

State of Iowa

1972

JOURNAL
OF THE SENATE

SIXTY-FOURTH
GENERAL ASSEMBLY
SECOND REGULAR SESSION
1972

Convened January 10, 1972

Adjourned March 24, 1972

ROBERT D. RAY, Governor
ROGER W. JEPSEN, President of the Senate
WILLIAM H. HARBOR, Speaker of the House

Published by the
STATE OF IOWA
Des Moines

SIXTY-FOURTH GENERAL ASSEMBLY

OFFICERS OF THE SENATE

ROGER W. JEPSEN, President	Davenport
VERNON H. KYHL, President Pro Tempore	Parkersburg
CLIFTON C. LAMBORN, Majority Floor Leader	Maquoketa
CHARLES F. BALLOUN, Assistant Majority Floor Leader	Toledo
LUCAS J. DEKOSTER, Assistant Majority Floor Leader	Hull
LEE H. GAUDINEER, JR., Minority Floor Leader	Des Moines
JAMES F. SCHABEN, Assistant Minority Floor Leader	Dunlap
C. JOSEPH COLEMAN, Senate Minority Whip	Clare
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NOLA CARYLL WILBUR, Bill Clerk	Indianola
TONY COSENZA, Assistant Bill Clerk	Des Moines
R. K. SHAWHAN, Sergeant-at-Arms	Des Moines
JOHN NELSON, Assistant Sergeant-at-Arms	Jewell
BYRON MARSHALL, Chief Doorkeeper	Indianola
MARY BALLOUN, Postmistress	Toledo

ELECTIVE STATE OFFICERS
Official Address, Des Moines, Iowa

Name	Title	Residence
Robert D. Ray	Governor	Des Moines
Roger W. Jepsen	Lieutenant Governor	Davenport
Melvin D. Synhorst	Secretary of State	Des Moines
Lloyd R. Smith	Auditor of State	Des Moines
Maurice E. Baringer	Treasurer of State	West Des Moines
L. B. Liddy	Secretary of Agriculture	Keosauqua
Richard C. Turner	Attorney General	West Des Moines

JUSTICES OF THE IOWA SUPREME COURT

C. Edwin Moore	Chief Justice of the Supreme Court	Des Moines
Maurice E. Rawlings	Justice of the Supreme Court	Sioux City
Michael L. Mason	Justice of the Supreme Court	Mason City
Francis H. Becker	Justice of the Supreme Court	Des Moines
Clay LeGrand	Justice of the Supreme Court	Davenport
Warren J. Rees	Justice of the Supreme Court	Anamosa
Harvey Uhlenhopp	Justice of the Supreme Court	Hampton
W. W. Reynoldson	Justice of the Supreme Court	Osceola
Keith David Harris*	Justice of the Supreme Court	Jefferson

*Effective January 16, 1972

MEMBERS OF THE SENATE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)

