonda. By Maulsby of Calhoun.

Twenty-eight sixth grade students from Blairstown Elementary School, Blairstown, accompanied by Dawn Anderson. By Tyrrell of Iowa.

Nine students from Jefferson Junior High School, Dubuque, accompanied by Barb Besch and Kathy Maury. By Connolly, Jochum and Welsh of Dubuque.

Twenty-five sixth grade students from Grand River Elementary School, Grand River, accompanied by Nina Elliott. By Gross of Ringgold.

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Steve Peik and Bruce Willemsen. By Avenson of Fayette.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 335 Ways and Means

Relating to the tax status of services rendered or furnished by

private employment agencies under the state sales, services, and use tax.

SUBCOMMITTEE ASSIGNMENT

Senate File 370

Human Resources: Clark of Cerro Gordo, Chair; Krewson, Poffenberger, Carl, Cusack, De Groot and Lonergan.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to and making appropriations to executive, legislative and judicial departments and agencies.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

Senate File 48, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Fiscal Note is required.

Recommended **Do Pass.**

Senate File 394, a bill for an act increasing corporate and uniform commercial code filing fees.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3803	H.F. 413	Senate Amendment
H–3804	H.F. 743	Senate Amendment

H—3806	S.F. 116	Senate Amendment
H—3807	H.F. 186	Senate Amendment
H—3808	S.F. 300	Shull of Warren Chiodo of Polk Schroeder of Pottawattamie
H—3810	H.F. 844	Carpenter of Polk
H—3811	S.F. 474	Shimanek of Jones Poffenberger of Dallas
H—3813	S.F. 474	Conlon of Muscatine Poffenberger of Dallas
H—3814	S.F. 474	Conlon of Muscatine Poffenberger of Dallas
H—3815	S.F. 519	Chiodo of Polk
H—3816	S.F. 474	Conlon of Muscatine
H—3817	S.F. 466	Clark of Cerro Gordo
H—3818	S.F. 506	Clements of Scott
H—3819	H.F. 846	Schroeder of Pottawattamie Schnekloth of Scott
H—3820	S.F. 514	Diemer of Black Hawk
H—3821	S.F. 539	Hummel of Benton Schroeder of Pottawattamie Egenes of Story

On motion by Pope of Polk, the House adjourned at 4:58 p.m., until 10:00 a.m., Monday, April 27, 1981.

JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day—Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 27, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Rabbi Marshall Berg, pastor of the Beth El Jacob Synagogue, Des Moines.

The Journal of Friday, April 24, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Cochran of Webster, from forty-seven constituents opposing House File 104, an act relating to the investment of money from the IPERS trust fund in real estate mortgages.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren on request of Cochran of Webster; Cusack of Scott, for a portion of the day, on request of Miller of Buchanan.

SPECIAL PRESENTATION

Pope of Polk read to the House a message from Governor Robert D. Ray commemorating the victims of the World War II Holocaust.

Pope of Polk escorted to the well and presented to the House Arthur Davis, Iowa's representative to the President's Council for Days of Remembrance. Poffenberger of Dallas presented to the House and escorted to the well Donald Ferree, who was a corporal in the U.S. Army 42nd Division and present during the liberation of Dachau. Mr. Davis and Mr. Ferree were present in the House chamber as a part of the observance of a week of remembrance for victims and survivors of the Nazi Holocaust, April 26 through May 2, 1981.

Speaker Stromer presented to Mr. Davis and Mr. Ferree an enrolled copy of House Resolution 13, adopted by the House.

Mr. Davis stated that a museum would be built as a memorial to the eleven million victims of the Holocaust, six million of which were Jewish, to bring to the American people these days of remembrance and to educate all peoples of this horror in the prayer it never happen again.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 143, a bill for an act relating to the authority of school districts to levy a tax for public educational and recreational purposes.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 304, a bill for an act including energy conservation and solar access as objectives of city and county zoning regulations.

Also: That the Senate has on April 23, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 559, a bill for an act relating to offenses and penalties under the Iowa unauthorized insurers Act and the insurance trade practices Act.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 726, a bill for an act relating to nonconforming facilities under the state elevator code.

Also: That the Senate has on April 23, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 739, a bill for an act relating to intestate succession rights of adopted persons, their natural parents, and adoptive parents.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 745, a bill for an act relating to the legalization of the proceedings of the board of supervisors of Jones county relating to the sale of certain real estate.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 778, a bill for an act relating to the disclaimer of succession to property and providing a January 1 effective date.

Also: That the Senate has on April 23, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 779, a bill for an act relating to the rules of evidence.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 787, a bill for an act to legalize the sale of certain property in Sioux City, Woodbury County, Iowa.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 794, a bill for an act relating to the Iowa Probate Code by increasing the amount that may pass to a minor without the necessity of appointing a conservator.

Also: That the Senate has on April 23, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 825, a bill for an act relating to the rights of residents of health care facilities and providing penalties.

Also: That the Senate has on April 23, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 199, a bill for an act authorizing the appointment of legal counsel for county officers under certain circumstances.

Also: That the Senate has on April 23, 1981, refused to concur in the House amendment to the following bill:

Senate File 479, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Unfinished Business

The House resumed consideration of **Senate File 514**, a bill for an act relating to the operation of a motor vehicle, and providing penalties, and amendment H—3750, as amended, found on page 1359 of the House Journal.

Johnson of Linn moved the adoption of amendment H—3750, as amended.

A non-record roll call was requested.

The ayes were 27, nays 58.

Amendment H—3750, as amended, lost.

Walter of Pottawattamie offered the following amendment H—3766 filed by her and Harbor of Mills:

H—3766

Amend Senate File 514, as amended, passed, and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 35 the following new section:

"Sec. . Chapter 321, Code 1981, is amended by adding the following new section:

NEW SECTION. A person shall not drive or operate a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle upon a public highway which has had the center of gravity altered or modified in any manner which is prohibited by rules adopted by the director. The rules shall be based upon original automobile manufacturer specifications.

A person shall not drive or operate a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle where the bumper is more than three inches above or below the original automobile manufacturer's specifications.

In adopting rules, the director shall provide exceptions to the standards provided in this section where the owner of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle has altered or modified the center of gravity or height of the bumper because

of the special use of the vehicle for hauling special loads or the owner's use of the new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle in the owner's occupation which is primarily for off-highway use. Rules adopted under this section shall exempt antique vehicles registered under section 321.115 or vehicles which qualify as antique vehicles under section 321.115.

The purpose of this section is to insure the proper use of motor vehicles on the highways of the state and to provide for the personal safety of the motor vehicle owner and the owner's motor vehicle and the traveling public and other motor vehicles used on the highways of the state."

2. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Gross of Ringgold offered the following amendment H—3802, to amendment H—3766, filed by him and moved its adoption:

H—3802

Amend amendment H—3766 to Senate File 514, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 14 through 19, and inserting in lieu thereof the following:

"specifications. The rules adopted by the director shall not prohibit a person from driving or operating a new car, used car, light delivery truck, panel delivery truck, pickup, or multipurpose vehicle where the bumper is not more than five inches above or below the original automobile manufacturer's specifications."

2. Page 1, line 33, by inserting after the figure "321.115" the words ", and a reconstructed vehicle titled under section 321.23".

Amendment H—3802 was adopted, placing out of order amendment H—3782, to amendment H—3766, filed by Harbor of Mills and Walter of Pottawattamie on April 23, 1981.

Lageschulte of Bremer rose on a point of order that amendment H—3766 was not germane.

The Speaker ruled the point not well taken and amendment H—3766 germane.

Walter of Pottawattamie moved the adoption of amendment H–3766, as amended.

A non-record roll call was requested.

The ayes were 56, nays 33.

Amendment H–3766, as amended, was adopted.

Lind of Black Hawk offered amendment H–3792 filed by him and requested division as follows:

H–3792

Amend Senate File 514, as amended, passed and reprinted by the Senate, as follows:

H–3792A

1. Page 1, by inserting after line 24 the following new section:

"Sec. . Section 321.207, Code 1981, is amended to read as follows:

321.207 RECORD FORWARDED. Every court having jurisdiction over offenses committed under this chapter, or any other law of this state or any city traffic ordinances, other than parking regulations, regulating the operation of motor vehicles on highways, shall forward to the department a record of the conviction of any person in ~~said~~ that court for ~~a~~ any violation of ~~any said~~ those laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted, and the department shall ~~thereupon~~ consider and act upon ~~such~~ the recommendation in such manner as may seem to it best. However, a record of conviction for a scheduled excessive speed violation shall not be forwarded to the department nor result in a license suspension or revocation if the person signed the admission of violation on the citation and complaint pursuant to section 805.9, subsection 1."

H–3792B

2. Page 3, by inserting after line 35 the following new sections:

"Sec. . Section 321.491, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Within ten days after the conviction or forfeiture

of bail of a person upon a charge of violating any provision of this chapter or other law regulating the operation of vehicles on highways every ~~said~~ magistrate of the court or clerk of the court of record in which ~~such~~ the conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of ~~said~~ the court covering the case in which ~~said~~ the person was ~~so~~ convicted or forfeited bail, which abstract must be certified by the person ~~so~~ required to prepare ~~the same~~ it to be true and correct. However, a record of conviction for a scheduled excessive speed violation shall not be forwarded to the department nor result in a license suspension or revocation if the person signed the admission of violation on the citation and complaint pursuant to section 805.9, subsection 1.

Sec. . Section 805.6, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. The commissioner of public safety and the state conservation director, acting jointly, shall adopt

Page 2

a uniform, combined citation and complaint which shall be used for charging all traffic violations in Iowa under state law or local regulation or ordinance, and which shall be used for charging all other violations which are designated by section 805.8 to be scheduled violations. This subsection ~~shall~~ does not ~~be deemed to~~ prevent the charging of any of those violations by information, by private complaint filed under the provisions of chapter 804, or by a simple notice of fine where permitted by section 321.236, subsection 1. Each uniform citation and complaint shall be serially numbered and shall be in quintuplicate, and the officer shall deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant, and a copy to the law enforcement agency of the officer. The court shall forward the copy of the uniform citation and complaint in accordance with section 321.207 when applicable. The uniform citation and complaint shall contain spaces for the ~~parties~~ parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2; a promise to appear as provided in section 805.3 and a place where the cited

person may sign the promise to appear; a list of the scheduled fines prescribed by section 805.8, either separately or by group, and a statement that the court costs in scheduled offense cases, whether or not a court appearance is required or is demanded, shall be six dollars; a brief explanation of sections 805.9 and 805.10; a space where the defendant may sign an admission of the violation when permitted by section 805.9; a space where the peace officer shall, when charging a speeding violation, indicate the date and time that the officer's speed detection equipment was last tested for accuracy and the date when the officer was last instructed in the use of the equipment; a statement that certain speed detection equipment has not been proved to be accurate; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the state conservation director may determine."

3. Renumber sections and correct internal references as are necessary in accordance with this amendment.

Lind of Black Hawk moved the adoption of amendment H—3792A.

A non-record roll call was requested.

The ayes were 26, nays 59.

Amendment H—3792A lost.

Diemer of Black Hawk offered the following amendment H—3820 filed by him:

H—3820

Amend Senate File 514 as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by inserting after line 26 the following:

"Sec. . Section 321.266, subsection 2, Code 1981, is amended to read as follows:

2. The driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of ~~two~~

five hundred ~~fifty~~ dollars or more shall also, within seventy-two hours after ~~such~~ the accident, forward a written report of ~~such~~ the accident to the department."

2. Page 3, by inserting after line 35 the following:

"Sec. . Section 321A.5, subsection 1, Code 1981, is amended to read as follows:

1. The director shall, immediately or within sixty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death or damage to the property of any one person in excess of ~~two~~ five hundred ~~fifty~~ dollars, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in ~~such~~ the accident, and if ~~such~~ the operator is a nonresident the privilege of operating a motor vehicle within this state, and if ~~such~~ the owner is a nonresident the privilege of the use within this state of any motor vehicle owned by ~~him~~ the owner, unless ~~such~~ the operator or owner or both shall deposit security in a sum which shall be sufficient in the judgment of the director to satisfy any judgment or judgments for damages resulting from ~~such~~ the accident as may be recovered against ~~such~~ the operator or owner; provided notice of ~~such~~ the suspension shall be sent by the director to ~~such~~ the operator and owner not less than ten days prior to the effective date of ~~such~~ the suspension and shall state the amount required as security."

3. By renumbering sections and correcting internal references as required by this amendment.

Amendment H—3820 was adopted.

Conlon of Muscatine offered the following amendment H—3620 filed by him and moved its adoption:

H—3620

Amend Senate File 514, as amended, passed and reprinted by the Senate as follows:

1. Page 3, by striking lines 24 through 35.

2. By renumbering as necessary to conform to this amendment.

Amendment H—3620 was adopted.

The House resumed consideration of amendment H—3792B.

Lind of Black Hawk moved the adoption of amendment H—3792B.

A non-record roll call was requested.

The ayes were 27, nays 60.

Amendment H–3792B lost.

Byerly of Polk asked for unanimous consent to defer action on Senate File 514.

Objection was raised.

Byerly of Polk moved that Senate File 514 be deferred and that the bill retain its place on the calendar.

Roll call was requested by Byerly of Polk and Woods of Polk.

On the question "Shall the motion to defer Senate File 514 prevail?"

The ayes were, 44:

Arnould	Avenson	Binneboese	Brandt
Bruner	Byerly	Carl	Chiodo
Cochran	Connolly	Connors	Corey
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Johnson, R.	Krewson
Lind	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Running
Schroeder	Spear	Sturgeon	Sullivan
Swartz	Tyrrell	Welsh	Woods

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Crabb	Crawford	Daggett
Danker	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Mr. Speaker	

Absent or not voting, 5:

Anderson, R.	Cusack	Davitt	De Groot
Harbor			

The motion lost.

Welsh of Dubuque rose on a point of order and invoked House Rule 37 to refer Senate File 514 to the committee on ways and means.

The Speaker ruled the point not well taken and House Rule 37 not in order.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 514)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Howell	Johnson, J.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Norland
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Mr. Speaker		

The nays were, 23:

Avenson	Chiodo	Connolly	Connors
Crawford	Horn	Hummel	Jay
Jochum	Johnson, R.	Krewson	Lloyd-Jones
Lonergan	Miller	Mullins	O'Kane

Pavich	Renaud	Ritsema	Shimanek
Tofte	Welsh	Woods	

Absent or not voting, 3:

Cusack	Davitt	Running

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 848, by committee on ways and means, a bill for an act to place a limitation on the amount of money which may be credited to the reassessment expense fund from the general fund of the state.

Read first time and **placed on the ways and means calendar.**

On motion by Pope of Polk, the House was recessed at 12:12 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

SENATE FILE 539 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 539 be deferred temporarily and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Unfinished Business

Senate File 531, a bill for an act relating to pipelines, with report of committee recommending amendment and passage was taken up for consideration.

McKean of Jones offered the following amendment H–3656 filed by the committee on agriculture and moved its adoption:

H–3656

Amend Senate File 531 as follows:

1. Page 3, by striking lines 1 through 5, and inserting in lieu thereof the following:

"Sec. 6. NEW SECTION. NEGOTIATED FEE. In lieu of a one-time lump sum payment for an easement or other property interest allowing a pipeline to cross the property, a landowner and the pipeline company may negotiate an annual fee, to be paid over a fixed number of years. Unless the easement provides otherwise, the annual fee shall run with the land and shall be payable to the owner of record."

2. Page 6, line 5, by inserting after the word "engineer" the words "or soil conservation district conservationist".

3. Page 6, line 7, by inserting after the word "engineer's" the words "or district conservationist's".

4. Page 6, lines 11 and 12, by striking the words "five days written notice" and inserting in lieu thereof the words "forty-eight hours oral notice by telephoning the telephone number of the pipeline company shown on pipeline marking signs placed along the pipeline right of way".

5. Page 8, by inserting after line 3 the following:

"NEW SUBSECTION. Any underground drain tile damaged, cut or removed shall be temporarily repaired and maintained as necessary to allow for its proper function during construction of the pipeline. If temporary repair is not determined to be necessary, the exposed line will nonetheless be screened or otherwise protected to prevent the entry of any foreign material, small animals, etc. into the tile line system."

The committee amendment H–3656 was adopted.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 531)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Running	Schnekloth	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 1:

Woods

Absent or not voting, 2:

Davitt Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 439, a bill for an act relating to the retail sale of beer by manufacturers of beer on the premises of the manufacturing facility for on or off premises consumption, with report of committee recommending passage was taken up for consideration.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 439)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 3:

Clements	De Groot	Dieleman

Absent or not voting, 4:

Davitt	Schroeder	Shimanek	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 408, a bill for an act relating to the production and sale of dairy products by updating certain standards and changing internal references required by the Interstate Milk Shippers Compact and by striking or repealing inconsistent provisions, with report of committee recommending passage was taken up for consideration.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 408)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Cusack
Daggett	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Miller
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Connors	Danker	Davitt	Norland
Schnekloth	Schroeder	Shimanek	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws, with report of committee recommending passage was taken up for consideration.