Name	Address	Age	Occupation	Dist.	Counties Composing District	Former Legislative Service
Anderson, Quentin V.	Beaconsfield	39	Farmer, Businessman	48	Ringgold, Union, Decatur, Wayne, Appanoose	60, 60X, 61, 63, 64(1-S)
Arbuckle, R. Dean	Jefferson	45	Businessman	28	Greene, Boone, Guthrie	63, 64(1-S)
Balloun, Charles F.	Toledo	67	Farmer	21	Fama, Benton, Black Hawk	59, 60, 60X, 61, 62, 63, 64(1-S)
Bass, Earl G.	Malvern	56	Farmer, Grain Dealer	41	Mills, Page, Fremont, Montgomery	63(2-S), 64(1-S)
Briles, James E.	Corning	45	Auctioneer, Real Estate	42	Adams, Cass, Audubon, Adair, Taylor	56, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Brownlee, S. J.	Emmetsburg	44	Farm Management	8	Palo Alto, Buena Vista, Pocahontas, Clay, O'Brien	63(2-S), 64(1-S)
Carlson, Reinhold O.	Des Moines	66	Savings and Loan Executive	29	Polk	64(1-S)
Coleman, C. Joseph	Clare	48	Farmer	15	Webster, Calhoun	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Conklin, W. Charlene	Waterloo	42	Housewife	20	Black Hawk	62, 63, 64(1-S)
Curran, Leigh R.	Mason City	65	Farmer, Businessman	9	Cerro Gordo, Franklin	59, 60, 60X, 62, 63, 64(1-S)
Davis, Wilson L.	Keokuk	54	Engineer, Contractor	50	Lee, Van Buren	63(2-S), 64(1-S)
DeKoster, Lucas J.	Hull	53	Lawyer, Insurance Agent	1	Sioux, Lyon, Plymouth	61, 62, 63, 64(1-S)
Doderer, Minnette F.	Iowa City	48	Legislator	35	Johnson	60, 60X, 61, 62, 63, 64(1-S)
Erskine, Alden J.	Sioux City	70	Automotive Business	12	Woodbury	62, 63, 64(1-S)
Gaudineer, Lee H., Jr.	Des Moines	39	Lawyer	32	Polk	61, 62, 63, 64(1-S)
Gilley, Floyd	Maynard	69	Retired Farmer	7	Fayette, Allamakee, Winneshiek	63, 64(1-S)
Glenn, Gene W.	Ottumwa	43	Lawyer	49	Wapello, Davis	61, 62, 63, 64(1-S)
Graham, J. Wesley	Ida Grove	69	Farm Management	13	Ida, Cherokee, Sac, Calhoun	59, 60, 60X, 61, 62, 63, 64(1-S)
Griffin, James W., Sr.	Council Bluffs	36	Insurance Executive	40	Pottawattamie	63, 64(1-S)
Gross, G. William	Sioux City	42	Pharm. Products Salesman	11	Woodbury	64(1-S)
Hill, Eugene M.	Newton	58	Farmer	34	Jasper, Iowa, Poweshiek	58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Keith, Wayne D.	Algona	63	Businessman, Farmer	3	Kossuth, Emmet, Humboldt	63, 64(1-S)
Kennedy, Gene V.	Dubuque	44	Specialty Advertising	26	Dubuque, Allamakee, Clayton	63, 64(1-S)
Kyl, Vernon H.	Parkersburg	63	Automobile Dealer	5	Butler, Mitchell, Floyd	60, 60X, 61, 62, 63, 64(1-S)
Lamborn, Clifton C.	Maquoketa	52	Contractor	24	Jackson, Jones, Delaware	62, 63, 64(1-S)
Lavery, Charles O.	Indianola	55	Farmer, Agri-Business	47	Barren, Marion, Monroe	63, 64(1-S)
Messery, Francis L.	Cedar Falls	57	Investment Management	19	Black Hawk	59, 60, 60X, 61, 62, 63, 64(1-S)
Miller, Charles P.	Burlington	53	Chiropractor	46	Des Moines, Louisa	60, 60X, 61, 62, 63, 64(1-S)
Milligan, George F.	Des Moines	37	Banker	31	Polk	63, 64(1-S)
Mowry, John L.	Marshalltown	65	Lawyer	18	Marshall, Grundy	57, 58, 59, 60, 60X, 62, 63, 64(1-S)
Neu, Arthur A.	Carroll	38	Lawyer	14	Carroll, Crawford, Monona	62, 63, 64(1-S)
Nicholson, Edward E.	Davenport	67	Livestock Feeder	38	Scott	63, 64(1-S)
Ollenburg, H. L.	Garner	60	Banker	4	Hancock, Winnebago, Worth, Wright, Cerro Gordo	63, 64(1-S)
Palmer, William D.	Des Moines	36	Pres. Insurance Agency	30	Polk	61, 62, 63, 64(1-S)
Potetger, James A.	Steamboat Rock	41	Grain Dealer	16	Hardin, Hamilton, Wright, Franklin	62, 63, 64(1-S)
Potter, Ralph W.	Marion	51	Real Estate	10	Linn, Buchanan, Delaware	63, 64(1-S)

MEMBERS OF THE SENATE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)
Continued

Name	Address	Age	Occupation	Dist.	Counties Composing District	Former Legislative Service
Rabedeaux, W. R.	Wilton	52	Pres. Pub. Co., Dir. Power Co.	36	Cedar, Muscatine, Scott	63(2-S), 64(1-S)
Rhodes, John C.	Chariton	42	Administrator Food Stores	43	Lucas, Dallas, Madison, Clarke	64(1-S)
Riley, Tom	Cedar Rapids	42	Lawyer	23	Linn	59, 60, 60X, 61, 62, 64(1-S)
Robinson, Cloyd E.	Cedar Rapids	33	Food Company Employee	22	Linn	64(1-S)
Schaben, James F.	Dunlap	45	Livestock Auction Mkt. Oper.	27	Harrison, Shelby, Pottawattamie	62, 63, 64(1-S)
Shaff, Roger J.	Camanche	61	Farmer, Banker	37	Clinton	62, 63, 64(1-S)
Shawver, George L.	Fredericksburg	54	Contractor	6	Chickasaw, Bremer, Howard, Winneshiak	64(1-S)
Smith, Marvin W.	Paullina	70	Retired Farmer, Teacher	2	O'Brien, Osceola, Dickinson, Clay, Lyon	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Stephens, Richard L.	Crawfordsville	67	Farmer, Livestock Producer	45	Washington, Jefferson, Henry	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Tapscott, John E.	Des Moines	41	Ins., Securities, Real Estate	33	Polk	62, 63, 64(1-S)
Thordsen, Harold A.	Davenport	62	Real Estate Broker	39	Scott	62, 63, 64(1-S)
Van Drie, Rudy	Ames	40	Publisher	17	Story, Jasper	62, 63, 64(1-S)
Van Gilst, Bass	Oskaloosa	60	Farm Owner, Operator	44	Mahaska, Keokuk, Iowa, Monroe	61, 62, 63, 64(1-S)
Walsh, John M.	Dubuque	31	Dept. Store Executive	25	Dubuque	62, 63, 64(1-S)

(1-S) Indicates first regular session.

(2-S) Indicates second regular session.

SENATORS

MEMBERS OF THE HOUSE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Alt, Don D.	West Des Moines...	55	Savings and Loan Executive	61st—Polk	63, 64(1-S)
Anania, Samuel F.	Des Moines	50	Self-employed	65th—Polk	64(1-S)
Andersen, Leonard C.	Sioux City	60	Real Estate—Insurance	23rd—Woodbury	59, 60, 60X, 62, 63, 64(1-S)
Bennett, Vernon N.	Des Moines	35	Union Representative	59th—Polk	62, 63, 64(1-S)
Bergman, Irvin L.	Harris	60	Farmer	3rd—Lyon-Dickinson-Osceola	62, 63, 64(1-S)
Blouin, Michael T.	Dubuque	26	Sales Manager—Adv. Specialties	49th—Dubuque	63, 64(1-S)
Bray, Daniel L., Jr.	Davenport	24	Law Student	77th—Scott	64(1-S)
Camp, John	Bryant	56	Agric., Business	73rd—Clinton	58, 59, 60, 60X, 62, 63, 64(1-S)
Campbell, Herbert L.	Washington	61	Farmer	89th—Henry-Jefferson-Washington	63, 64(1-S)
Christensen, Perry L.	Kent	39	Farmer	95th—Decatur-Ringgold-Union	62, 63, 64(1-S)
Clark, John H.	Keokuk	25	Insurance Agent	100th—Lee	64(1-S)
Cochran, Dale M.	Eagle Grove	43	Farmer-Businessman	29th—Calhoun-Webster	61, 62, 63, 64(1-S)
Curtis, Warren E.	Cherokee	57	Certified Public Accountant	25th—Cherokee-Ida	64(1-S)
Den Herder, Elmer	Sioux Center	63	Farmer-Realtor	1st—Sioux-Lyon	57, 58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Dougherty, Tom	Albia	41	Farmer-Business	94th—Marion-Monroe	60X, 61, 63, 64(1-S)
Doyle, Donald V.	Sioux City	66	Lawyer	21st—Woodbury	57, 58, 61, 63, 64(1-S)
Drake, Richard F.	Muscatine	44	General Farming	71st—Muscatine	63, 64(1-S)
Dunton, Keith H.	Thornburg	56	Businessman-Farmer	88th—Iowa-Keokuk	58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Edelen, Rollin C.	Estherville	63	Representative of Securities	5th—Emmet-Kossuth	64(1-S)
Egenes, Sonja	Story City	41	Housewife	33rd—Story	64(1-S)
Ellsworth, Thodore R.	Dubuque	53	Insurance Agent	50th—Dubuque	63, 64(1-S)
Ewell, Vernon A.	Waterloo	34	Teacher	39th—Black Hawk	63, 64(1-S)
Fischer, Harold O.	Wellsburg	54	Real Estate—Insurance	35th—Grundy-Marshall	58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Fisher, C. Raymond	Grand Junction	64	Farming	56th—Greene-Guthrie	58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Franklin, A. June	Des Moines	41	Administrative Assistant	64th—Polk	62, 63, 64(1-S)
Freeman, Dennis L.	Storm Lake	32	Insurance Salesman	15th—Buena Vista-Clay-O'Brien	63, 64(1-S)
Gluba, William E.	Davenport	29	College Admissions Counselor	76th—Scott	64(1-S)
Goode, Dewey E.	Bloomfield	73	Retired	98th—Davis-Wapello	45, 45X, 46, 46X, 47, 48, 49, 50, 50X, 53, 54, 55, 56, 57, 59, 60, 60X, 63, 64(1-S)
Grassley, Charles E.	New Hartford	38	Farmer	10th—Butler-Floyd	58, 59, 60, 60X, 61, 62, 63, 64(1-S)
Hamilton, Howard A.	Tipton	62	District Insurance Manager	72nd—Cedar-Muscatine-Scott	63, 64(1-S)
Hansen, Willard	Cedar Falls	40	Insurance Executive	37th—Black Hawk	63, 64(1-S)
Harbor, William H.	Henderson	51	Elevator Owner-Operator	81st—Mills Montgomery-Page	56, 57, 58, 62, 63, 64(1-S)
Hill, Philip B.	Des Moines	40	Lawyer	62nd—Polk	64(1-S)
Holden, Edgar H.	Davenport	57	Real Estate Broker	75th—Scott	62, 63, 64(1-S)
Husak, Emil J.	Toledo	41	Farmer	41st—Black Hawk-Tama	64(1-S)