Smalley of Polk offered amendment H—3776 filed by Smalley, et al. Division was requested as follows:

H—3776

1 Amend Senate File 399 as amended, passed and
2 reprinted by the Senate as follows:

H–3776A

1. Page 8, by striking lines 10 through 18.

H–3776B

2. Page 10, by striking lines 1 and 2 and inserting in lieu thereof the following: "vessels. ~~Motorboats, when meeting or overtaking sailboats, shall always pass on the leeward side.~~"

H–3776C

3. Page 12, line 33, by striking the words "~~December~~ November" and inserting in lieu thereof the word "December".

H–3776D

4. Page 14, line 20, by striking the words "operated, or moored" and inserting in lieu thereof the words "being operated, or being moored".

H–3776E

5. Page 17, by striking line 12 through page 18, line 27.

6. By renumbering the sections to conform with this amendment.

Avenson of Fayette moved that Senate File 399 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 32, nays 54.

The motion to defer lost.

On motion by Smalley of Polk, amendment H–3776A was adopted.

On motion by Smalley of Polk, amendment H–3776B was adopted.

On motion by Smalley of Polk, amendment H–3776C was adopted.

On motion by Smalley of Polk, amendment H–3776D was adopted.

On motion by Smalley of Polk, amendment H–3776E was adopted.

Pope of Polk asked and received unanimous consent that Senate File 399 be deferred temporarily and that the bill retain its place on the calendar.

Senate File 300, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H–3707 filed by the committee on commerce. Division was requested as follows:

H–3707

Amend Senate File 300, as amended, passed and reprinted by the Senate, as follows:

H–3707A

1. By striking page 1, line 33 through page 2, line 14.
2. Page 2, line 18, by striking the word "deposits" and inserting in lieu thereof the words "time certificates of deposit".
3. Page 2, line 22, by striking the word "deposited" and inserting in lieu thereof the words "held in a time certificate of deposit".

H–3707B

4. Page 5, by inserting after line 21 the following:

"Sec. 10. Chapter 524, division VIII, Code 1981, is amended by adding the following new section:

NEW SECTION. A state bank may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The state bank shall be deemed to be acting in a fiduciary capacity with

respect to these funds. A bank which maintains an escrow account with respect to real property which is mortgaged to the bank, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year. The summary shall be delivered or mailed not later than thirty days following the year to which disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

Page 2

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year.

Sec. 11. Chapter 533, Code 1981, is amended by adding the following new section:

NEW SECTION. A credit union may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The credit union shall be deemed to be acting in a fiduciary capacity with respect to these funds. A credit union which maintains an escrow account with respect to real property which is mortgaged to the credit union, whether or not the mortgage has been assigned to a

third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year.

The summary shall be delivered or mailed not later than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year,

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the

Page 3

end of the year.

Sec. 12. Chapter 534, Code 1981, is amended by adding the following new section:

NEW SECTION. A savings and loan association may act as an escrow agent, and may receive deposits and make disbursements from deposits in that capacity. The association shall be deemed to be acting in a fiduciary capacity with respect to these funds. A savings and loan association which maintains an escrow account with respect to real property which is mortgaged to the association, whether or not the mortgage has been assigned to a third person, shall deliver to the mortgagor a written summary of all transactions made with respect to the loan and escrow

accounts during each calendar year. However, the mortgagor and mortgagee may, by mutual agreement, select a fiscal year reporting period other than the calendar year.

The summary shall be delivered or mailed not later than thirty days following the year to which the disclosure relates. The summary shall contain all of the following information:

1. The name and address of the mortgagee.

2. The name and address of the mortgagor.

3. A summary of escrow account activity during the year as follows:

a. The balance of the escrow account at the beginning of the year.

b. The aggregate amount of deposits to the escrow account during the year.

c. The aggregate amount of withdrawals from the escrow account for each of the following categories:

(1) Payments against loan principal.

(2) Payments against interest.

(3) Payments against real estate taxes.

(4) Payments for real property insurance premiums.

(5) All other withdrawals.

d. The balance of the escrow account at the end of the year.

4. A summary of loan principal for the year as follows:

a. The amount of principal outstanding at the beginning of the year.

b. The aggregate amount of payments against principal during the year.

c. The amount of principal outstanding at the end of the year."

5. Page 5, by striking lines 26 and 27.

H—3707A

6. Page 5, by inserting after line 27 the following:

Page 4

"Sec. . Section 8 of this Act takes effect July 1, 1983.

H—3707B

Sec. . Sections 10 through 12 of this Act apply to mortgage loan accounts which are in existence as of the effective date of this Act and those which are established after the effective date of this Act.

The disclosures required by sections 10 through 12 of this Act apply only with respect to calendar or fiscal years commencing on or after the effective date of this Act."

H-3707A

7. By renumbering sections of the bill.

H-3707B

8. Amend the title, line 1, by inserting after the words "relating to" the words "depository financial institutions, and including requirements for written disclosure of transactions on mortgage loan escrow accounts, and including provisions relating to".

Schroeder of Pottawattamie asked and received unanimous consent to substitute amendment H-3808, for amendment H-3801, (to the committee amendment H-3707) filed by Shull, et al., as follows and to withdraw amendment H-3801 filed by Shull, et al., on April 23, 1981:

H-3808

Amend the Committee amendment, H-3707, to Senate File 300 as follows:

1. Page 1, by inserting after line 2 the following:

" . Page 1, by inserting after line 6 the following:

"Sec. . Section 524.706, subsection 1, paragraph a, subparagraph (1), Code 1981, is amended to read as follows:

(1) ~~Such~~ An amount ~~as the bank is permitted to lend pursuant to section 524.905, subsection 2, if, at the time such obligation is incurred, it is~~ secured by a first lien on a dwelling which is expected, after the obligation is incurred, to be owned by the executive officer and used ~~by him as his~~ the officer's residence, provided that ~~at the time~~ after the loan is made there is no other loan by the bank to the executive officer, under authority of this subparagraph, outstanding; and"."

2. Page 1, line 10, by striking the words "held in" and inserting in lieu thereof the words "evidenced by".

3. By striking page 1, line 11 through page 4, line 10 and inserting in lieu thereof the following:

" . Page 2, by striking lines 25 through 35

and inserting in lieu thereof the following:
"Sec. . Section 524.905, Code 1981, is amended by striking the section and inserting in lieu thereof the following:
524.905 LOANS ON REAL PROPERTY. A state bank may make permanent loans, construction loans or combined construction and permanent loans, secured by liens on real property. The superintendent shall adopt such rules as may be advisable to insure the safety and soundness of loans made under authority of this section and to insure full and fair disclosure to the borrowers of the effects of provisions in agreements for loans made under authority of this section, including provisions permitting change or adjustment of any terms of a loan, provisions permitting, requiring or prohibiting repayment of a loan on a basis other than of equal periodic installments of interest plus principal over a fixed term, provisions imposing penalties for the borrower's noncompliance with requirements of a loan agreement, or specific provisions which allow or require a borrower to choose from alternative courses of action at any time during the effectiveness of a loan agreement.
Sec. . Section 534.21, Code 1981, is amended by striking the section and inserting in lieu thereof

Page 2

the following:
534.21 REAL ESTATE LOANS. An association may make real estate loans, including but not limited to permanent loans, construction loans or combined construction and permanent loans. The supervisor shall adopt such rules as may be advisable to insure the safety and soundness of loans made under authority of this section and to insure full and fair disclosure to the borrowers of the effects of provisions in agreements for loans made under authority of this section, including provisions permitting change or adjustment of any terms of a loan, provisions permitting, requiring or prohibiting repayment of a loan on a basis other than of equal periodic installments of interest plus principal over a fixed term, provisions imposing penalties for the borrower's noncompliance with requirements of a loan agreement, or specific provisions which allow or require a borrower to choose from alternative courses of action at any time during the effectiveness of a loan agreement.
" . Page 5, by inserting after line 27 the

following:
"Sec. . Chapter 535B, Code 1981, is repealed.
Sec. . Section 8 of this Act takes effect July 1, 1983." "
4. Page 4, by striking lines 12 through 16 and inserting in lieu thereof the following:
" . Amend the title, line 4, by striking the words "loan charges" and inserting in lieu thereof the words "loans secured by real property".
5. By renumbering items of the amendment as necessary.

Miller of Buchanan rose on a point of order that amendment H—3808 was not germane.

The Speaker ruled the point well taken and amendment H—3808 not germane to amendment H—3707.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the committee amendment H—3707B.

Schroeder of Pottawattamie moved the adoption of the committee amendment H—3707A.

The committee amendment H—3707A was adopted.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 300)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson

Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Davitt	Howell	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions, with report of committee recommending amendment and passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 3:21 p.m.

Renken of Grundy offered the following amendment H–3699 filed by the committee on county government:

H–3699

Amend Senate File 474, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by striking lines 9, 10, and 11 and inserting in lieu thereof the following:

"NEW SUBSECTION. 6. Any claim for damages caused by the municipality's failure to make an inspection or by reason of making an inadequate or negligent inspection of any property not owned by the municipality."

Shimanek of Jones offered the following amendment H–3811, to the committee amendment H–3699, filed by her and Poffenberger of Dallas:

H–3811

Amend amendment H–3699 to Senate File 474, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 through 9 and inserting in lieu thereof the following:

"1. Page 1, by striking lines 1 through page 2, line 5.

2. Page 2, by striking lines 16 through page 3, line 11.

3. By renumbering as necessary to conform to this amendment."

Danker of Pottawattamie rose on a point of order that amendment H–3811 was not in order.

The Speaker ruled the point well taken and amendment H–3811 out of order.

Rapp of Black Hawk moved that Senate File 474 be referred to the committee on cities.

Roll call was requested by Danker of Pottawattamie and Harbor of Mills.

On the question "Shall Senate File 474 be referred to the committee on cities?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Binneboese
Bruner	Carl	Cochran	Connors
Cusack	Dieleman	Doderer	Egenes
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Krewson
Lloyd-Jones	Lonergan	Miller	Mullins
Norland	O'Kane	Pavich	Pelton
Poffenberger	Poncy	Rapp	Ritsema
Running	Shimanek	Sturgeon	Sullivan
Swartz	Walter	Welsh	

The nays were, 60:

Anderson, J.	Bennett	Brandt	Branstad
Byerly	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Conlon	Connolly
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer

Gettings	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Lageschulte	Lind	Mann
Maulsby	McKean	Oxley	Pellett
Petrick	Pope	Renaud	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker (Menke)

Absent or not voting, 1:

Davitt

The motion lost.

Shimanek of Jones asked for unanimous consent to defer action on the committee amendment H—3699 for the consideration of amendment H—3830.

Objection was raised.

Shimanek of Jones moved to defer action on the committee amendment H—3699 for the consideration of amendment H—3830 filed by her and Poffenberger of Dallas from the floor as follows:

H—3830

Amend Senate File 474, as amended, passed and reprinted by the Senate, as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 613A.4, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. 5. Any claim for punitive damages.

NEW SUBSECTION. 6. Any claim for damages caused by a municipality's failure to discover a latent defect in the course of an inspection.

NEW SUBSECTION. 7. Any claim based upon an act of the municipality or an officer or employee of the municipality in accordance with a generally accepted standard of design at the time of the act."

A non-record roll call was requested.

The ayes were 36, nays 54.

The motion lost.

Renken of Grundy moved the adoption of the committee amendment H—3699.

Roll call was requested by Danker of Pottawattamie and Sturgeon of Woodbury.

On the question "Shall the committee amendment H—3699 be adopted?"

The ayes were, 62:

Anderson, J.	Bennett	Brandt	Branstad
Byerly	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Mann	Maulsby	McKean	Miller
Norland	Oxley	Pellett	Petrick
Poncy	Pope	Renaud	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Stromer	Stueland	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Woods	Mr. Speaker (Menke)		

The nays were, 36:

Arnould	Avenson	Binneboese	Bruner
Carl	Carpenter	Clark, B. J.	Connolly
Connors	Crawford	Cusack	Doderer
Hummel	Jay	Jochum	Kirkenslager
Krewson	Lind	Lloyd-Jones	Lonergan
Mullins	O'Kane	Pavich	Pelton
Poffenberger	Rapp	Ritsema	Running
Shimanek	Spear	Sturgeon	Sullivan
Swartz	Trucano	Walter	Welsh

Absent or not voting, 2:

Anderson, R.	Davitt

The committee amendment H—3699 was adopted.

Shimanek of Jones offered amendment H—3830 filed by her from the floor and moved its adoption.

A non-record roll call was requested.

The ayes were 30, nays 59.

Amendment H—3830 lost.

Jay of Appanoose offered the following amendment H—3769 filed by him and moved its adoption:

H—3769

Amend Senate File 474 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 3 and 4 and inserting in lieu thereof the following:

"NEW SECTION. OFFICERS, EMPLOYEES AND AGENTS. All officers, employees, and agents of municipalities are not personally liable for".

2. Page 1, by striking line 6 and inserting in lieu thereof the following: "claim for punitive damages. An officer, employee, or agent of a".

3. Page 1, by striking line 22 and inserting in lieu thereof the following: "of its officers, employees, and agents acting within the".

4. Page 2, by striking lines 19 and 20 and inserting in lieu thereof the following: "body shall defend any of its officers, employees, and agents, whether elected or appointed and, ~~except in cases~~".

5. Page 2, by striking lines 23 and 24 and inserting in lieu thereof the following: "shall save harmless and indemnify such officers, employees, and agents against any tort claim or demand, whether groundless".

6. Page 2, by striking line 29 and inserting in lieu thereof the following: "in the event the officer, employee, or agent fails to cooperate in".

7. Page 2, by striking line 32 and inserting in lieu thereof the following: "shall be entitled to restitution by an officer, employee, or agent".

8. Page 2, by striking lines 34 and 35 and inserting in lieu thereof the following: "officer, employee, or agent, it is determined that the conduct of the officer, employee, or agent upon which the

tort claim or demand".
9. Page 3, by striking line 6 and inserting in lieu thereof the following: "officers, employees, and agents against such tort claims".

Amendment H—3769 lost.

Ritsema of Sioux offered the following amendment H—3753 filed by him and moved its adoption:

H—3753

Amend Senate File 474 as amended, passed, and reprinted by the Senate as follows:
1. Page 1, line 6, by inserting after the word "damages" the words ", and actions permitted under section 85.20".

Amendment H—3753 was adopted.

Poffenberger of Dallas offered the following amendment H—3800 filed by her:

H—3800

Amend Senate File 474 as amended, passed and reprinted by the Senate as follows:
1. Page 1, line 9, by striking the word "actual" and inserting in lieu thereof the word "legal".

Conlon of Muscatine asked and received unanimous consent to withdraw amendments H—3813 and H—3814, both to amendment H—3800, and both filed by him and Poffenberger of Dallas on April 24, 1981.

Poffenberger of Dallas moved the adoption of amendment H—3800.

Roll call was requested by Johnson of Howard and Danker of Pottawattamie.

On the question "Shall amendment H—3800 be adopted?"

The ayes were, 35:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Carpenter

Clark, B. J.	Conlon	Crawford	Cusack
Doderer	Halvorson, R. N.	Horn	Howell
Jay	Krewson	Lind	Lloyd-Jones
Lonergan	Mullins	O'Kane	Pavich
Pelton	Poffenberger	Ritsema	Shimanek
Shull	Smalley	Spear	Sturgeon
Swartz	Tofte	Walter	

The nays were, 64:

Anderson, J.	Bennett	Branstad	Byerly
Chiodo	Clark, J. H.	Clements	Cochran
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Lageschulte
Mann	Maulsby	McKean	Miller
Norland	Oxley	Pellett	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Running	Schnekloth	Schroeder
Smith	Stromer	Stueland	Sullivan
Swearingen	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Menke)

Absent or not voting, 1:

Davitt

Amendment H—3800 lost.

Conlon of Muscatine offered the following amendment H—3816 filed by him and moved its adoption:

H—3816

Amend Senate File 474 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 9, by inserting after the word "malice" the words "or recklessness".

Amendment H—3816 was adopted.

Rapp of Black Hawk offered the following amendment H—3839 filed by him and Connors of Polk from the floor and moved its adoption:

H–3839

Amend Senate File 474 as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by strikng 5 through 9 and inserting in lieu thereof the following: "any claim which is exempted under section 613A.4."

2. Page 2, by striking lines 27 through 35.

3. Page 3, by striking line 1.

Roll call was requested by Crawford of Story and Running of Linn.

Rule 80 was invoked.

On the question "Shall amendment H–3839 be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Cochran
Connolly	Connors	Crawford	Cusack
Dieleman	Doderer	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Kirkenslager	Krewson
Lloyd-Jones	Lonergan	Mullins	Norland
O'Kane	Pavich	Pelton	Poffenberger
Poncy	Rapp	Renaud	Ritsema
Running	Shimanek	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Clark, J. H.
Clements	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Miller	Oxley
Pellett	Petrick	Pope	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Stromer	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker (Menke)		

Absent or not voting, 1:

Davitt

Amendment H—3839 lost.

Speaker Stromer in the chair at 5:38 p.m.

Krewson of Polk offered the following amendment H—3741 filed by Krewson, et al., and moved its adoption:

H—3741

Amend Senate File 474 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by striking line 5 and inserting in lieu thereof the following: "municipality or an officer or employee of the municipality, unless such performance or failure to perform was done negligently."

Amendment H—3741 lost.

Shimanek of Jones offered the following amendment H—3730 filed by her and moved its adoption:

H—3730

Amend Senate File 474, as amended, passed and reprinted by the Senate, as follows:

1. Page 2, by striking line 8.

2. By renumbering as necessary to conform to this amendment.

A non-record roll call was requested.

The ayes were 31, nays 48.

Amendment H—3730 lost.

Hanson of Delaware offered the following amendment H—3764 filed by him:

H—3764

Amend Senate File 474, as amended, passed and reprinted by the Senate as follows:

1. Page 2, by striking lines 12 through 15.

Pope of Polk asked and received unanimous consent to temporarily defer action on Senate File 474 and amendment H—3764.

Pope of Polk moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 56, nays 36.

The motion prevailed and House Rule 2 was suspended.

The House resumed consideration of Senate File 474 and amendment H—3764.

Hanson of Delaware moved the adoption of amendment H—3764.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 48.

Amendment H—3764 was adopted.

Ritsema of Sioux offered the following amendment H—3754 filed by him and moved its adoption:

H—3754

Amend Senate File 474 as amended, passed, and reprinted by the Senate as follows:

1. Page 2, by striking lines 28 through 30, and inserting in lieu thereof the following: "apply to awards for punitive damages. The duty to save".

2. Page 3, by inserting after line 11 the following:

"In the event the officer or employee fails to cooperate in the defense against the claim or demand, the municipality shall have a right of indemnification against that officer or employee."

A non-record roll call was requested.

The ayes were 52, nays 41.

Amendment H—3754 was adopted.

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 474)

The ayes were, 74:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pellett
Pelton	Petrick	Poffenberger	Poncy
Renaud	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Woods	Mr. Speaker		

The nays were, 24:

Arnould	Avenson	Binneboese	Bruner
Carl	Crawford	Doderer	Jay
Jochum	Kirkenslager	Krewson	Lind
Lloyd-Jones	Lonergan	O'Kane	Pavich
Pope	Rapp	Running	Shimanek
Sturgeon	Trucano	Walter	Welsh

Absent or not voting, 2:

Davitt	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 849, by committee on appropriations, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, and relating to the closing of certain juvenile and correctional institutions.

Read first time and **placed on the appropriations calendar.**

MOTIONS TO RECONSIDER

(Senate File 474)

I move to reconsider the vote by which Senate File 474 passed the House on April 27, 1981.

DANKER of Pottawattamie

(Senate File 474)

I move to reconsider the vote by which Senate File 474 passed the House on April 27, 1981.

PELTON of Clinton

(Senate File 474)

I move to reconsider the vote by which Senate File 474 passed the House on April 27, 1981.

POFFENBERGER of Dallas

(Senate File 514)

I move to reconsider the vote by which Senate File 514 passed the House on April 27, 1981.

POFFENBERGER of Dallas

(Senate File 514)

I move to reconsider the vote by which Senate File 514 passed the House on April 27, 1981.

LAGESCHULTE of Bremer

(Senate File 514)

I move to reconsider the vote by which Senate File 514 passed the House on April 27, 1981.

BYERLY of Polk

(Senate File 531)

I move to reconsider the vote by which Senate File 531 passed the House on April 27, 1981.

McKEAN of Jones

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 804, a bill for an act correcting erroneous, inconsistent, and obsolete provisions of the Code.

LINDA HOWARTH MACKAY, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 27, 1981, he approved and transmitted to the Secretary of State the following bills:

Senate File 284, an act striking the provision which prohibits a telephone company from imposing a charge for directory assistance.

Senate File 320, an act relating to the performance of audiometric examinations under the Iowa Occupational Hearing Loss Act.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber temporarily on April 27, 1981. Had I been present, I would have voted "aye" on Senate File 408.

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Steven Peik and Steven Schwemm. By Avenson of Fayette.

Eight eighth grade students from Kanawha Christian School, Kanawha, accompanied by Carroll Hol. By Stromer of Hancock.

Ninety students from Clive Elementary School, Des Moines, accompanied by Mr. Gift, Mr. Foster and Virginia McLaughlin Crone. By Carpenter and Krewson of Polk.

Eleven Girl Scouts from Preston, accompanied by Mildred Clarkson, Marge Koch and Marcella Butschi. By Welsh of Dubuque.

Twenty senior students from Mormon Trail High School, Garden Grove, accompanied by Bonnie Peterson. By Jay of Appanoose.

Ninety-six Camp Fire Girls from Iowana Council, Cedar Rapids, accompanied by Karen DeMeulenaere and Kathy Reyner. By Running, Oxley, Hall, Petrick, Johnson and Horn of Linn.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983 and relating to capital improvements and expenditures for designated institutions under the department of social services and relating to the closing of the juvenile home at Toledo effective October 1, 1981.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—3822	H.F. 779	Senate Amendment
H—3823	H.F. 739	Senate Amendment
H—3824	H.F. 472	Senate Amendment
H—3825	S.F. 539	Hummel of Benton Schroeder of Pottawattamie Egenes of Story
H—3826	S.F. 539	Crabb of Crawford
H—3827	S.F. 539	Schroeder of Pottawattamie
H—3828	H.F. 804	Senate Amendment
H—3829	S.F. 399	Avenson of Fayette
H—3831	H.F. 841	Howell of Floyd
H—3832	S.F. 277	Smalley of Polk
H—3833	S.F. 511	Smalley of Polk
H—3834	S.F. 511	Smalley of Polk
H—3835	S.F. 519	Shull of Warren
H—3836	H.F. 800	O'Kane of Woodbury
H—3837	S.F. 384	Spear of Lee
H—3838	S.F. 48	Schnekloth of Scott Carpenter of Polk Byerly of Polk
H—3840	S.F. 48	Schroeder of Pottawattamie Byerly of Polk
H—3841	H.F. 845	Ritsema of Sioux
H—3842	S.F. 514	Schroeder of Pottawattamie
Byerly of Polk		Lind of Black Hawk
Horn of Linn		Johnson of Linn
Harbor of Mills		Woods of Polk
Holt of Clay		Welsh of Dubuque

H–3843	S.F. 48	Schnekloth of Scott Schroeder of Pottawattamie Johnson of Linn
H–3844	S.F. 48	Bennett of Ida
H–3845	S.F. 48	Schnekloth of Scott
H–3846	S.F. 48	Schnekloth of Scott
H–3847	S.F. 48	Anderson of Audubon
H–3848	S.F. 48	Anderson of Audubon
H–3849	H.F. 846	Halvorson of Clayton Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 6:27 p.m. until 9:00 a.m., Tuesday, April 28, 1981.

JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day—Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 28, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Milton Eklund, pastor of the St. John's Lutheran Church, Hampton.

The Journal of Monday, April 27, 1981 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curt Wuest, Marshalltown.

PETITION FILED

The following petition was received and placed on file:

By Howell of Floyd, from nine constituents opposing Senate File 131 which would repeal requirements for licensing of barbers.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren, for a portion of the morning, on request of Cochran of Webster; Lonergan of Boone, for a portion of the morning, on request of Crabb of Crawford.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 386, a bill for an act to provide for the implementation of agreements to arbitrate disputes and rules for review of arbitration awards.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 462, a bill for an act relating to the withdrawal of land from a benefited fire district.

Also: That the Senate has on April 24, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 503, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service.

Also: That the Senate has on April 24, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 632, a bill for an act to require a permit for drilling operations for metallic minerals exploration.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 641, a bill for an act providing for the establishment and operation of forestry nurseries by the director of adult corrections on state owned land under the control of the department of social services.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 643, a bill for an act relating to strategy discussions by a governmental body in negotiating with employees of the governmental body who are not under a collective bargaining agreement.

Also: That the Senate has on April 24, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 751, a bill for an act to provide for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 757, a bill for an act relating to easements for certain sewer, water, or gas or power lines within a city.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 769, a bill for an act relating to meetings and payment for service on county commissions of veteran affairs, changing certain benefits provided by the county commissions, and clarifying and correcting certain references.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 773, a bill for an act relating to the penalty to be imposed on licensees who tender the department of beer and liquor control three or more insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 784, a bill for an act relating to reports of reportable disease.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 790, a bill for an act relating to the time the lien for rates or charges for utility services attaches.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 795, a bill for an act relating to nonprofit marketing associations regulated under chapter 500.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 802, a bill for an act relating to gifts allowed under the uniform gifts to minors Act.

Also: That the Senate has on April 24, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 836, a bill for an act relating to honoring county warrants.

Also: That the Senate has on April 24, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 837, a bill for an act to repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

House File 843, a bill for an act relating to the support of a stepchild, was taken up for consideration.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 843)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Miller
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renken	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Mr. Speaker	

The nays were, 3:

Byerly	O'Kane	Renaud

Absent or not voting, 10:

Chiodo	Cusack	Davitt	Egenes
Jochum	Lonergan	Rapp	Smalley
Swartz	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 508 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 508 from further consideration by the House.

SENATE FILE 468 SUBSTITUTED FOR HOUSE FILE 763

Hansen of O'Brien asked and received unanimous consent to substitute Senate File 468 for House File 763.

Senate File 468, a bill for an act relating to the payment of tuition and transportation costs of certain children receiving foster care, was taken up for consideration.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 468)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Chiodo	Davitt	Gettings	Jochum
Rapp	Smalley	Swartz	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 763 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 763 from further consideration by the House.

Unfinished Business Calendar

Senate File 377, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance, with report of committee recommending amendment and passage was taken up for consideration.

McKean of Jones offered the following amendment H–3448 filed by the committee on human resources:

H–3448

Amend Senate File 377 as follows:

1. Page 1, by inserting before line 1 the following:

"Section 1. Chapter 239, Code 1981, is amended by adding the following new section:

NEW SECTION. In determining the eligibility of an individual for assistance under this chapter, the department shall include, as resources still available to the individual, those nonexempt resources or interests in resources, owned by the individual within the preceding twenty-four months, which the individual gave away or sold at less than fair market value for the purpose of establishing eligibility for assistance under this chapter.

1. A transaction described in this section is presumed to have been for the purpose of establishing eligibility for assistance under this chapter unless the individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose.

2. The value of a resource or an interest in a resource in determining eligibility under this section is the fair market value of the resource or interest at the time of the transaction less the amount of any compensation received.

3. If a transaction described in this section results in uncompensated value exceeding twelve thousand dollars, the department shall provide by rule for a period of ineligibility which exceeds twenty-four months and has a reasonable relationship to the uncompensated value above twelve thousand dollars."

2. Title page, line 3, by inserting after the word "assistance" the words "and aid to dependent children benefits".

Spear of Lee asked and received unanimous consent to withdraw amendment H—3594, to the committee amendment H—3448, filed by him on April 10, 1981 and amendment H—3477, to the committee amendment H—3448, filed by him on April 3, 1981.

On motion by McKean of Jones, the committee amendment H—3448 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendments H—3476 and H—3603 filed by him on April 3, 1981 and April 10, 1981 respectively.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 377)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Crawford	Cusack
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh

The nays were, none.

Absent or not voting, 8:

Chiodo	Davitt	Groth	Jochum
Rapp	Welden	Woods	Mr. Speaker

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

OBJECTION TO UNANIMOUS CONSENT TO VOTE

Groth of Buena Vista asked for unanimous consent to be recorded as voting "aye" on Senate File 377.

Objection was raised.

HOUSE FILE 803 WITHDRAWN

McKean of Jones asked and received unanimous consent to withdraw House File 803 from further consideration by the House.

Senate File 80, a bill for an act relating to the administration of judicial district departments of correctional services; with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H—3669 filed by her on April 15, 1981.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 80)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Cusack	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt

Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chiodo	Clark, J. H.	Davitt	Doderer
Jochum	Krewson	Rapp	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann of Muscatine offered the following amendment H–3682 filed by the committee on state government and moved its adoption:

H–3682

Amend Senate File 213 as passed by the Senate as follows:

1. Page 1, by striking lines 9 through 12 and inserting in lieu thereof the words "Members may be reappointed for one additional".

2. Page 1, by striking lines 17 through 29.

3. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act to replace the salaries of the members of the Iowa beer and liquor control council with a per diem compensation."

A non-record roll call was requested.

The ayes were 70, nays 20.

The committee amendment H—3682 was adopted.

Hoffmann of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 213)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connors
Cook	Crabb	Crawford	Cusack
Daggett	De Groot	Dieleman	Diemer
Doderer	Egenes	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pellett
Pelton	Petrick	Poffenberger	Pope
Renaud	Renken	Schnekloth	Schroeder
Shimanek	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

The nays were, 11:

Byerly	Chiodo	Gettings	Horn
McKean	Pavich	Poncy	Ritsema
Running	Walter	Welsh	

Absent or not voting, 8:

Clark, J. H.	Connolly	Corey	Danker
Davitt	Harbor	Jochum	Rapp

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 511, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment, with report of committee recommending amendment and passage was taken up for consideration.

Pelton of Clinton asked for unanimous consent to withdraw amendment H–3676 filed by the committee on judiciary and law enforcement:

H–3676

Amend Senate File 511 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 4 and 5 and inserting in lieu thereof the following: "this section shall not remain a lien upon real estate of the defendant, platted as a homestead pursuant to section 561.4, unless execution is levied within twenty days of the time".

Objection was raised.

Conlon of Muscatine asked and received unanimous consent that Senate File 511 be deferred and that the bill retain its place on the calendar.

SENATE FILES 456 and 519 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent that Senate Files 456 and 519 be temporarily deferred and that the bills retain their place on the calendar.

Senate File 394, a bill for an act increasing corporate and uniform commercial code filing fees, with report of committee recommending passage was taken up for consideration.

Bennett of Ida in the chair at 11:01 a.m.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 394)

The ayes were, 45:

Anderson, J.	Bruner	Carpenter	Clark, B. J.
Clark, J. H.	Crabb	Crawford	Cusack
Daggett	Danker	Diemer	Egenes
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stromer	Swearingen	Tofte	Welden
Mr. Speaker (Bennett)			

The nays were, 54:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Byerly	Carl
Chiodo	Clements	Cochran	Conlon
Connolly	Connors	Cook	Davitt
De Groot	Dieleman	Doderer	Gettings
Gross	Groth	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Lind	Lonergan	Mann
Miller	Norland	O'Kane	Oxley
Pavich	Petrick	Poffenberger	Poncy
Rapp	Renaud	Running	Smalley
Stueland	Sturgeon	Sullivan	Swartz
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods		

Absent or not voting, 1:

Corey

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

Speaker Stromer in the chair at 11:10 a.m.

The House resumed consideration of **Senate File 511**, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment, and amendment H–3676 filed by the committee on judiciary and law enforcement.

Smalley of Polk offered the following amendment H—3834, to the committee amendment H—3676, filed by him and moved its adoption:

H—3834

Amend amendment H—3676 to Senate File 511 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 8, by striking the word "twenty" and inserting in lieu thereof the word "thirty".

Amendment H—3834 was adopted.

On motion by Pelton of Clinton, the committee amendment H—3676, as amended, was adopted.

Smalley of Polk offered the following amendment H—3857 filed by him from the floor and moved its adoption:

H—3857

Amend Senate File 511, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, line 11, by striking the word "twenty" and inserting in lieu thereof the word "thirty".

Amendment H—3857 was adopted.

Smalley of Polk offered the following amendment H—3833 filed by him and moved its adoption:

H—3833

Amend Senate File 511 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by striking lines 12 and 13 and inserting in lieu thereof the following: "demand. Written demand shall be served in any manner".

Amendment H—3833 was adopted.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 511)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lloyd-Jones	Lonergan
Mann	McKean	Menke	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Running	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Spear
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 12:

Avenson	Chiodo	Clements	Halvorson, R. A.
Lageschulte	Lind	Maulsby	Miller
Norland	Renken	Stueland	Tofte

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Pope of Polk, the House was recessed at 11:28 a.m, until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

SENATE FILE 456 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 456 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Unfinished Business Calendar

Senate File 519, a bill for an act related to certain regulated or prohibited activities and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Harbor of Mills offered the following amendment H–3648 filed by the committee on state government:

H–3648

Amend Senate File 519 as passed by the Senate as follows:

1. By striking page 1, line 1 through page 5, line 9 and inserting in lieu thereof the following:

"Section 1. Section 99B.1, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Applicant" means an individual or an organization.

NEW SUBSECTION. "Eligible applicant" means an applicant who meets all of the following requirements:

a. The applicant's financial standing and good reputation are within the standards established by the department by rule under chapter 17A so as to satisfy the director that the applicant will comply with this chapter and the rules applicable to operations under it.

b. The applicant is a citizen of the United States and a resident of this state, or a corporation licensed to do business in this state, or a business that has an established place of business in this state or that is doing business in this state.

c. The applicant has not been convicted of a felony. However, if the applicant's conviction occurred more than five years before the date of the application for a license, and if the applicant's rights of citizenship have been restored by the governor, the director may determine that the applicant is an eligible applicant.

If the applicant is an organization, then the requirements of paragraphs a, b, and c apply to its officers, directors, partners, and controlling shareholders.

NEW SUBSECTION. "Controlling shareholder" means either of the following:

a. A person who directly or indirectly owns or

controls ten percent or more of any class of stock of a license applicant.

b. A person who directly or indirectly has an interest of ten percent or more in the ownership or profits of a license applicant.