MEMBERS OF THE HOUSE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)
Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Jesse, Norman	Des Moines	34	Attorney	58th—Polk	63, 64(1-S)
Johnston, Joseph C.	Iowa City	33	Lawyer	70th—Johnson	63, 64(1-S)
Kehe, Luvern W.	Waverly	61	Contractor-Engineer	12th—Bremer-Chickasaw	63, 64(1-S)
Kelly, E. Kevin	Sioux City	28	Lawyer	22nd—Woodbury	64(1-S)
Kennedy, Michael K.	New Hampton	32	Attorney	11th—Chickasaw-Howard-Winnesiek	63, 64(1-S)
Kinley, George R.	Des Moines	34	Self-employed	66th—Polk	64(1-S)
Knoblauch, Charles E., Sr.	Carroll	49	Ass'n. Executive	28th—Carroll-Crawford	63, 64(1-S)
Knoke, George J.	Council Bluffs	41	Lawyer	79th—Pottawattamie	64(1-S)
Kreamer, Robert M.	Des Moines	30	Attorney	63rd—Polk	63, 64(1-S)
Kruse, Walter W. P.	Sheldon	67	Farmer-Insurance	4th—Clay-O'Brien	63, 64(1-S)
Larson, Larry N.	Ames	35	Grocer	34th—Jasper-Story	64(1-S)
Lawson, Murray C.	Mason City	48	Printing and Office Supply	17th—Cerro Gordo	63, 64(1-S)
Lipsky, Joan	Cedar Rapids	52	Homemaker	46th—Linn	62, 63, 64(1-S)
Logemann, Kenneth L.	Northwood	34	Farmer	7th—Cerro Gordo-Worth-Winnebag	63(2-S), 64(1-S)
Mayberry, D. Vincent	Ft. Dodge	55	Poultry Processor	30th—Webster	61, 62, 63, 64(1-S)
McCormick, Harold C.	Manchester	61	Retail Furniture Dealer	48th—Delaware-Jones	63, 64(1-S)
McElroy, Lillian	Percival	54	Housewife	82nd—Fremont-Page	64(1-S)
Mendenhall, John C.	New Albin	67	Retired Businessman	13th—Allamakee-Winnesiek	63, 64(1-S)
Menefee, Maynard	Fayette	64	Retired Farmer	19th—Fayette	63, 64(1-S)
Middleway, James I.	Indianola	59	Farmer	93rd—Warren-Marion	62, 63, 64(1-S)
Millen, Floyd H.	Farmington	51	President Gravel Company	99th—Lee-Van Buren	60, 60X, 61, 62, 63, 64(1-S)
Miller, Elizabeth R.	Marshalltown	66	Homemaker	36th—Marshall	63, 64(1-S)
Moffitt, Delmont	Mystic	60	Farmer	96th—Appanoose-Decatur-Wayne	59, 60, 60X, 62, 64(1-S)
Mollett, Henry C.	Council Bluffs	33	President Janitorial Service	80th—Pottawattamie	64(1-S)
Monroe, W. R. (Bill), Jr.	Burlington	33	Pharmacist	92nd—Des Moines	64(1-S)
Nielsen, Alfred	Defiance	69	Farmer	53rd—Harrison-Shelby	60, 60X, 61, 62, 63, 64(1-S)
Norpel, Richard J., Sr.	Bellevue	53	Insurance	52nd—Jackson-Jones	64(1-S)
Nystrom, John N.	Boone	38	Auto Dealer	55th—Boone	64(1-S)
Patton, John W.	Aurora	66	Farmer	20th—Buchanan-Delaware	61, 62, 64(1-S)
Pellett, Wendell C.	Atlantic	54	Farmer	83rd—Audubon-Cass	64(1-S)
Pelton, Charles H.	Clinton	31	Lawyer	74th—Clinton	62, 63, 64(1-S)
Pierson, George N.	Oskaloosa	67	Farmer-Agric. Business	87th—Keokuk-Mahaska-Monroe	62, 63, 64(1-S)
Priebe, Berl E.	Algona	53	Farmer	6th—Kossuth-Humboldt	63, 64(1-S)
Radt, Richard M.	Lisbon	60	Manufacturer	43rd—Linn	61, 62, 63, 64(1-S)
Rex, Clyde	Ellsworth	49	Farmer	31st—Hamilton-Wright	63, 64(1-S)
Rodgers, Norman G.	Adel	44	Grocer-Farmer	85th—Dallas-Madison	63, 64(1-S)
Roorda, Norman	Monroe	43	Farmer	67th—Jasper	62, 63, 64(1-S)
Sargison, Hallie	Salix	64	Housewife	24th—Woodbury	64(1-S)

REPRESENTATIVES

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MEMBERS OF THE HOUSE—SIXTY-FOURTH GENERAL ASSEMBLY—SECOND REGULAR SESSION (1972)
Continued

Name	Address	Age	Occupation	Representative District	Former Legislative Service
Schmeiser, Lloyd F.	Burlington	50	Farm Owner-Operator	91st—Des Moines-Louisa	63, 64(1-S)
Schroeder, Laverne W.	McClelland	38	Farmer	54th—Harrison-Pottawattamie	62, 63, 64(1-S)
Schwartz, James H.	Ottumwa	43	Insurance	97th—Wapello	63, 64(1-S)
Schwieger, Barton L.	Waterloo	30	Lawyer	40th—Black Hawk	64(1-S)
Scott, Kenneth D.	Thornton	41	Farm-Auctioneer-Realtor	18th—Franklin-Cerro Gordo	64(1-S)
Shaw, Elizabeth	Davenport	48	Housewife-Lawyer	78th—Scott	62, 63, 64(1-S)
Siglin, Marion D.	Lucas	61	Farmer	86th—Clarke-Lucas-Madison	60, 64(1-S)
Skinner, Ed	Altoona	35	Lawyer	60th—Polk	63, 64(1-S)
Small, Arthur A., Jr.	Iowa City	37	Business Executive	69th—Johnson	64(1-S)
Sorg, Nathan	Marion	61	Pharmacist	47th—Linn	62, 63, 64(1-S)
Stanley, Ivor W.	Cedar Rapids	47	Executive in Supply Company	45th—Linn	64(1-S)
Stokes, A. Gordon	Le Mars	71	Farmer	2nd—Plymouth-Sioux	59, 60, 60X, 61, 62, 63, 64(1-S)
Strand, Clair	Grinnell	61	Grocer-Laundromat Owner	68th—Iowa-Jasper-Poweshiek	62, 63, 64(1-S)
Stromer, Delwyn	Garner	41	Farmer	8th—Hancock-Wright	62, 63, 64(1-S)
Strothman, Charles F.	New London	70	Farm-Livestock Breeder	90th—Henry-Jefferson	60, 60X, 61, 62, 63, 64(1-S)
Taylor, Raymond J.	Dubuque	35	Plant Construction and Maintenance	51st—Dubuque	64(1-S)
Tieden, Dale	Elkader	49	Farmer	14th—Allamakee-Clayton	61, 62, 63, 64(1-S)
Trowbridge, Delbert L.	Charles City	68	Farm-Property Management	9th—Floyd-Mitchell	64(1-S)
Uban, Charles J.	Waterloo	50	Oil Jobber	38th—Black Hawk	61, 64(1-S)
Varley, Andrew	Stuart	36	Farmer	84th—Adair-Adams-Taylor	62, 63, 64(1-S)
Wagh, Jewell O.	Whiting	61	Farmer	27th—Crawford-Monona	62, 63, 64(1-S)
Welden, Richard W.	Iowa Falls	63	Contractor	32nd—Franklin-Hardin	62, 63, 64(1-S)
Wells, James D.	Cedar Rapids	43	Food Company Employee	44th—Linn	63, 64(1-S)
Willits, Earl M.	Des Moines	25	Teacher	57th—Polk	64(1-S)
Winkelman, William P.	Lohrville	38	Farm-Businessman	26th—Calhoun-Sac	60, 60X, 61, 62, 63, 64(1-S)
Wirtz, James E.	Emmetsburg	28	Insurance-Real Estate	16th—Palo Alto-Pocahontas	64(1-S)
Wyckoff, Russell L.	Vinton	46	Farmer	42nd—Benton-Black Hawk	64(1-S)

JOURNAL OF THE SENATE

OPENING DAY
Second Regular Session

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, JANUARY 10, 1972

Pursuant to section two point one (2.1), chapter two (2), Code of Iowa, the second regular session (1972) of the Sixty-fourth General Assembly convened at 10:00 a.m., and was called to order by Lieutenant Governor Roger W. Jepsen.