NEW SUBSECTION. "Bingo occasion" means a single gathering or session at which successive bingo games are played. A bingo occasion commences when the operator of the game begins to announce the number, letter, or combination of numbers or letters through which the winner of a single bingo game will be determined.

Sec. 2. Section 99B.1, subsection 4, Code 1981, is amended to read as follows:

4. "Bingo" means a game, whether known as bingo

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or any other name, in which each participant uses one or more cards each of which is marked off into spaces arranged in horizontal and vertical rows of spaces, with each space being designated by number, letter, or combination of numbers and letters, no two cards being identical, with the players covering spaces as the operator of ~~such~~ the game announces the number, letter, or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, or combinations of numbers and letters corresponding to the system used for designating the spaces, with the winner of each game being the player ~~or~~ players first properly covering a predetermined and announced pattern of spaces on a card being used by ~~him~~ the player or ~~them~~ players. Each determination of a winner by the method described in the preceding sentence is a single bingo game at any bingo occasion.

Sec. 3. Section 99B.1, subsection 6, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

6. "Net receipts" means gross receipts less amounts awarded as prizes. Reasonable expenses, charges, fees, taxes, and deductions allowed by the department of revenue shall not exceed twenty-five percent of net receipts.

Sec. 4. Section 99B.2, subsection 1, Code 1981, is amended to read as follows:

1. The department ~~shall be~~ is the agency responsible for issuing any license required by this chapter. A license shall not be issued, except upon submission to the department of an application on

forms furnished by the department, and ~~upon submission of~~ the required license fee. A license may be issued to any applicant who is an eligible applicant. However, a license shall not be issued to an applicant who has been convicted of or pled guilty to a violation of this chapter or to a violation of chapter 123 that resulted in suspension or revocation of a license issued to the applicant under chapter 123. A license also shall not be issued for a location for which a previous license issued under this chapter or chapter 123 has been revoked within the preceding two years. Except as otherwise provided in this chapter, a license ~~shall be~~ is valid for a period of ~~one year~~ two years from the date of issue. The license fee ~~or any part thereof shall~~ is not ~~be~~ refundable, but shall be returned to the applicant ~~in the event~~ if an application is not approved.

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Sec. 5. Section 99B.2, subsection 3, Code 1981, is amended to read as follows:

3. Each licensee required by subsection 2 to maintain records shall submit quarterly reports to the department on forms furnished by the department. The reports shall contain a compilation of the information required to be recorded by subsection 2, and shall include all of the transactions occurring during the three-month period for which the report is submitted. Failure to submit the quarterly reports ~~shall constitute~~ is grounds for revocation of the license. Willful failure to submit quarterly reports is a serious misdemeanor. However, the time for filing of reports may be extended for thirty days if the licensee makes written request to the department for an extension which request shows good cause for granting the extension. The making of any false or fraudulent report or application with intent to defeat or evade any tax assessment, fee, or charitable dedication and distribution required by law is a serious misdemeanor.

Sec. 6. Section 99B.3, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. The person conducting the game has submitted a license application and a fee of fifteen dollars for each game, and has been issued a license for the game, and prominently displays the license at the playing area of the game. A license is valid for a period of one year from the date of issue.

Sec. 7. Section 99B.6, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. The holder of the liquor control license or beer permit has submitted an application for a license and an application fee of ~~twenty-five~~ one hundred dollars, and has been issued a license, and prominently displays the license on the premises.

Sec. 8. Section 99B.7, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. Cash prizes may be awarded in the game of bingo and shall not exceed one hundred dollars. Merchandise prizes may be awarded in the game of bingo~~;~~, however, the actual retail value of the prize, or if the prize consists of more than one item, unit or part, the aggregate retail value of all items, units or parts, shall not exceed one hundred dollars. A jackpot bingo game may be conducted once during any twenty-four hour period in which the prize doubles if not won at one game~~:~~ ~~However~~ however, the cost of play shall not be increased and the jackpot shall not amount to more than five hundred dollars in cash or actual

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retail value of merchandise prizes. A jackpot bingo game ~~shall~~ is not ~~be deemed~~ prohibited by paragraph "h" of this subsection. A bingo occasion shall not last for longer than four consecutive hours. A qualified organization shall not hold more than fourteen bingo occasions per month. Bingo occasions held under a limited license shall not be counted in determining whether a qualified organization has conducted more than fourteen bingo occasions per month, nor shall bingo occasions held under a limited license be limited to four consecutive hours. With the exception of a limited license bingo, no more than three bingo occasions per week shall be held within a structure or building. At the conclusion of each bingo occasion, the person conducting the game shall announce both the gross receipts received from the bingo occasion and the use permitted under subsection 3, paragraph b, of this section to which the net receipts of the bingo occasion will be dedicated and distributed.

Sec. 9. Section 99B.7, subsection 1, Code 1981, is amended by adding the following new paragraph:

NEW PARAGRAPH. The person conducting the game does none of the following:

(1) Hold, currently, another license issued under this section.

(2) Own or control, directly or indirectly, any class of stock of another person who has been issued a license to conduct games under this section.

(3) Have, directly or indirectly, an interest in the ownership or profits of another person who has been issued a license to conduct games under this section.

Sec. 10. Section 99B.7, subsection 3, paragraph a, Code 1981, is amended to read as follows:

a. A person wishing to conduct games and raffles pursuant to this section as a qualified organization shall submit an application and a license fee of ~~twenty-five~~ one hundred dollars. However, upon submission of an application accompanied by a license fee of fifteen dollars, a person may be issued a limited license which shall authorize the person to conduct all games and raffles pursuant to this section at a specified location and during a specified period of fourteen consecutive calendar days. A limited license shall not be issued more than once during any twelve-month period to the same person, or for the same location.

Sec. 11. Section 99B.7, subsection 3, paragraph b, Code 1981, is amended to read as follows:

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b. A person or the agent of a person submitting application to conduct games pursuant to this section as a qualified organization shall certify ~~as a part of that application~~ that the ~~net~~ receipts of all games, less reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, either ~~shall~~ will be distributed as prizes to participants or ~~shall~~ will be dedicated and distributed to educational, civic, public, charitable, patriotic or religious uses in this state and that the amount dedicated and distributed will equal at least seventy-five percent of the net receipts. "Educational, civic, public, charitable, patriotic, or religious uses" means uses benefiting a society for the prevention of cruelty to animals or animal rescue league, or uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint, or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government, or uses benefiting any bona fide nationally chartered fraternal or military veterans' corporation or organization which operates in Iowa a clubroom, post, dining room, or dance hall, ~~as long as it continues to operate such,~~ but do not include the erection, acquisition, improvement, maintenance, or repair of real, personal or mixed property unless

it is used ~~exclusively~~ for one or more of the uses stated. "Public uses" specifically includes dedication of net receipts to political parties as defined in section 43.2. "Charitable uses" includes uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm ~~and~~ when the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense~~, which~~ when the loss is uncompensated by insurance.

Sec. 12. Section 99B.7, subsection 3, paragraph c, Code 1981, is amended to read as follows:

c. A qualified organization shall distribute amounts awarded as prizes on the day ~~the prizes~~ they are won. A qualified organization shall dedicate and distribute the balance of the net receipts ~~not later than one hundred eighty days from the date~~ received within a quarter and remaining after deduction of reasonable expenses, charges, fees, taxes, and deductions allowed by this chapter, before the

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quarterly report required for that quarter under section 99B.2, subsection 3, is due. The amount dedicated and distributed must equal at least seventy-five percent of the net receipts. A person desiring to hold the net receipts for a period longer than ~~one hundred eighty days must~~ permitted under this paragraph shall apply to the department for special permission and upon good cause shown the department may grant the request.

Sec. 13. Section 99B.9, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. The person occupying the premises as an owner or tenant has submitted an application for a license and an application fee of ~~twenty-five~~ one hundred dollars, and has been issued a license for those premises, and prominently displays the license on the premises.

Sec. 14. Chapter 99B, division IV, Code 1981, is amended by adding the following new section:

NEW SECTION. ATTORNEY GENERAL AND COUNTY ATTORNEY. Upon request of the department of revenue, the attorney general shall institute in the name of the state the proper proceedings against a person charged by the department with violating a provision of this chapter, and a county attorney, at the request of the attorney

general, shall appear and prosecute an action when brought in the county attorney's county."

2. Renumber to conform to this amendment.

Woods of Polk offered the following amendment H—3799, to the committee amendment H—3648, filed by him:

H—3799

Amend the House amendment, H—3648, to Senate File 519 as passed by the Senate, as follows:

1. Page 1, by inserting after line 47 the following:

"NEW SUBSECTION. "Slot machine" means an electrical or mechanical device that operates by insertion of a coin, token, or similar object and that, through an element of chance, skill, or a combination of chance and skill, delivers or entitles the person playing or operating the device to receive cash, premiums, merchandise, tokens, or other prizes. However, a slot machine does not include an amusement device possessed and used in accordance with section 99B.10.

Sec. . Section 99B.1, subsection 1, Code 1981, is amended to read as follows:

1. "Game of skill" means a game whereby the result is determined by the player directing or throwing objects to designated areas or targets, or by maneuvering water or an object into a designated area, or by maneuvering a dragline device to pick up particular items, or by shooting a gun or rifle. However, game of skill does not include a slot machine."

2. Renumber to conform to this amendment.

Harbor of Mills rose on a point of order that amendment H—3799 was not germane.

The Speaker ruled the point well taken and amendment H—3799 not germane to the committee amendment H—3648.

Chiodo of Polk moved that the rules be suspended to consider amendment H—3799.

A non-record roll call was requested.

The ayes were 43, nays 50.

The motion lost.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3773 until consideration of amendment H—3755.

Halvorson of Clayton offered the following amendment H—3678, to the committee amendment H—3648, filed by him and Jay of Appanoose and moved its adoption:

H—3678

Amend the House amendment, H—3648, to Senate File 519 as passed by the Senate, as follows:

1. Page 2, by striking lines 39, 40 and 41 and inserting in lieu thereof the following: "of this chapter, or who has been convicted of or pled guilty to a violation of chapter 123 that resulted, at any time, in revocation of a license issued to the applicant under chapter 123 or that resulted, within the twelve months preceding the date of application for a license required by this chapter, in suspension of a license issued under chapter 123. A license".

Amendment H—3678 was adopted.

Chiodo of Polk offered the following amendment H—3755, to the committee amendment H—3648, filed by him and moved its adoption:

H—3755

Amend the House amendment, H—3648 to Senate File 519, as passed by the Senate, as follows:

1. Page 4, line 14, by adding after the word "building" the words "and only one person licensed to conduct games under this section may hold bingo occasions within a structure or building".

Amendment H—3755 was adopted.

Arnould of Scott offered the following amendment H—3773, to the committee amendment H—3648, filed by him and moved its adoption:

H—3773

Amend the House amendment, H—3648, to Senate File 519 as passed by the Senate, as follows:

1. Page 2, line 24, by inserting after the word "prizes" the words and figures "or deducted as rent imposed and collected in accordance with section 99B.7, subsection 2, paragraphs a, b, and c, or both".

Amendment H—3773 lost.

Gettings of Wapello offered the following amendment H—3859, to the committee amendment H—3648, filed by him from the floor and moved its adoption:

H—3859

Amend the House amendment, H—3648, to Senate File 519 as passed by the Senate, as follows:

1. Page 4, line 14, by inserting after the word "building." the words "However, a qualified organization whose gross receipts for the previous four quarters were three thousand five hundred dollars or less may hold more than fourteen bingo occasions per month and more than three bingo occasions per week within the same structure or building, and bingo occasions conducted by such a qualified organization may last for longer than four consecutive hours."

Amendment H—3859 was adopted.

Chiodo of Polk offered the following amendment H—3756, to the committee amendment H—3648, filed by Chiodo, et al., and moved its adoption:

H—3756

Amend amendment H—3648 to Senate File 519, as passed by the Senate, as follows:

1. Page 4, line 22, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

2. Page 4, by inserting after line 22 the following:

"NEW PARAGRAPH. The person or organization conducting the game can show to the satisfaction of the department, that it is eligible for exemption from federal income taxation under either section 501(c) (3), 501(c) (5), 501(c) (10) or 501(c) (19) of the Internal Revenue Code, as defined in section 422.4."

A non-record roll call was requested.

The ayes were 49, nays 43.

Amendment H—3756 was adopted, placing out of order amendment H—3815, to the committee amendment H—3648, filed by Chiodo of Polk on April 24, 1981.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Running of Linn, for the remainder of the day, on request of Renaud of Polk.

Shull of Warren offered the following amendment H—3835, to the committee amendment H—3648, filed by him and moved its adoption:

H—3835

Amend the House amendment, H—3648, to Senate File 519 as passed by the Senate, as follows:

1. Page 6, by adding after line 9 the following:

"Sec. . Section 99B.7 is amended by adding the following new subsection:

"NEW SUBSECTION. As used in this subsection, "contracting party" means a person whose principal activity is a use for which net receipts may be dedicated and distributed under subsection 3, paragraph b of this section. Two or more contracting parties may contract with a qualified organization or an applicant for a license to conduct games under this section to conduct bingo occasions on the contracting parties' behalf within a structure or building. The number of bingo occasions that can be held within a building or structure per month is not restricted when the bingo occasions are conducted under this subsection. A contracting party is responsible for any rent, audit expense or tax resulting from a bingo occasion and attributable to the contracting party. The number of bingo occasions attributable to a contracting party shall not exceed fourteen per month. Each contracting party's permitted use under subsection 3, paragraph b, of this section, shall receive a proportion of the total net receipts from a quarter to be dedicated and distributed. The proportion shall be in the same ratio as the number of bingo occasions in a quarter attributable to the contracting party bears to the total number of bingo occasions held by the qualified organization under this subsection within the quarter. Bingo occasions conducted under this subsection are subject to the following

conditions:

a. Each contracting party contracting with a qualified organization or license applicant shall meet all of the following requirements:

(1) Have or be eligible for a property tax exemption under section 427.1, subsections 2 or 9.

(2) Have at least two hundred fifty members in good standing. However, this subparagraph does not apply to a political subdivision.

(3) Have been in existence for at least ten consecutive years prior to the contracting years and remain in existence during the contract period.

b. Each contracting party shall enter into a written contract with the qualified organization or applicant setting forth the terms and conditions of their agreement which terms and conditions shall include the following provisions:

(1) The number of bingo occasions to be

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attributable to the contracting party per month.

(2) The contracting party's proportion of distribution of net receipts to be distributed.

(3) The use for which net receipts may be dedicated and distributed under subsection 3, paragraph b of this section to which the contracting party shall dedicate and distribute its proportion of the total net receipts received within a quarter. The use shall be a principal activity of the contracting party.

(4) The method that the contracting party will utilize to determine that the gross receipts received and the amount of the prizes awarded are reported accurately.

(5) The books of account and records of the qualified organization shall be made available for inspection and audit by the contracting party.

(6) The rent that the contracting party pays for each bingo occasion attributable to the contracting party shall not be a percentage of the receipts received from bingo occasions. The contracting party shall have the right to terminate any rental agreement upon thirty days written notice to the qualified organization. The qualified organization, however, is subject to the rental provisions set forth in subsection 2 of this section.

(7) Either the contracting party or the qualified organization may terminate the contract by giving the other thirty days written notice of the intent to terminate.

(8) The contract is valid for one year. Renewal

shall be by a new and separate agreement.
c. A contracting party shall file, quarterly, with the department and in a manner prescribed by the department, the following:
(1) The times, manner, and results through which the contracting party determined the accuracy of the gross receipts and amount of prizes awarded.
(2) The amount of distribution received by the contracting party.
(3) The use for which net receipts may be dedicated and distributed under subsection 3, paragraph b of this section for which the contracting party utilized its distribution and that the utilization was in accordance with the contracting party's principal activity.
(4) Any other information requested by the department.
d. The qualified organization is subject to all other provisions of this section except as modified in this subsection.

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e. If the license of the qualified organization is revoked or not reissued, any contract entered into pursuant to this section shall immediately become null and void."
2. Renumber to conform to this amendment.

A non-record roll call was requested.

The ayes were 9, nays 63.

Amendment H—3835 lost.

Harbor of Mills moved the adoption of the committee amendment H—3648, as amended.

The committee amendment H—3648, as amended, was adopted, placing out of order the following amendments:

H—3502 filed by Harbor of Mills, et al., on April 6, 1981.
H—3537, to amendment H—3502, filed by Connolly of Dubuque and Running of Linn on April 7, 1981.
H—3538, to amendment H—3502, filed by Johnson of Linn, et al., on April 7, 1981.
H—3457 filed by O'Kane of Woodbury on April 2, 1981.
H—3536 filed by Connolly of Dubuque and Running of Linn on April 7, 1981.

Spear of Lee offered the following amendment H–3479 filed by him and moved its adoption:

H–3479

Amend Senate File 519 as follows:
1. Page 6, line 22, by inserting after the word "section." the words "The cost of publication shall be paid from moneys deposited in the escrow account."

Amendment H–3479 was adopted.

(Senate File 519 pending at adjournment.)

MOTIONS TO RECONSIDER

(Senate File 213)

I move to reconsider the vote by which Senate File 213 passed the House on April 28, 1981.

POPE of Polk

(Senate File 300)

I move to reconsider the vote by which Senate File 300 passed the House on April 27, 1981.

POPE of Polk

(Senate File 377)

I move to reconsider the vote by which Senate File 377 passed the House on April 28, 1981.

POPE of Polk

(Senate File 394)

I move to reconsider the vote by which Senate File 394 failed to pass the House on April 28, 1981.

POFFENBERGER of Dallas

(Senate File 394)

I move to reconsider the vote by which Senate File 394 failed to pass the House on April 28, 1981.

AVENSON of Fayette

(Senate File 394)

I move to reconsider the vote by which Senate File 394 failed to pass the House on April 28, 1981.

BRANSTAD of Winnebago

(Senate File 474)

I move to reconsider the vote by which Senate File 474 passed the House on April 27, 1981.

HOFFMANN of Muscatine

(Senate File 511)

I move to reconsider the vote by which Senate File 511 passed the House on April 28, 1981.

POPE of Polk

(Senate File 514)

I move to reconsider the vote by which Senate File 514 passed the House on April 27, 1981.

POPE of Polk

(Senate File 531)

I move to reconsider the vote by which Senate File 531 passed the House on April 27, 1981.

POPE of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 28, 1981, he approved and transmitted to the Secretary of State the following bills:

House File 157, an act relating to the authority of school districts to sell, lease, or dispose of school property.

House File 371, an act relating to the prohibition of open burning under certain conditions and providing a penalty.

House File 588, an act relating to the collection by lenders of certain fees from persons other than sellers and borrowers in connection with certan real property purchase-money loans.

House File 740, an act to increase the fee for a duplicate registration card, plate, or pair of plates and the form of restricted certificates of title.

Senate File 542, an act making a supplemental appropriation to the Department of Social Services for the fiscal year ending June 30, 1981, for the Aid to Dependent Children Program, field operations, and operation of the adult correctional institutions.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 28th day of April, 1981: House Files 292, 465, 547, 565, 729, 731, 746 and 806.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

SPECIAL PRESENTATION

Byerly of Polk presented to the House the following members of the Rotary International Group Study Exchange Team from South Australia: N. J. (Neville) Findlay, E. J. (Ted) Gretgrix, G. P. (Gary) Crilley, D. J. (Des) Ryan, A. P. (Tony) Hall, and their leader, V. J. (Val) Pollard. They were accompanied by Dick Kitner and Jim Forsyth of Ankeny.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventy-five fifth grade students from Washington Elementary School, Red Oak, accompanied by Sue Timmerman and Al Krabbenhoft. By Harbor of Mills.

Twenty-seven eighth grade students from Lutheran Inter-Parish School, Williamsburg, accompanied by Duane Miller. By Tyrrell of Iowa.

Fifty ninth grade students from Roosevelt Junior High School, Mason City, accompanied by Dick Attleson and Homer Clark. By Clark of Cerro Gordo and Norland of Worth.

Thirty-one fifth grade students from Camp Fire Girls Iowana Council, Cedar Rapids, accompanied by Pat Garrett. By Petrick of Linn.

Twenty members of the Missouri Valley Hot Shots 4-H Club from Missouri Valley, accompanied by Shirley Fidone and Sharon Collier. By Crabb of Crawford.

AMENDMENTS FILED

H–3850	S.F. 48	Hummel of Benton
H–3851	H.F. 386	Senate Amendment
H–3853	H.F. 503	Senate Amendment
H–3854	H.F. 632	Senate Amendment
H–3855	H.F. 751	Senate Amendment
H–3856	H.F. 836	Senate Amendment
H–3860	S.F. 48	Clark of Cerro Gordo
H–3861	S.F. 513	Schroeder of Pottawattamie
H–3862	H.F. 849	Corey of Louisa Spear of Lee Sullivan of Van Buren
H–3863	S.F. 384	Davitt of Warren
H–3864	S.F. 268	Smalley of Polk
H–3865	S.F. 514	Schroeder of Pottawattamie
Byerly of Polk		Lind of Black Hawk

	Horn of Linn		Johnson of Linn
	Harbor of Mills		Woods of Polk
	Holt of Clay		Welsh of Dubuque
H—3866	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3867	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3868	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3869	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3870	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3871	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3872	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3873	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3874	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3875	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3876	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3877	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3878	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3879	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3880	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3881	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3882	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3883	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3884	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills
H—3885	S.F.	48	Schroeder of Pottawattamie
			Harbor of Mills

H—3886	S.F. 48	Schroeder of Pottawattamie Harbor of Mills
H—3887	S.F. 519	Johnson of Linn Doderer of Johnson
H—3888	S.F. 519	Shimanek of Jones
H—3889	H.F. 845	Schnekloth of Scott

On motion by Pope of Polk, the House adjourned at 5:44 p.m., until 9:00 a.m., Wednesday, April 29, 1981.

JOURNAL OF THE HOUSE

One Hundred Eighth Calendar Day—Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 29, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father John W. Stark, pastor of the St. Patrick's Catholic Church, Tama.

The Journal of Tuesday, April 28, 1981 was approved.

PETITION FILED

The following petition was received and placed on file:

By Lind of Black Hawk, from five constituents opposing any change in the present bingo law.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 27, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 467, a bill for an act relating to the rules of the fire marshal.

Also: That the Senate has on April 27, 1981, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 13, a bill for an act relating to the maximum rate of interest on investments of public funds in banks.

Also: That the Senate has on April 27, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 87, a bill for an act providing for the designation of handicapped parking spaces and providing a penalty.

Also: That the Senate has on April 27, 1981, refused to concur in the House amendment to the following bill:

Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection to fire officials and providing a penalty.

Also: That the Senate has on April 27, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 355, a bill for an act requiring the Iowa housing finance authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing.

Also: That the Senate has on April 27, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 420, a bill for an act relating to the siting of hazardous waste treatment.

Also: That the Senate has on April 27, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 546, a bill for an act relating to the sale by the department of social services of the Peck day care center in Newton, Iowa and the Sanford day care center in Sioux City, Iowa.

LINDA HOWARTH MACKAY, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 519**, a bill for an act relating to certain regulated or prohibited activities and providing penalties.

Harbor of Mills moved to reconsider the vote by which the committee amendment H—3648, as amended, was adopted by the House on April 28, 1981.

The motion prevailed and the House reconsidered the committee amendment H—3648, as amended, found on pages 1474 through 1480 of the House Journal.

Chiodo of Polk moved to reconsider the vote by which amendment H—3756, to the committee amendment H—3648, was adopted by the House on April 28, 1981.

The motion prevailed and the House reconsidered amendment H—3756, found on page 1482 of the House Journal.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H—3756.

Chiodo of Polk offered the following amendment H—3891, to the committee amendment H—3648, filed by him from the floor and moved its adoption:

H—3891

Amend amendment H—3648 to Senate File 519 as follows:

1. Page 4, line 22, by striking the word "paragraph" and inserting in lieu thereof the word "paragraphs".

2. Page 4, by inserting after line 22 the following:

"NEW PARAGRAPH. The person or organization conducting the game can show to the satisfaction of the department that it is eligible for exemption from federal income taxation under either section 501(c)(3), 501(c)(5), 501(c)(6), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, as defined in section 422.4. However, this paragraph does not apply to a political party as defined in section 43.2 or to a nonparty political organization that has qualified to place a candidate as its nominee for statewide office pursuant to chapter 44."

Amendment H—3891 was adopted, placing out of order amendment H—3892 (to the committee amendment H—3648) filed by Mullins of Kossuth and Halvorson of Webster from the floor.

On motion by Harbor of Mills, the committee amendment H—3648, as amended, was adopted.

Shimanek of Jones offered the following amendment H—3888 filed by her and moved its adoption:

H—3888

Amend Senate File 519, as passed by the Senate, as follows:

1. Page 5, by striking line 10 through line 30.

Amendment H—3888 was adopted.

Johnson of Linn offered the following amendment H—3887 filed by him and Doderer of Johnson and moved its adoption:

H–3887

Amend Senate File 519, as passed by the Senate, as follows:

1. Page 5, by striking line 31 through page 7 line 5.

Amendment H–3887 was adopted, placing out of order amendment H–3479 filed by Spear of Lee and previously adopted on April 28, 1981.

The following amendment H–3899, filed by Pope of Polk from the floor, was adopted by unanimous consent:

H–3899

Amend Senate File 519, as passed by the Senate, as follows:

1. Title page, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act amending the laws relating to games of skill, chance and raffles and providing penalties."

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 519)

The ayes were, 88:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Horn	Howell	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renken
Ritsema	Running	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz

Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, 11:

Arnould	Byerly	Corey	Hummel
Lind	Miller	Mullins	O'Kane
Renaud	Walter	Welden	

Absent or not voting, 1:

Smalley

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Unfinished Business Calendar

Senate File 48, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 10:23 a.m., until the fall of the gavel.

The House resumed session at 12:03 p.m., Speaker Stromer in the chair.

(Senate File 48 pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:04 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Halvorson of Clayton and Mann of Greene on request of Cook of Hardin, both for the afternoon session, April 30, and May 1, 1981.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 48**, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities.

Conlon of Muscatine offered the following amendment H–3597 filed by the committee on commerce and moved its adoption:

H–3597

Amend Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 4, by inserting after line 11 the following:

"Sec. . NEW SECTION. "Electric power agency" means an entity financing or acquiring electric power facilities pursuant to chapter 28E or 28F.

Sec. . Section 427.1, subsection 2, Code 1981, is amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit, except property of a municipally owned electric utility held under joint ownership and property of an electric power facility financed under chapter 28F which shall be subject to assessment and taxation under provisions of chapters 428 and 437. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

Sec. . Section 428.24, Code 1981, is amended to read as follows:

428.24 PUBLIC UTILITY PLANTS. The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks or

gasworks or pipe lines; the lands, buildings, machinery, tracks, poles, and wires belonging to individuals, ~~or~~ corporations or electric power agencies furnishing electric light or power; the lands, buildings, machinery, poles, wires, overhead construction, tracks, cables, conduits, and fixtures belonging to individuals or corporations operating railways by cable or electricity, or operating elevated street railways; and the lands, buildings, tracks, and fixtures of street railways operated by animal power, shall be listed and assessed by the department of revenue. In the making of any such assessment

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of waterworks plants, the value of any interest in the property so assessed, of the municipal corporation wherein the same is situated, shall be deducted, whether such interest be evidenced by stock, bonds, contracts, or otherwise.

Sec. . Section 428.28, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Every individual, copartnership, corporation, association or city which operates a public utility on a nonprofit basis, as defined in section 428.24 shall annually, on or before the first day of May of each calendar year, make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, copartnership, corporation, association or city within the incorporated limits of any city in the state, and give such other information as the director of revenue shall require. Any ~~public~~ city utility which reports according to this paragraph shall not be assessed.

Sec. . Section 428.37, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. "Electric power generating plant" means each taxable name plate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under the provisions of chapter 28F in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. . Section 428.37, subsection 2, paragraph c, Code 1981, is amended to read as follows:

c. Notwithstanding the provisions of paragraph "b" of this subsection, if the owner is a municipal electric utility or electric power facility financed under the provisions of chapter 28F, the remaining taxable value shall be allocated to each taxing

district in which the municipal electric utility is serving customers and has electric meters in operation in the ratio that the number of operating electric meters of the municipal electric utility located in the taxing district bears to the total number of operating electric meters of the municipal electric utility in the state as of January 1 of the calendar year in which the assessment is made. If the municipal electric utility or electric power facility financed under the provisions of chapter 28F has no operating electric meters in this state, then the remainder shall be assessed and levied on at the current rate of the taxing district in which the electric power generating plant is located. Tax moneys received

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from such remainder assessment and levies shall be paid to the county treasurer, who shall pay such tax moneys to the treasurer of state not later than fifteen days from the date the tax moneys are received by the county treasurer for deposit in the general fund of the state.

All municipal electric utilities which shall have taxable value apportioned under this section shall, annually on or before the first day of May of each calendar year, make a report listing the total operating meters of the municipal electric utility in each taxing district it serves as of the first day of January of each calendar year on forms provided by the department of revenue."

2. By renumbering sections as necessary.

The committee amendment H—3597 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3866 filed by him and Harbor of Mills:

H—3866

Amend Senate File 48, as amended, passed, and reprinted by the Senate as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 28F.1, Code 1981, is amended to read as follows:

28F.1 SCOPE OF CHAPTER. This chapter is intended to provide a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification and

disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, also non-nuclear electric power facilities constructed within the state of Iowa, water supply systems, swimming pools or golf courses. The provisions of this chapter ~~shall be deemed to~~ apply to the acquisition, construction, reconstruction, ownership, operation, repair, extension or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and execute all the powers conferred in this chapter.

A city shall not join an entity created under this chapter or any separate administrative or legal entity created pursuant to chapter 28E for the purpose of utilizing the provisions of this chapter for financing electric power facilities until the proposal of the city to join such entity has been submitted to and approved by the voters pursuant to chapter 388.

Sec. 2. Section 28F.7, Code 1981, is amended to read as follows:

28F.7 CONSTRUCTION AND OPERATION OF PROJECT.

~~Such an~~ An entity shall operate, maintain and preserve the project or projects in good repair and working order, and shall construct and operate the project or projects in an efficient and economical manner, provided, ~~however,~~ that the entity may lease or rent the project or projects or any part thereof, or otherwise provide for the construction and operation of the project or projects or any part thereof in ~~such~~ the manner and upon ~~such~~ the terms as the

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governing body of the entity shall direct.

The electric light and power plant and system of any public agency participating in and receiving wholesale power from electric power facilities owned, operated or financed pursuant to this chapter shall meet the standards of the national electric safety code of 1968, as amended to and including January 1, 1980, of the national fire protection association.

Sec. 3. Section 28F.8, Code 1981, is amended to read as follows:

28F.8 DETAILS OF REVENUE BONDS. Revenue bonds issued pursuant to the provisions of this chapter shall bear interest at a rate or rates not exceeding that permitted by chapter 74A for revenue bonds issued by cities, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their respective dates, may be payable in such medium of payment, at such place or places within the state, may carry such registration privileges, may be subject to such terms of prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, may be sold at public or private sale in the manner and on terms provided by the entity or may be exchanged for outstanding interim notes, and may be in such form otherwise, as such resolution or subsequent resolutions shall provide.

Sec. 4. Section 28F.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

28F.9 ISSUANCE OF INTERIM NOTES. The entity shall have the power, at any time and from time to time, to borrow money for the purposes for which bonds may be issued in anticipation of the receipt of the proceeds of the sale of bonds. Notes shall be issued for all moneys so borrowed under the provisions of this section, and such notes may be renewed from time to time. The notes shall be authorized by resolution of the governing body of the entity and may be thereafter issued from time to time, shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding the maximum rate of interest prescribed in section 384.83, subsection 6 for pledge orders issued by a city, shall be in such form and shall be executed in such manner, all as such entity shall prescribe. If the notes shall be renewal notes, they may be exchanged for notes then outstanding on such terms as the governing body of the entity shall determine. Notes may be sold at public or private sale or may be issued to persons

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furnishing materials and services constituting a part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of a project or projects. The governing body of the entity may, in its discretion, retire any such notes from the revenues derived from the project or projects

or from other moneys of the entity which are lawfully available therefor or from a combination of each, in lieu of retiring them by means of bond proceeds.

Sec. 5. Section 28F.11, Code 1981, is amended to read as follows:

28F.11 EMINENT DOMAIN. Any public agency participating in an agreement authorizing the joint exercise of governmental powers pursuant to this chapter may exercise its power of eminent domain to acquire interests in property, under provisions of law then in effect and applicable to such public agency, for the use of the entity created to carry out such agreement; provided, that the power of eminent domain is not used to acquire interests in property which is part of a system of facilities in existence, under construction or planned, for the generation, transmission or sale of electric power. Any interests in property ~~so~~ acquired shall be deemed acquired for a public purpose of the condemning public agency, and the payment of the costs of ~~such~~ the acquisition may be made pursuant to ~~such~~ the agreement or to any separate agreement between ~~or among said~~ the public agency and ~~such~~ the entity or the other public agencies participating in ~~such~~ the entity or any of them. Upon payment of ~~such~~ costs, any property ~~so~~ acquired shall be ~~and become~~ the property of the entity.

Sec. 6. NEW SECTION. "Electric power agency" means an entity financing or acquiring electric power facilities pursuant to chapter 28E or 28F.

Sec. 7. Section 384.95, subsection 2, Code 1981, is amended to read as follows:

2. "Governing body" means the council of a city, a utility board of trustees or an administrative agency which is charged with the management and control of a building or improvement project or an electric power facility financed under the provisions of chapter 28F.

Sec. 8. Section 427.1, subsection 2, Code 1981, is amended to read as follows:

2. MUNICIPAL AND MILITARY PROPERTY. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit except property of a

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municipally owned electric utility held under joint ownership which shall be subject to assessment and taxation under provisions of chapters 428 and 437 and except property of an electric power facility

financed under chapter 28F. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemptions, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

Sec. 9. Section 428.24, Code 1981, is amended to read as follows:

428.24 PUBLIC UTILITY PLANTS. The lands, buildings, machinery, and mains belonging to individuals or corporations operating waterworks or gasworks or pipe lines; the lands, buildings, machinery, tracks, poles, and wires belonging to individuals, ~~or~~ corporations or electric power agencies furnishing electric light or power; the lands, buildings, machinery, poles, wires, overhead construction, tracks, cables, conduits, and fixtures belonging to individuals or corporations operating railways by cable or electricity, or operating elevated street railways; and the lands, buildings, tracks, and fixtures of street railways operated by animal power, shall be listed and assessed by the department of revenue. In the making of any such assessment of waterworks plants, the value of any interest in the property so assessed, of the municipal corporation wherein the same is situated, shall be deducted, whether such interest be evidenced by stock, bonds, contracts, or otherwise.