The following prayer was offered by Doctor Ernest D. Nielsen, president of Grand View College, Des Moines, Iowa:

Gracious God, we acknowledge Thy guiding hand in the life and history of the people of Iowa. For the pioneers who in the midst of many human, social, and economic hardships still managed to lay a solid foundation for the future, we thank Thee.

We are grateful for the voice and vote of citizens, but confess also that as citizens we often fail in our public responsibilities. Grant, therefore, that more and more people will choose to exercise their rights, privileges, and freedom in such a way as to undergird the work of our lawmakers.

At the opening of this session of the Senate, we pray that Thou wilt guide each member to follow his or her conscience, let vital issues be discussed in all candor; wherever possible may there be a meeting of minds; grant that the individual and collective insights and understandings may contribute to a truly creative and fruitful Session. Lend Thy spirit and wisdom so that the results of the joint labors of this assembly may effectively contribute to the strengthening and enrichment of our commonwealth, touching every area of human activity within the state.

We beseech Thee to bless our legislators in their often difficult task. Help them to discern the needs of the State, and to remove wrongs and extend mutual good will. Instill in the hearts of legislators and citizens throughout the State the deep desire to be active in making our ideals of a free and just society real and viable for our day. In this free land where liberty and law are not antithetical, make all of us deeply conscious of our partnership in building for tomorrow.

May God's grace be with you and upon you each day throughout this Session. Amen.

The Senate pledged allegiance to the flag.

OPENING REMARKS BY THE LIEUTENANT GOVERNOR

Lieutenant Governor Jepsen addressed the Senate as follows:

SENATORS, STAFF AND GUESTS:

This will be my last session as your President and presiding officer. I am the first President of the Senate to preside for four sessions of the

legislature. It has been and is my privilege to do so. Many of you are classmates of mine—I am proud to say that you are all friends and colleagues.

Each and every one of you in this Assembly has been endowed by your creator with certain talents. Each of you is very special and very important. We all share an equal spiritual worth. I urge all of you to work together as we embark on this Second Session of the Sixty-fourth General Assembly. I congratulate all of you for the hard work and productive accomplishments of the last session.

Government is supposed to maintain social order, prevent individuals from harming or defrauding each other, and leave everybody with the freedom otherwise to lead his own life. That was the original American philosophy of government written into the Declaration of Independence and the Constitution.

Our American system never did—and never could—completely eliminate poverty. But it more effectively promoted the ideal of human freedom, and produced greater material abundance for more people than any welfare state, planned economy, or socialist system on record.

Every American has an individual responsibility under God to help his neighbor in distress; but the decision as to when, how, how much, and to whom is legally and morally his, and not his government's.

Government cannot make men prosperous, any more than it can make men good. Government cannot produce anything. It can merely seize and divide up what individuals produce. Government can give the people nothing which government has not first taken away from them. And the amount which government doles back to the people or spends to promote their welfare is always less than what it takes.

We start this session with a bare bones financial situation. We are projected as of today to have a small amount of money in the bank at the end of this fiscal year. The only way back to solid ground to fiscal soundness will be through the application of thrift and hard work and balancing the budget of this State as if it were our own individual family budget.

We don't need to dwell long on where is our money. The answer is not difficult. It can be told in one short sentence: We spent it. I would ask that anyone proposing expenditure of funds this session—provide a 6-year projection of the costs and also designate specifically where they propose to get the funds. I am sure the appropriations committee chairman will discuss any proposals with you along these guidelines.

I again extend my thanks to those of you in the Senate and on the Senate staff for your excellent work in organizing for this session.

Let's work together—and practice the Golden Rule in our interaction with each other.

I will apply this as I preside over the Senate with this gavel. Should that for any reason fail to keep order—I intend to use Mason's Manual and this gavel [at this point he displayed an oversize gavel] to provide the direction necessary to keep the debate positive and productive.

There is a time when greatness in a person reveals its chemistry. I am proud and thankful for the great talents that exist individually and collectively in this Senate.

In conclusion, I offer these words of advice as voiced by General Douglas MacArthur when he said, "Gather all the facts possible, and then make your decision on what you think is right, as opposed to what you think is wrong. Don't try to guess what others will think, whether they will praise

or deride you. And always remember that at least some of your decisions will probably be wrong. Do this and you will always sleep well at night."

May God bless us all with good health, good sense, good humor and the productive wisdom to provide a legislative session that will be beneficial to all Iowans.