Sec. 10. Section 428.28, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Every individual, copartnership, corporation, association or city which operates a public utility on a nonprofit basis, as defined in section 428.24 shall annually, on or before the first day of May of each calendar year, make a report on blanks to be provided by the department of revenue of all of the property owned by such individual, copartnership, corporation,

association or city within the incorporated limits of any city in the state, and give such other

information as the director of revenue shall require. Any ~~public~~ city utility which reports according to this paragraph shall not be assessed.

Sec. 11. Section 428.37, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. "Electric power generating plant" means each taxable name plate rated electric power generating plant owned solely or jointly by any person or electric power facility financed under chapter 28F in which electrical energy is produced from other forms of energy, including all equipment used in the production of such energy through its step-up transformer.

Sec. 12. Section 428.37, subsection 2, paragraph c, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Notwithstanding the provisions of paragraph "b" of this subsection, if the owner is a municipal electric utility or if the plant is an electric power facility financed under chapter 28F, the remaining taxable value shall be allocated to each taxing district in which the municipal electric utility is serving customers and has electric meters in operation in the ratio that the number of operating electric meters of the municipal electric utility located in the taxing district bears to the total number of operating electric meters of the municipal electric utility in the state as of January 1 of the calendar year in which the assessment is made. If the municipal electric utility or entity managing an electric power facility financed under chapter 28F has no operating electric meters in this state, then the remainder shall be assessed and levied on at the current rate of the taxing district in which the electric power generating plant is located. Tax moneys received from such remainder assessment and levies shall be paid to the county treasurer, who shall pay such tax moneys to the treasurer of state not later than fifteen days from the date the tax moneys are received by the county treasurer for deposit in the general fund of the state."

Schroeder of Pottawattamie offered the following amendment H–3878, to amendment H–3866, filed by him and Harbor of Mills and moved its adoption:

H–3878

Amend the Schroeder amendment, H–3866, to Senate File 48 as amended, passed and reprinted by the Senate as follows:

1. Page 1, line 13, by inserting after the word "within" the words "the corporate limits of a municipality of".

2. Page 1, line 14, by inserting after the word "Iowa" the words "in compliance with chapter 390".

3. Page 1, lines 24 and 25, by striking the words "public agencies" and inserting in lieu thereof the words "participants as defined in section 390.1".

4. Page 2, line 3, by striking the words "public agency" and inserting in lieu thereof the words "participant as defined in section 390.1".

5. Page 2, by striking lines 23 through 26 and inserting in lieu thereof the words "covenants and conditions, shall be sold as provided in sections 75.2 through 75.4, and may be in such form otherwise, as such".

6. Page 4, lines 1 and 2, by striking the words "held under joint ownership" and inserting in lieu thereof the words "~~held under joint ownership~~".

7. Page 4, lines 4 and 5, by striking the words "and except property of an electric power facility financed under chapter 28F".

8. Page 5, by inserting after line 42 the following:

" . Amend the title, line 2, by inserting after the word "facilities" the words "and subjecting municipally owned electric utilities to property tax"."

Amendment H—3878 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3877, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3877

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting after line 38 the following:

"Sec. . Section 28F.5, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In the case of such an entity financng electric power facilities, the powers to fix, establish and maintain rates, tolls, fees, rentals or other charges granted in this section are subject to the jurisdiction of the Iowa state commerce commission pursuant to chapter 476.

Furthermore, such an entity shall not make loans to or otherwise appropriate funds to any city, city utility or combined utility system, or any legal or administrative entity or joint board created pursuant to chapter 28E or 28F, and any of the foregoing shall not make loans to or otherwise appropriate funds to such an entity. However, this paragraph shall not be deemed to prevent reasonable short-term credit provisions respecting payments by any city, city utility or combined utility system, or any legal or administrative entity or joint board created pursuant to chapter 28E or 28F to such an entity for services rendered."

Amendment H—3877 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3879, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3879

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate as follows:

1. Page 1, by inserting after line 38 the following:

"Public agencies entering joint financing for the generation of electricity shall be required to meet the following standards before joining:

1. Fees collected for the sale of electricity shall only be used for the operating expenses and in no case shall any funds be transferred out for another purpose.

2. The public agency shall commit an amount of revenue to the county treasurer as determined by multiplying the gross kwh of electricity sold during the past twelve months by twenty-nine hundredths of a cent per kwh.

Upon completion of these two standards the public agency shall be entitled to join other public agencies in joint venture financing."

Amendment H—3879 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3880, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3880

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 38 the following:

"Sec. . Section 28F.2, Code 1981, is amended to read as follows:

28F.2 DEFINITIONS. The terms "public agency", "state", and "private agency" shall have the meanings prescribed by section 28E.2. The term "project" or "projects" shall mean any works or facilities referred to in section 28F.1 and shall include all property real and personal, pertinent thereto or connected with such project or projects, and the existing works or facilities, if any, to which such project or projects are an extension, addition, betterment or improvement. However, the term "project" or "projects" in connection with electric power facilities shall not include the acquisition of fuel deposits, the acquisition or construction and operation of facilities for extracting fuel from natural deposits or equipment for the transportation of fuel."

Amendment H—3880 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3881, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3881

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 38 the following:

"Sec. . Section 28F.3, Code 1981, is amended to read as follows:

28F.3 REVENUE BONDS. An entity created to carry out an agreement authorizing the joint exercise of those governmental powers enumerated in section 28F.1 shall have power to construct, acquire, own, repair, improve, expand, operate and maintain a project or projects necessary to carry out the purposes of such agreement, and to issue from time to time revenue bonds payable from the revenues derived from such project or projects, or any combination of such projects, to finance the cost or part of the cost

of the acquisition, construction, reconstruction, repair, extension or improvement of such project or projects, including the acquisition for the purposes of such agreement, of any property, real or personal or mixed therefor. The power of the entity to issue revenue bonds shall not be exercised until authorized by resolution duly adopted by each of the public agencies participating in such agreement. Public agencies participating in such an agreement may not withdraw or in any way terminate, amend, or modify in any manner to the detriment of the bondholders said agreement if revenue bonds or obligations issued in anticipation of the issuance of said revenue bonds have been issued and are then outstanding and unpaid as provided for herein, however, this restriction does not apply to a public agency desiring to withdraw from or terminate, amend or modify any agreement involving electric power facilities if any other public agency, state or private agency agrees to assume the liabilities of the public agency desiring to withdraw, amend, terminate or modify. Any revenue bonds for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to this chapter to insure the payment thereof, of moneys sufficient for that purpose or through the irrevocable segregation for that purpose in a sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding and unpaid within the meaning of any provision of this chapter."

Amendment H—3881 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3882, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3882

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 38 the following:

"Sec. . Section 28F.4, Code 1981, is amended to read as follows:

28F.4 USE OF PROCEEDS—NEGOTIABILITY. Revenue bonds may be issued, as provided in section 28F.3,

to provide all or any part of the funds required to finance the cost of the acquisition, construction, reconstruction, repair, extension or improvement of any project or projects or other purposes authorized under this chapter and such cost shall include, but shall not be limited to, administrative expenses, acquisition and construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during such construction, reconstruction, repair, extension or improvement or acquisition and for one year after completion of such construction, reconstruction, repair, extension or improvement or after acquisition of the project or projects, initial reserve funds, acquisition of real or personal property, including franchises, except in the case of projects involving electric power facilities and such other costs as are necessary and incidental to the construction, reconstruction, repair, extension or improvement, or acquisition of such project or projects and the financing thereof. Such an entity shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisers, attorneys, architects or other consultants or advisers for planning, supervision and financing of such project or projects upon such terms and conditions as shall be deemed advisable and in the best interest of the entity. Bonds issued under the provisions of this chapter are declared to be investment securities under the laws of the state of Iowa."

Amendment H—3882 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3883, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3883

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 38 the following:

"If the legal entity created under this chapter is comprised of any city, the board, joint board or administrators responsible for administering the entity shall be composed solely of electors of the cities which voted in favor of creating the entity."

Amendment H—3883 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3884, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3884

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 32 the following:

"Sec. . Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. An entity created to carry out an agreement authorizing the joint exercise of the powers enumerated in section 28F.1 with regard to electric power facililties shall be subject to the provisions of chapter 28A, relating to open meetings, chapter 68A, relating to the examination of public records, chapter 97B, relating to the Iowa public employees retirement system, and chapter 476A, relating to electric power generators."

Amendment H—3884 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3885, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3885

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 32 the following:

"Sec. . Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. The provisions of section 28E.10 shall apply to any entity created pursuant to this chapter which is financing electric power facilities."

Amendment H—3885 was adopted.

Schroeder of Pottawattamie offered the following amendment H—3886, to amendment H—3866, filed by him and Harbor of Mills and moved its adoption:

H—3886

Amend the Schroeder amendment, H—3866, to Senate File 48 as amended, passed and reprinted by the Senate, as follows:

1. Page 3, by inserting after line 43 the following:

"Sec. . Section 390.1, subsection 6, Code 1981, is amended to read as follows:

6. "Participant" means a city, legal or administrative entity or joint board created pursuant to chapter 28E or 28F, electric co-operative or privately owned utility company which is a party to a joint agreement."

Amendment H—3886 was adopted.

Conlon of Muscatine rose on a point of order that amendment H—3866, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—3866, as amended, not germane.

Schroeder of Pottawattamie offered the following amendment H—3867 filed by him and Harbor of Mills. Division was requested as follows:

H—3867

Amend Senate File 48 as amended, passed and reprinted by the Senate as follows:

H—3867A

1. Page 1, line 8, by inserting after the word "within" the words "the corporate limits of a municipality of".

2. Page 1, line 9, by inserting after the word "Iowa" the words "in compliance with chapter 390".

3. Page 1, line 18, by striking the words "public agencies" and inserting in lieu thereof the words "participants as defined in section 390.1".

4. Page 2, lines 15 and 16, by striking the words "public agency" and inserting in lieu thereof the words "participant as defined in section 390.1".

5. By striking page 2, line 34, through page 3, line 1, and inserting in lieu thereof the words "shall be sold as provided in sections 75.2 through 75.4, and may be in ~~such~~ a form otherwise,".

H–3867B

6. Page 4, by inserting after line 11 the following:

"Sec. . Section 427.1, subsection 2, Code 1981, is amended to read as follows:

2. Municipal and military property. The property of a county, township, city, school corporation, levee district, drainage district or military company of the state of Iowa, when devoted to public use and not held for pecuniary profit except property of a municipally owned electric utility ~~held under joint ownership~~ which shall be subject to assessment and taxation under provisions of chapters 428 and 437. The exemption for property owned by a city or county also applies to property which is operated by a city or county as a library, art gallery or museum, conservatory, botanical garden or display, observatory or science museum, or as a location for holding athletic contests, sports or entertainment events, expositions, meetings or conventions, or leased from the city or county for any such purposes. Food and beverages may be served at the events or locations without affecting the exemption, provided the city has approved the serving of food and beverages on the property if the property is owned by the city or the county has approved the serving of food and beverages on the property if the property is owned by the county.

7. Amend the title, line 2, by inserting after the word "facilities" the words "and subjecting municipally owned electric utilities to property tax".

Schroeder of Pottawattamie moved the adoption of amendment H–3867A.

Roll call was requested by Hoffmann of Muscatine and Hansen of O'Brien.

Rule 80 was invoked.

On the question "Shall amendment H–3867A be adopted?"

The ayes were, 43:

Anderson, J.	Bennett	Byerly	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Connors	Cook	Doderer	Gross
Halvorson, R. A.	Hanson, D.	Harbor	Horn
Hummel	Jay	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Lonergan
Norland	Oxley	Pavich	Pellett

Poffenberger	Pope	Renken	Running
Schnekloth	Schroeder	Smalley	Smith
Sullivan	Swearingen	Tofte	Trucano
Welden	Woods	Mr. Speaker	

The nays were, 54:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Bruner	Carl
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Daggett	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hoffmann	Holt	Howell
Jochum	Johnson, J.	Lageschulte	Lloyd-Jones
Maulsby	McKean	Menke	Miller
Mullins	O'Kane	Pelton	Petrick
Poncy	Rapp	Renaud	Ritsema
Shimanek	Shull	Spear	Stueland
Sturgeon	Swartz	Tyrrell	Van Maanen
Walter	Welsh		

Absent or not voting, 3:

Cusack	Danker	Mann

Amendment H–3867A lost.

Hummel of Benton offered the following amendment H–3850 filed by him and moved its adoption:

H–3850

Amend Senate File 48, as amended, passed, and reprinted by the Senate as follows:

1. Page 1, lines 17 and 18, by striking the words "or any combination of the foregoing with other public agencies".

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

Rule 80 was invoked.

On the question "Shall amendment H–3850 be adopted?"

The ayes were, 45:

Anderson, J.	Bennett	Byerly	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Connors	Cook	Cusack	Doderer
Halvorson, R. A.	Hanson, D.	Harbor	Horn
Hummel	Jay	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lind	Lonergan
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Schnekloth	Schroeder
Smalley	Smith	Stueland	Sullivan
Swearingen	Trucano	Welden	Woods
Mr. Speaker			

The nays were, 50:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Bruner	Carl
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Daggett	Davitt
De Groot	Dieleman	Diemer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hoffmann	Holt
Howell	Jochum	Johnson, J.	Lageschulte
Lloyd-Jones	Menke	Miller	Mullins
Norland	O'Kane	Rapp	Ritsema
Running	Shimanek	Shull	Spear
Sturgeon	Swartz	Tyrrell	Van Maanen
Walter	Welsh		

Absent or not voting, 5:

Danker	Mann	Maulsby	McKean
Tofte			

Amendment H—3850 lost.

Schnekloth of Scott offered the following amendment H—3843 filed by Schnekloth, et al. :

H—3843

Amend Senate File 48, as amended, passed, and reprinted by the Senate as follows:

1. By striking page 1, line 1 through page 2, line 2 and inserting in lieu thereof the following:

"Section 1. Section 28F.1, Code 1981, is amended to read as follows:

28F.1 SCOPE OF CHAPTER. This chapter is intended

to provide a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, also electric power facilities constructed within the state of Iowa, by a city electric association or the interest of such an association as a participant in a joint agreement under chapter 390, water supply systems, swimming pools or golf courses. The provisions of this chapter ~~shall be deemed to~~ apply to the acquisition, construction, reconstruction, ownership, operation, repair, extension or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or is a city electric association, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the same at pleasure, and execute all the powers conferred in this chapter.

After July 1, 1981, a city shall not join a city electric association until the proposal for the city to join such an association has been submitted to and approved by the voters of the city.

The proposal shall be submitted at any city election by the council on its own motion. If a majority of those voting in the city does not approve the proposal, the same or a similar proposal may be submitted to the voters no sooner than one year from the date of the election at which the proposal was defeated.

A city electric association shall be a separate entity created pursuant to chapter 28E for the following purposes:

1. To acquire, construct, reconstruct, operate, repair, extend or improve electric generation or transmission facilities located within the state of Iowa, the capacity of which is wholly dedicated to

Page 2

the requirements of the association's members, provided, however, that the association may sell any excess generation or transmission capacity at wholesale only.

2. To be a participant in a joint agreement under

chapter 390 for projects constructed within Iowa.

A city electric association shall be created by and comprised solely of cities that own and operate a municipal electric utility as of the effective date of this Act.

All property of a city electric association shall be listed, assessed and certified pursuant to chapters 428 and 437 and shall be fully taxable in the same manner and to the same extent as if the property were owned by a corporation operated for pecuniary profit.

A city electric association shall not make loans to any city, nor shall a city make loans to an association, provided, however, that reasonable credit provisions respecting payments for services rendered shall be permitted.

The specification required by section 28E.5, subsection 5, shall additionally provide that any city may withdraw upon reasonable notice if its contractual rights, duties and liabilities are assumed by a financially responsible party. This specification is not intended to restrict the terms and conditions under which eligible cities may join an existing association."

2. Page 2, by striking lines 15 through 20 and inserting in lieu thereof the following:

"The electric light and power plant and system of any city participating in and receiving wholesale power from a city electric association shall meet the standards of the national electric safety code of 1968, as amended to and including January 1, 1981, of the national fire protection association."

3. Page 4, by inserting after line 11 the following:

"Sec. . Section 390.1, subsection 6, Code 1981, is amended to read as follows:

6. "Participant" means a city, electric co-operative, city electric association, or privately owned utility company which is a party to a joint agreement.

Sec. . Section 390.4, subsection 1, Code 1981, is amended to read as follows:

1. Provide that each participant shall own, directly or indirectly, an undivided interest in the joint facility, the interest being equal to the percentage of the money furnished, value of property

Page 3

furnished, or services rendered by each participant toward the total cost of the joint facility, and that each participant shall own and control a like

percentage of the output of the joint facility.

Sec. . Section 442.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. In determining the assessed valuation of all taxable property in a district, the state comptroller shall include in the total assessed valuation of the district for the purpose of computing state school aid, the assessed valuation of the property of municipally-owned gas and electric utilities in the district not subject to assessment under chapter 437. The director of revenue shall certify to the state comptroller the assessed valuation of the property of municipally-owned gas and electric utilities not subject to assessment under chapter 437 in each district as determined by using the assessed valuation per meter in service of an investor-owned utility located in the state of Iowa and apply this assessed value to the meters in service of the municipally-owned utilities. The state comptroller shall compute the foundation property tax on the assessed valuation of all taxable property in the district including the assessed valuation of municipally-owned utility property. The foundation property tax shall not be levied against municipally-owned utility property not subject to assessment under chapter 437 but shall be included in the district property tax base for purposes of determining the district's state aid.

Sec. . Section 442.9, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year plus that amount that would have been paid by municipally-owned utilities if required to pay upon a levy equal to the foundation property tax, less the product of the state or district foundation base and the weighted enrollment."

4. By renumbering sections of the bill.

The House stood at ease at 3:52 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3843 to Senate File 48 at 4:28 p.m., Speaker Stromer in the chair.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—3843.

Schroeder of Pottawattamie asked and received unanimous consent to immediately consider the following amendment H–3911 filed by Schroeder, Schnekloth, Byerly, Conlon and Rapp from the floor, and moved its adoption:

H–3911

Amend Senate File 48, as amended, passed and reprinted by the Senate, as follows:

1. Page 1, by inserting after line 24, the following:

"A city shall not join an entity created under this chapter for the purpose of financing electric power facilities unless that city owned and operated a municipal electric utility as of the effective date of this Act. Power supplied by a municipal power agency may not be furnished to a municipal utility not existing as of the effective date of this Act."

Amendment H–3911 was adopted.

Schroeder of Pottawattamie offered the following amendment H–3874 filed by him and Harbor of Mills and moved its adoption:

H–3874

Amend Senate File 48, as amended, passed and reprinted by the Senate, as follows:

1. Page 4, by inserting after line 11 the following:

"Sec. . Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. An entity created to carry out an agreement authorizing the joint exercise of the powers enumerated in section 28F.1 with regard to electric power facilities shall be subject to the provisions of chapter 28A, relating to open meetings, chapter 68A, relating to the examination of public records, chapter 97B, relating to the Iowa public employees retirement system and chapter 476A, relating to electric power generators."

Amendment H–3874 was adopted, placing out of order amendment H–3860 filed by Clark of Cerro Gordo on April 28, 1981.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the following amendments filed by him and Harbor of Mills on April 28, 1981: H–3868, H–3869, H–3870, H–3871, H–3872, H–3873, H–3875, H–3876, H–3867B as well as amendment H–3840 filed on April 27, 1981.

Byerly of Polk asked and received unanimous consent to withdraw amendments H—3908 and H—3909 filed by him and Woods of Polk from the floor.

Woods of Polk asked and received unanimous consent to temporarily defer action on amendment H—3783.

The following amendments filed on April 27, 1981 were withdrawn by unanimous consent:

H—3838 filed by Schnekloth of Scott.
H—3844 filed by Bennett of Ida.
H—3845 filed by Schnekloth of Scott.
H—3846 filed by Schnekloth of Scott.
H—3847 filed by Anderson of Audubon.
H—3848 filed by Anderson of Audubon.

Schnekloth of Scott offered the following amendment H—3912 filed by Schnekloth, Byerly, Johnson of Linn, Horn, Connors and Schroeder from the floor and moved its adoption:

H—3912

Amend Senate File 48, as amended, passed, and reprinted by the Senate, as follows:

1. Page 4, by inserting after line 11 the following:

"Sec. . Section 442.2, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For the purposes of this section "assessed valuation on all taxable property in the district" shall include the value of all public utilities as defined in section 428.24.

Sec. . Section 442.9, subsection 1, paragraph c, Code 1981, is amended to read as follows:

c. The amount to be raised by the additional school district property tax levy is equal to the district cost for the budget year, less the product of the state or district foundation base and the weighted enrollment plus an amount equal to the product of the foundation property tax levy times the public utility property within the district considered a part of the assessed valuation of taxable property but which is exempt from property tax under section 428.28."

2. By numbering and renumbering sections as necessary.

Roll call was requested by Kirkenslager of Des Moines and Schnekloth of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—3912 be adopted?"

The ayes were, 45:

Anderson, J.	Bennett	Byerly	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Connors	Cook	Doderer	Halvorson, R. A.
Harbor	Horn	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lonergan	Pavich	Pellett
Poffenberger	Poncy	Pope	Renaud
Renken	Running	Schnekloth	Schroeder
Shimanek	Smith	Spear	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

The nays were, 51:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Bruner	Carl
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann	Holt	Howell	Jay
Jochum	Lageschulte	Lloyd-Jones	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Petrick
Rapp	Ritsema	Shull	Sturgeon
Sullivan	Walter	Welsh	

Absent or not voting, 4:

Danker	Mann	Pelton	Smalley

Amendment H—3912 lost.

Woods of Polk offered the following amendment H—3783 filed by him:

H—3783

Amend Senate File 48 as amended, passed and reprinted by the Senate as follows:

1. Page 4, by inserting after line 11 the following:

"Sec. . Chapter 28F, Code 1981, is amended by adding the following new section:

NEW SECTION. NUCLEAR POWER PLANTS PROHIBITED. An entity created under this chapter for the purpose of the financing of electric power generation facilities shall not undertake to construct or to contribute in any manner to the construction of an electric power generation facility that utilizes nuclear energy in the production of electricity. An undertaking that violates this section is void."

Jochum of Dubuque rose on a point of order that amendment H—3783 was not germane.

The Speaker ruled the point well taken and amendment H—3783 not germane.

Woods of Polk moved that the rules be suspended to adopt amendment H—3783.

Roll call was requested by Woods of Polk and Byerly of Polk.

On the question "Shall the rules be suspended to adopt amendment H—3783?"

The ayes were, 18:

Arnould	Byerly	Chiodo	Connors
Cusack	Doderer	Gettings	Halvorson, R. N.
Howell	Jay	Lloyd-Jones	Pavich
Renaud	Running	Sturgeon	Swearingen
Walter	Woods		

The nays were, 77:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Crawford
Daggett	Davitt	De Groot	Dieleman
Diemer	Egenes	Gross	Groth

Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Horn
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lonergan	Maulsby	McKean
Menke	Miller	Mullins	Norland
O'Kane	Oxley	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Spear
Stueland	Sullivan	Swartz	Tofte
Trucano	Tyrrell	Van Maanen	Welsh
Mr. Speaker			

Absent or not voting, 5:

Danker	Mann	Pelton	Smalley
Welden			

The motion lost.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 48)

The ayes were, 56:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Branstad	Bruner	Carl
Cochran	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	Daggett
Davitt	De Groot	Dieleman	Diemer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hoffmann
Holt	Horn	Howell	Jochum
Johnson, J.	Lageschulte	Lloyd-Jones	Maulsby
McKean	Menke	Miller	Mullins
O'Kane	Oxley	Pellett	Petrick
Rapp	Renken	Ritsema	Shimanek
Shull	Spear	Stueland	Sturgeon
Swartz	Tyrrell	Walter	Welsh

The nays were, 40:

Anderson, J.	Bennett	Byerly	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements

Connors	Cook	Doderer	Halvorson, R. A.
Hanson, D.	Harbor	Hummel	Jay
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lind	Lonergan	Norland	Pavich
Pelton	Poffenberger	Poncy	Pope
Renaud	Running	Schnekloth	Schroeder
Smith	Sullivan	Swearingen	Tofte
Trucano	Van Maanen	Woods	Mr. Speaker

Absent or not voting, 4:

Danker	Mann	Smalley	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 850, by committee on appropriations, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Read first time and **placed on the appropriations calendar.**

HOUSE FILE 133 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House File 133 from further consideration by the House.

MOTIONS TO RECONSIDER
(Senate File 48)

I move to reconsider the vote by which Senate File 48 passed the House on April 29, 1981.

CONLON of Muscatine

(Senate File 48)

I move to reconsider the vote by which Senate File 48 passed the House on April 29, 1981.

O'KANE of Woodbury

(Senate File 48)

I move to reconsider the vote by which Senate File 48 passed the House on April 29, 1981.

RENKEN of Grundy

(Senate File 519)

I move to reconsider the vote by which Senate File 519 passed the House on April 29, 1981.

POPE of Polk

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 28, 1981 and is on file in the office of the Chief Clerk.

April 27, 1981

Ms. Pat Harper, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Ms. Harper:

Transmitted herewith is a claim against the State of Iowa to be filed with the Claims Committee of the Senate.

This was inadvertently left off the list sent to you on March 26, 1981. The claim is as follows:

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
6613-69-25	Wayne J. Barnes, DDS Attorney Fees	$5,671.23	Disapproved

Very truly yours,

Maurice E. Baringer
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

PAT H. HARPER, Chief Clerk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty sixth grade students from St. Marys Elementary School, St. Marys, accompanied by Barb Kreamer and Cody Vincent. By Davitt of Warren.

Thirty-two fifth and sixth grade students from Havelock Elementary School, Havelock, accompanied by Anna Marie Olson. By Groth of Buena Vista.

Eleven 4-H members from Clinton County, accompanied by Nancy Tometich and Jimmy Miller. By Schnekloth of Scott and Pelton and Stueland of Clinton.

Forty ninth grade students from Oelwein Junior High School, Oelwein, accompanied by Steve Peik and Carl Heller. By Avenson of Fayette.

Forty-seven seventh and eighth grade students from New Market Junior and Senior High School, New Market, accompanied by Dale Healy, Elvin Farguhar and Pat O'Dell. By Daggett of Taylor.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON WAYS AND MEANS

House File 808, a bill for an act providing for the staggered registration of certain vehicles subject to registration with a December 1, 1983 effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H–3905.**

Committee Bill (Formerly House File 70), increasing the individual exemptions allowed for a surviving spouse, son, daughter, father, mother and other lineal descendant in computing the state inheritance tax and providing a January 1 effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass.**

AMENDMENTS FILED

H–3890	H.F. 467	Senate Amendment
H–3896	S.F. 532	Miller of Buchanan
H–3897	S.F. 532	Miller of Buchanan
H–3898	S.F. 532	Miller of Buchanan
H–3904	S.F. 399	Spear of Lee
H–3905	H.F. 808	Committee on Ways and Means
H–3906	S.F. 399	Krewson of Polk
H–3913	S.F. 532	Davitt of Warren Sullivan of Van Buren Cochran of Webster
H–3914	H.F. 849	Corey of Louisa Sullivan of Van Buren Spear of Lee Clark of Lee
H–3915	H.F. 849	Maulsby of Calhoun Tyrrell of Iowa Branstad of Winnebago
H–3916	H.F. 849	Maulsby of Calhoun Tyrrell of Iowa Branstad of Winnebago Carl of Poweshiek Anderson of Audubon Anderson of Jasper Cochran of Webster De Groot of Lyon Renken of Grundy Harbor of Mills
H–3917	H.F. 849	Bruner of Story Daggett of Taylor Krewson of Polk

H—3918	H.F. 849	Swartz of Marshall
H—3919	H.F. 849	Swartz of Marshall
H—3920	H.F. 849	Corey of Louisa Sullivan of Van Buren Spear of Lee Clark of Lee
H—3921	S.F. 399	Spear of Lee
H—3922	H.F. 849	Carl of Poweshiek Jay of Appanoose Renken of Grundy
H—3923	H.F. 849	Rapp of Black Hawk Lloyd-Jones of Johnson

On motion by Pope of Polk, the House adjourned at 5:40 p.m., until 9:00 a.m., Thursday, April 30, 1981.

JOURNAL OF THE HOUSE

One Hundred Ninth Calendar Day—Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 30, 1981

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Carl Riggs, pastor of the First United Presbyterian Church, Fairfield.

The Journal of Wednesday, April 29, 1981 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Horn of Linn, from one hundred two citizens of Cedar Rapids and Marion opposing legislation prohibiting the altering of the center of gravity or ground clearance of cars and trucks.

By Lind of Black Hawk, from five constituents opposing any change in the present bingo law.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor, for April 30 and May 1, 1981, on request of Van Maanen of Mahaska.

SENATE MESSAGE CONSIDERED

Senate File 546, by committee on appropriations, a bill for an act relating to the sale by the department of social services of the Peck day care center in Newton, Iowa and the Sanford day care center in Sioux City, Iowa.

Read first time and referred to committee on **appropriations.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 28, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations.

Also: That the Senate has on April 28, 1981, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 480, a bill for an act relating to properties that are exempt from judicial process.

LINDA HOWARTH MACKAY, Secretary

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 11:15 a.m., Speaker Stromer in the chair.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, and relating to the closing of certain juvenile and correctional institutions, was taken up for consideration.

Avenson of Fayette moved that House File 849 be referred to the committee on appropriations.

A non-record roll call was requested.

The ayes were 37, nays 57.

The motion lost.

(House File 849 pending at recess.)

Spear of Lee in the chair at 12:00 noon.

On motion by Pope of Polk, the House was recessed at 12:08 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-seven members present, twenty-three absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 849**, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, and relating to the closing of certain juvenile and correctional institutions.

Rapp of Black Hawk asked and received unanimous consent to defer action on amendment H—3923 until consideration of amendment H—3916, lines 6 through 12 and lines 18 and 19.

Maulsby of Calhoun offered amendment H—3916 filed by Maulsby, et al., and requested division as follows:

H—3916

Amend House File 849 as follows:

H—3916A

1. Page 1, line 13, by striking the figure "5,240,000" and inserting in lieu thereof the figure "5,647,000".

2. Page 1, by striking lines 14 through 25.

H—3916B

3. By striking page 1, line 26 through page 2, line 26, and inserting in lieu thereof the following:
"2. For the operation of the Iowa juvenile home at Toledo, including salaries and support, maintenance and miscellaneous purposes .....$ 1,711,000 $ 1,790,000".

H—3916C

4. Page 3, by striking line 8 and inserting in lieu thereof the word and figures:
"purposes .....$35,420,000 $37,125,000".

H—3916D

5. Page 10, by striking lines 21 through 24.

H—3916E

6. Page 10, by striking lines 25 through 30.

H—3916B

7. By striking page 11, line 21 through page 13, line 5.

Maulsby of Calhoun asked and received unanimous consent to defer action on amendment H—3916A.

Pope of Polk moved that House Rule 2 be suspended to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 55, nays 39.

The motion prevailed and House Rule 2 was suspended.

Carl of Poweshiek moved the adoption of amendment H—3916B.

Roll call was requested by Carl of Poweshiek and Maulsby of Calhoun.

Rule 80 was invoked.

On the question "Shall amendment H–3916B be adopted?"

The ayes were, 61:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Branstad	Byerly
Carl	Clark, J. H.	Clements	Cochran
Cook	Corey	Crabb	Davitt
De Groot	Dieleman	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Harbor	Holt	Horn
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Maulsby
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poncy	Renaud
Renken	Running	Schnekloth	Schroeder
Shull	Smalley	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tyrrell	Van Maanen	Welden	Welsh
Woods			

The nays were, 36:

Arnould	Bruner	Carpenter	Chiodo
Clark, B. J.	Conlon	Connolly	Connors
Crawford	Cusack	Diemer	Egenes
Halvorson, R. A.	Hanson, D.	Hoffmann	Howell
Jochum	Kirkenslager	Krewson	Lloyd-Jones
Lonergan	McKean	Menke	Miller
Mullins	Pelton	Poffenberger	Pope
Rapp	Ritsema	Shimanek	Smith
Tofte	Trucano	Walter	Mr. Speaker

Absent or not voting, 3:

Daggett	Danker	Mann

Amendment H–3916B was adopted.

Rapp of Black Hawk offered the following amendment H–3923 filed by him and Lloyd-Jones of Johnson:

H–3923

Amend House File 849 as follows:

1. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983,

to the department of social services, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For the operation of the training schools for delinquent juveniles, including salaries and support, maintenance, and miscellaneous purposes	$ 5,380,000	$ 5,640,000

Funds appropriated under this subsection shall be used for the operation of the Mitchellville training school, and the Eldora training school. The Michellville training school shall be closed no later than July 1, 1982 and its juvenile population transferred to the facility which is currently the Iowa juvenile home at Toledo. The Toledo facility shall serve delinquent youth and shall be considered a second campus of the Eldora training school.

2. For the purposes of providing state institutional or community-based services for children in need of assistance	$ 1,700,000	$ 1,400,000

Funds appropriated under this subsection shall be used to provide for the operation of the Iowa juvenile home at Toledo or to provide community-based services for children who currently reside at the juvenile home or who would have been placed at the juvenile home if the juvenile home were to remain open. The services may include, but need not be limited to, foster family care, group home care, or residential care.

Throughout the fiscal year beginning July 1, 1981, and ending June 30, 1982, the department shall make efforts to place youth committed to the Iowa juvenile home at Toledo at community-based facilities. At least three hundred thousand dollars of the funds appropriated in the fiscal year beginning July 1, 1981, and ending June 30, 1982, shall be used to develop and provide alternative placements for the youth currently committed to the juvenile home. The department shall study the possibility of developing

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a "no turn-down" policy for facilities accepting children in need of assistance from the department and the juvenile court, and shall report back to the general assembly by January 15, 1982 on the merits

of such a policy.