SENATE ENTERTAINED BY STATE EMPLOYEES CHORUS

Just prior to the convening of the Senate, the State Employees Chorus presented several musical selections in the well of the Senate chamber. In December, 1969, a group of state employees sang Christmas carols in the Lucas State Office Building, enjoyed it so much and were so well received, they decided to formally organize the State Employees Chorus. The chorus practices on its own time and has made many guest appearances to represent the State of Iowa.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Keith moved that a committee of three be appointed to notify the Governor that the Senate was organized and ready to receive any communication he might be ready to transmit.

The motion prevailed and the Chair appointed as such committee Senators Keith, Messerly and Kennedy.

COMMITTEE FROM THE HOUSE

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

COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed and the Chair appointed as such committee Senators Davis, Nicholson and Doderer.

ASSIGNMENT OF SEATS IN THE PRESS GALLERY

Senator Potter moved that the Secretary of the Senate be authorized to assign seats to the representatives of the newspapers, radio and television media.

The motion prevailed and the Secretary assigned the following:

51. Des Moines Register, Allan Hoschar
52. Des Moines Tribune, Arnold Garson

53. The Associated Press, Val G. Corley
54. The Des Moines Sunday Register, James Flansburg
55. United Press International, Cheryl Arvidson
56. Iowa Daily Press Association, Harrison Weber
57. Iowa Press Association, Don Reid
59. WOI and WOI-TV, Phil Morgan
60. Cedar Rapids Gazette, Frank T. Nye
61. WMT, Charles Norton
62. Waterloo Daily Courier, William Severin
63. Council Bluffs Nonpareil, Harry Mauck, Jr.
64. KRNT and KRNT-TV, Charles W. Lakin
68. KWWL, John Emmert
70. Legislative Bulletins, Otto Weber
73. The Associated Press, Gordon Hanson
80. Times-Democrat, John McCormick
82. WMT, Douglas Brandt
83. WMT, Carol Daringer
84. Marshalltown Times-Republican, Vern Vierth
87. The Dubuque Telegraph-Herald, Steven S. Walters
88. KRNT and KRNT-TV, Jim Worthington

ELECTION TO COMPLETE STAFF OF
PERMANENT OFFICERS AND EMPLOYEES

Senator Briles asked and received unanimous consent to take up the election of permanent officers and employees to complete the Senate staff, placed in nomination the following persons and moved their election:

Law and Reading Clerk	Thomas S. Reavely, Mt. Pleasant
Law Clerk	Weldon D. Nisly, Iowa City
Law Clerk	JoEllen Lingreen, Des Moines
Special Clerk	Hazel E. Schroedel, West Des Moines
General Clerk	Joyce Horner, Des Moines
Control Board Operator	Max Runciman, Indianola
Sergeant at Arms	Ken Shawhan, Des Moines
Assistant Doorkeeper	Lowell D. Rasmussen, Mitchellville
Assistant Doorkeeper	Burdette W. Rulon, Des Moines
Assistant Bill Clerk	Anthony Cosenza, Des Moines
Switchboard Operator	Martha E. Erickson, Des Moines
Switchboard Operator	Rosemary L. Massman, Des Moines
Secretary of the Senate's Page	Russell Dircks, Davenport
Bill Room Page	Beth Henning, Breda
Senate Page	Doris Briles, Corning
Senate Page	Christine Cobb, Des Moines
Senate Page	Eleanor Jeffrey, Mason City
Senate Page	Keith Kale, Truro
Senate Page	Kim Knight, Webster City
Senate Page	Constance Knosby, St. Charles
Cloakroom Attendant	Joan Randle Greene, Des Moines
Porter	Bernard Oltrogge, Des Moines

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

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

OFFICE OF THE GOVERNOR

State Capitol

Des Moines, Iowa 50319

September 1, 1971

The Honorable Roger W. Jepsen

Lieutenant Governor of Iowa

State Capitol

Local

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Oliver Hansen of Durant, Cedar County, Iowa, for appointment as Superintendent of Department of Banking for the State of Iowa under the provisions of Section 524.2, 1971 Code of Iowa, for the unexpired portion of the term ending June 30, 1973.

Sincerely,

ROBERT D. RAY

Governor

Also:

September 8, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Oliver Hansen of Durant, Cedar County, Iowa, for appointment point as a member of the State Board of Tax Review for the State of Iowa under the provisions of the Senate File 743, Section 1, Acts of the Sixty-second General Assembly, for the regular six-year term ending June 30, 1977.

Sincerely,

ROBERT D. RAY

Governor

Also:

September 16, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. George F. Garcia of Coralville, Johnson County, Iowa, for appointment as a member of the Civil Rights Commission for the State of Iowa pursuant to Section 105A.3, 1971 Code of Iowa, for a regular four-year term ending June 30, 1975.