3. For transition, closing, and moving costs associated with the Iowa juvenile home at Toledo, the Mitchellville training school, and the women's reformatory at Rockwell City ..... $ $ 300,000

4. For operation of the Iowa veterans home, including salaries and support, maintenance, and miscellaneous purposes $11,750,000 $14,500,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services the following amounts, or so much thereof as may be necessary, to be used for adult correctional services as designated:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For operation of adult correctional institutions, including salaries and support, maintenance, and miscellaneous purposes	$35,410,000	$37,205,000

If legislation creating a criminal justice improvement fund becomes law the funds appropriated by this subsection for the corrections training program are reduced for each fiscal year of the biennium which begins July 1, 1981, by one hundred seventy-five thousand (175,000) dollars.

The appropriation made by this subsection is based upon an average daily population in the adult correctional system of two thousand five hundred seventy-five inmates.

In order that expenditures will not exceed the amount of funds appropriated by this subsection, the commissioner of social services shall request the governor to declare a state of emergency in the state's prisons whenever the population of the prison system exceeds two thousand six hundred fifty inmates for thirty consecutive days. Unless the governor finds within fifteen calendar days of the commissioner's request that the commissioner acted in error, the governor shall declare a prison overcrowding state of emergency within that fifteen days and the board

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of parole shall consider all inmates, except for inmates convicted of class A felonies, for parole

who are within nine months of their tentative discharge date. If the board of parole's actions do not reduce the population of the prison system below two thousand five hundred fifty inmates within ninety days of the date of the declaration of the prison overcrowding state of emergency, the tentative discharge dates of all inmates except for inmates convicted of class A felonies incarcerated in state prisons on the date of the declaration shall be reduced by ninety days by the director of the division of adult corrections. However, the tentative discharge date of a prisoner sentenced under section 204.406, 204.413, 902.7, 902.8, or 906.5 shall not be reduced under this unnumbered paragraph prior to the completion of the mandatory minimum sentences required by the section. The governor shall terminate a prison overcrowding state of emergency in the state's prisons whenever the population of the prison system is reduced below two thousand five hundred fifty inmates.

As used in this subsection, "prison" means a correctional facility operated by the division of corrections and funded under this subsection, "prison system" means the prisons of this state, and "tentative discharge date" means the date at which an inmate is scheduled for release including good conduct and work time currently received.

2. The department shall establish and maintain, to the extent that resources are available, treatment, training, education, and rehabilitation services in the various state correctional institutions. The services shall include, to the extent that resources are available, habilitative services and treatment for mentally retarded offenders. For the purposes of this subsection habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally retarded person in becoming self-reliant. A person is considered mentally retarded if the person is diagnosed as mentally retarded, as defined in section 222.2, subsection 5, by a qualified mental retardation professional. However, the director may also provide habilitative services and treatment to other persons who would benefit from the services and treatment.

3. It is the intent of the general assembly that the women's reformatory at Rockwell City be converted to a minimum security facility for younger adult male offenders. The department of social services shall

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present to the general assembly by January 15, 1982 a schedule for the development of a program for such offenders to coincide with the closing of the facility at Rockwell City as a women's reformatory.

4. Community-based corrections $10,620,000 $11,150,000

A judicial district which uses funds appropriated under this subsection may contract for services from or provide funds to private agencies to provide education, job placement, or counseling services to ex-offenders intended to facilitate the transition from incarceration to living in a free society.

5. For parole services, including salaries and support, maintenance, and miscellaneous purposes ..... $ 980,000 $ 980,000

The board of parole shall develop and use objective parole criteria in evaluating inmates for parole, with the goal of increasing parole rates without increasing the risk to society of release on parole. The statistical analysis center of the office for planning and programming shall monitor the board of parole's use of the objective parole criteria, and report to the general assembly by January 1, 1983 on the impact of the use of the criteria on parole rates and risk to society. As used in this subsection, "objective parole criteria" means criteria which statistically have been shown to be good predictors of risk to society of release on parole.

6. For a legal assistance program to provide civil legal assistance to inmates of the Iowa correctional system in matters of child custody, bankruptcy, and dissolution of marriage ..... $ 23,850 $ 25,000

7. For reimbursement of counties for temporary confinement of work release and parole violators, as provided by sections 247A.10, 901.7, and 906.17 ..... $ 45,315 $ 47,500

8. For establishment of a standardized classification system to place inmates in the appropriate level of security and to operate the system commencing on or before February 1, 1982 ..... $ 50,000 $

The department shall report to the general assembly

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by January 15, 1982 on the structure, testing and evaluation procedure, and case plan development procedure of the standardized classification system.

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state mental health institutes the following amounts, or so much thereof as may be necessary:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For salaries and support, maintenance, and miscellaneous purposes, provided that if legislation prescribing the title, administrative structure, and specific powers and duties of the unified state mental health agency has not been approved prior to July 1, 1981 and notwithstanding sections 225B.2 and 225B.8, and Acts of the Sixty-eighth General Assembly, 1980 Session, chapter 1001, section 15, and Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 54, section 3, the division of mental health resources of the department of social services and the Iowa mental health authority shall continue to be governed respectively by sections 217.10 through 217.12, Code 1981 and chapter 225B, Code 1977, until July 1, 1982. The Iowa mental health authority shall continue to be the designated state mental health authority as defined in 42 U.S.C. sec. 201(m) (1976) for the purpose of directing the benefits of the National Mental Health Act, 42 U.S.C. sec. 201 et. seq ...	$27,400,000	$28,700,000

2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state mental health institutes' daily per diem as determined pursuant to section 230.20 shall be billed at eighty percent for each fiscal year.

4. A state mental health institute shall not

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accept physical custody of a child alleged to be a child in need of assistance, on guest status or otherwise, for more than thirty days. A child found to be a child in need of assistance shall not be placed in a state mental health institute or other appropriate secure facility unless the juvenile court finds that the standard for involuntary commitment in chapter 229 has been met. The finding may be made by the court under section 232.103 at any time prior to the expiration of a dispositional order.

5. The superintendents of the state mental health institutes at Cherokee and Independence, in discharging the duties imposed by section 230.20, shall not include the costs of the psychiatric residency and chaplain intern programs maintained at those institutes in computing the institutes' respective daily charges to patients. The commissioner of social services shall seek to maintain reasonably uniform daily charges at the four mental health institutes.

Sec. 4. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services, for the state hospital-schools the following amounts, or so much thereof as may be necessary:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For salaries and support, maintenance, and miscellaneous purposes.....	$25,300,000	$26,500,000

2. All funds received from client participation shall be deposited in the general fund of the state.

3. The state hospital-schools' per-patient-per-day cost as determined pursuant to section 222.73 shall be billed at eighty percent for the fiscal year, except as otherwise provided by subsection 4.

4. If more than twenty percent of the cost of a patient's care is initially paid from any source other than state-appropriated funds, the amount so paid shall be subtracted from the per-patient-per-day cost of that patient's care computed pursuant to section 222.73 and the patient's county of legal settlement shall be billed for the full balance of the cost so computed.

Sec. 5. A state hospital-school or mental health institute shall, upon receipt of a payment made under chapter 249A for the care of a patient, segregate an amount equal to that portion of the payment which is required by law to be made from nonfederal funds. The money segregated shall be deposited in the medical

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assistance fund of the department of social services. In the calculation of per diem rates, charges assessed to the county shall be credited with one hundred percent of client participation for eligible title XIX, medical assistance patients at the state hospital-schools.

Sec. 6. In order to establish a more balanced funding relationship between institutional and community-based mental retardation and mental health services the department of social services shall cooperate with interested groups and agencies to develop a mechanism to fund community-based services, taking into account the future use of funds available under title XIX of the federal Social Security Act, and report its recommendations to the general assembly by January 1, 1982.

Sec. 7. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the Iowa mental health authority the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
For salaries, support, maintenance, and miscellaneous purposes	$ 231,000	$ 242,000

Sec. 8. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental health advisory council the following amounts or so much thereof as may be necessary, to be used for the purposes designated:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
For salaries, support, maintenance, and miscellaneous purposes	$ 52,000	$ 54,500

Sec. 9. Notwithstanding section 227.17, there is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the state mental aid fund four hundred forty thousand (440,000) dollars, or so much thereof as may be necessary.

Sec. 10. There is appropriated from the general fund of the state to the department of social services for each fiscal year of the fiscal biennium beginning July 1, 1981, and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

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	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For capital improvements at institutions under the department of social services	$ 500,000	$ 800,000
2. For capital improvements at the Iowa state penitentiary, including relocating the infirmary and visiting room	$ 2,000,000	$ 1,200,000
3. For planning for construction at the Iowa security medical facility	$ 300,000	$
4. For renovation and construction at the Mitchellville training school campus	$ 368,000	$

The farmland at the Mitchellville training school shall be sold in fiscal year 1982 and the proceeds of the sale shall be deposited in the general fund of the state to defray the costs of renovation of the facility which is now the Mitchellville training school.

5. The department of social services shall give priority to projects correcting violations of health and safety regulations at institutions under the department of social services and any funds appropriated by this section remaining after completion of the specific projects referenced in this section shall be allocated to the projects correcting the violations of health and safety regulations.

6. Unobligated or unencumbered funds appropriated by this section remaining on June 30, 1985, shall revert to the general fund on September 30, 1985. However, if a particular construction or renovation project is completed before June 30, 1985, and unobligated or unencumbered funds remain for the project, the particular funds remaining shall revert on September 30 following the end of the fiscal year in which the project is completed.

Sec. 11. There is appropriated from the general fund of the state for each fiscal year of the biennium beginning July 1, 1981, and ending June 30, 1983, to the department of social services the following amounts or so much thereof as may be necessary:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
1. For reimbursement to counties for local inpatient mental health treatment	$ 370,000	$ 370,000

2. From the funds appropriated by this section for the fiscal biennium beginning July 1, 1981, reimbursement shall be provided to counties for a portion of the cost of local inpatient mental health treatment as provided by this section.

3. A county which pays, from county funds budgeted under section 444.12, the cost of care and treatment of a mentally ill person who is admitted pursuant to a preliminary diagnostic evaluation under sections 225B.4 through 225B.7 as an inpatient of an Iowa hospital facility, other than a state mental health institute, which has a distinct psychiatric program of twenty or more beds and which hospital facility is accredited by the joint commission on accreditation of hospitals, is entitled to reimbursement from the state for a portion of daily cost so incurred by the county. However, a county is not entitled to reimbursement under this section for any cost incurred in connection with the hospitalization of a person who is eligible for medical assistance under chapter 249A, or who is entitled to have care or treatment paid for by any other third party payer, or who is admitted for preliminary diagnostic evaluation under sections 225B.4 through 225B.7. The amount of reimbursement for the cost of care and treatment of a local inpatient to which a county is entitled under this section, on a per-patient-per-day basis, is an amount equal to twenty percent of the average state mental health institutes' daily patient costs in the most recent calendar quarter for the program in which the local inpatient would have been served if the inpatient had been admitted to a state mental health institute.

4. A county may claim the reimbursement provided for in this section by filing with the department a claim in a form prescribed by rule by the department. Claims may be filed quarterly. The department shall certify to the state comptroller the amount to which a county claiming reimbursement under this section is entitled, and the comptroller shall issue warrants to the respective counties drawn upon funds appropriated by the general assembly by this section. A county shall place funds received under this section in the county mental health and institutions fund. If the appropriation for any fiscal year is insufficient to pay all claims arising under this section, the comptroller shall prorate the funds appropriated for that year among the claimant counties so that an equal proportion of each county's claim is paid in each quarter for which proration is

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necessary.

Sec. 12. All federal grants to and the federal receipts of the department of social services are appropriated for the purposes set forth in the federal grants or receipts. The veterans per diem payable for veterans at the veterans home and funds received under title XIX of the federal Social Security Act by the state mental health institutes shall be deposited in the general fund.

Sec. 13. Except for funds appropriated under section 10 of this Act, funds appropriated by this Act shall not be used for capital improvements.

Sec. 14. Section 217.8, Code 1981, is amended to read as follows:

217.8 DIVISION OF CHILD AND FAMILY SERVICES.

The director of the division of child and family services shall be qualified by training, experience and education in the field of welfare and social problems. ~~He~~ The director shall be entrusted with the administration of programs involving ~~neglected, dependent and delinquent~~ children in need of assistance, child welfare, aid to families with dependent children, and aid to disabled persons and shall administer and be in control of ~~the Iowa juvenile home,~~ the ~~state training schools for boys~~ Eldora training school and ~~for girls~~ the Mitchellville training school, the Iowa ~~soldiers~~ veterans home, and ~~such~~ other related programs established for the general welfare of families, adults, and children as directed by the commissioner.

Sec. 15. Section 218.1, subsection 10, Code 1981, is amended by striking the subsection.

Sec. 16. Section 218.3, subsection 1, Code 1981, is amended to read as follows:

1. The director of the division of child and family services of the department of social services ~~shall have~~ has primary authority and responsibility relative to the following institutions: Iowa veterans home, the Mitchellville training school, and the Eldora training school ~~and the Iowa juvenile home~~.

Sec. 17. Section 218.9, unnumbered paragraph 3, Code 1981, is amended to read as follows:

The director of the division of child and family services of the department of social services, subject to the approval of the commissioner of ~~such~~ the department shall appoint the superintendents of ~~the juvenile home,~~ the Eldora training school, and the Mitchellville training school and the commandant of the veterans home.

Sec. 18. Section 232.102, subsection 2, Code 1981,

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is amended to read as follows:

2. After a dispositional hearing the court may enter an order transferring the guardianship of the court for the purposes of subsection 6, to the commissioner ~~of the department~~ of social services for the purposes of placement ~~in the Iowa Juvenile Home at Toledo~~.

Sec. 19. Section 259A.6, Code 1981, is amended to read as follows:

259A.6 RESIDENTS OF JUVENILE INSTITUTIONS AND JUVENILE PROBATIONERS. Notwithstanding ~~the provisions of~~ section 259A.2 a minor who is a resident of a state training school ~~or the Iowa juvenile home~~ or a minor who is placed under the supervision of a juvenile probation office may make application for a high school equivalency diploma and upon successful completion of the program receive a high school equivalency diploma.

Sec. 20. Section 444.12, subsection 1, paragraph e, Code 1981, is amended by striking the paragraph.

Sec. 21. Chapter 244, Code 1981, is repealed.

Sec. 22. Sections 14 through 17, and 19 through 21 of this Act take effect July 1, 1982. Section 18 of this Act takes effect January 1, 1982."

Pope of Polk asked and received unanimous consent that House File 849 be deferred and that the bill retain its place on the calendar.

(Amendment H–3923 pending.)

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30th day of April, 1981: House Files 164, 304, 438, 724, 727, 728, 730, 745, 756, 765, 768, 789, 794 and 821.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House the Honorable

Charles Strothman, former member of the House, representing Henry County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four eighth grade students from St. John Elementary School, Independence, accompanied by Lucille McGrath. By Hummel of Benton and Miller of Buchanan.

Sixty-two fifth grade students from Maurice-Orange City Elementary School, Orange City, accompanied by Paul Koets. By Ritsema of Sioux and De Groot of Lyon.

Fifty-eight sixth grade students from Grundy Center Upper Elementary School, Grundy Center, accompanied by Wendy Muller, Barb Malloy and Bob Chabal. By Renken of Grundy.

Fifty-two seventh grade students from Manson High School, Manson, accompanied by Gary Mays and Mike Jepson. By Maulsby of Calhoun.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 336 Ways and Means

To provide for the creation and collection of taxes on railroad fuel.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

IOWA MERIT EMPLOYMENT DEPARTMENT

The 1980 annual report of the Iowa Merit Employment Department has been received pursuant to Chapter 19A.7 (5), Code of Iowa.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

PAT H. HARPER
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 546, a bill for an act relating to the sale by the department of social services of the Peck day care center in Newton, Iowa and the Sanford day care center in Sioux City, Iowa.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill, appropriating funds to state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H–3924	H.F. 849	Halvorson of Clayton
H–3925	H.F. 771	Senate Amendment
H–3926	S.F. 532	Pellett of Cass
H–3927	H.F. 841	Schroeder of Pottawattamie
H–3928	H.F. 847	Bruner of Story Swartz of Marshall
H–3929	H.F. 503	Schroeder of Pottawattamie
H–3930	H.F. 849	Byerly of Polk Renaud of Polk Woods of Polk Chiodo of Polk Connors of Polk
H–3931	S.F. 399	Spear of Lee
H–3932	S.F. 513	Schroeder of Pottawattamie Johnson of Woodbury De Groot of Lyon
H–3933	S.F. 506	Johnson of Woodbury
H–3934	H.F. 849	Spear of Lee
H–3935	H.F. 847	Swartz of Marshall Bruner of Story

H—3936	H.F. 472	Swearingen of Keokuk Anderson of Audubon Norland of Worth Schnekloth of Scott

On motion by Pope of Polk, the House adjourned at 6:25 p.m., until 9:00 a.m., Friday, May 1, 1981.