Sincerely,

ROBERT D. RAY

Governor

Also:

September 17, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Stanley L. McCausland of Des Moines, Polk County, Iowa, for appointment as Director of the Department of General Services for the State of Iowa under the provisions of Section 2 of House File 129 of the

Sixty-fourth General Assembly, 1971, to serve at the pleasure of the Governor.

Sincerely,
ROBERT D. RAY
Governor

Also:

October 11, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Abe D. Clayman of West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Employment Security Commission under the provisions of Section 96.10 of the Code of Iowa, 1971, for a regular six-year term ending June 30, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

October 12, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Dolph Pulliam of West Des Moines, Polk County, Iowa, for appointment as a member of the Council on Social Services for the State of Iowa under the provisions of Section 217.2, 1971 Code of Iowa for the unexpired term ending June 30, 1975.

Sincerely,
ROBERT D. RAY
Governor

Also:

November 16, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Sam W. Brown of Council Bluffs, Pottawattamie County, Iowa, for appointment as a member of the Civil Rights Commission for the State of Iowa pursuant to Section 105A.3, 1971 Code of Iowa, for the unexpired term ending June 30, 1973.

Sincerely,
ROBERT D. RAY
Governor

Also:

December 27, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Harlan S. Lowe of Toledo, Tama County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council for the State of Iowa under the provisions of Chapter 131, Section 6, of the Laws of the Sixty-fourth General Assembly, First Session, to serve for a term beginning January 1, 1973, and ending December 31, 1977.

Sincerely,
ROBERT D. RAY
Governor

Also:

December 28, 1971

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Robert J. Beecher of Creston, Union County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3 of the 1971 Code of Iowa for the regular term beginning January 2, 1972, and ending January 2, 1978.

Sincerely,

ROBERT D. RAY
Governor

Also:

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mr. Ron Hallock of West Des Moines, Polk County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3 of the 1971 Code of Iowa for the regular term beginning January 2, 1972 and ending January 2, 1978.

Sincerely,

ROBERT D. RAY
Governor

Also:

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mrs. Earl G. Sievers of Avoca, Pottawattamie County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3 of the 1971 Code of Iowa for the regular term beginning January 2, 1972 and ending January 2, 1978.

Sincerely,

ROBERT D. RAY
Governor

ANNOUNCEMENT OF INVESTIGATING COMMITTEES ON GOVERNOR'S APPOINTMENTS

President Jepsen, in accordance with section 2.32, Code 1971, announced the appointment of the following Senators to investigating committees:

As Superintendent of Department of Banking for the State of Iowa:
Oliver Hansen of Durant, Cedar County, Iowa, for the unexpired portion of the term ending June 30, 1973.

Senator Nicholson, Chairman
Senator Rabedaux
Senator Robinson
Senator Shaff
Senator Stephens

As a member of the State Board of Tax Review:

Louis Nussbaum of Des Moines, Polk County, Iowa, for the regular six-year term ending June 30, 1977.

Senator Laverty, Chairman
Senator Carlson
Senator Milligan
Senator Palmer
Senator Rhodes

As Director of the Department of General Services for the State of Iowa:

Stanley L. McCausland of Des Moines, Polk County, Iowa, to serve at the pleasure of the Governor.

Senator Rhodes, Chairman
Senator Anderson
Senator Hill
Senator Lamborn
Senator Mowry

As members of the Civil Rights Commission:

George F. Garcia of Coralville, Johnson County, Iowa, for a regular four-year term ending June 30, 1975.

Senator Riley, Chairman
Senator Balloun
Senator Doderer
Senator Potter
Senator Stephens

Sam W. Brown of Council Bluffs, Pottawattamie County, Iowa, for the unexpired portion of the term ending June 30, 1973.

Senator Griffin, Chairman
Senator Bass
Senator Briles
Senator Neu
Senator Schaben

As a member of the Iowa Employment Security Commission:

Abe D. Clayman of West Des Moines, Polk County, Iowa, for a regular six-year term ending June 30, 1977.

Senator Carlson, Chairman
Senator Anderson
Senator Nicholson
Senator Stephens
Senator Van Gilst

As a member of the Council on Social Services:

Dolph Pulliam of West Des Moines, Polk County, Iowa, for the unexpired portion of a term ending June 30, 1975.

Senator Milligan, Chairman
Senator Carlson
Senator Gaudineer
Senator Laverty
Senator Rhodes

As a member of the Iowa Beer and Liquor Control Council:

Harlan S. Lowe of Toledo, Tama County, Iowa, for a term ending December 31, 1977.

Senator Balloun, Chairman
Senator Messerly
Senator Potgeter
Senator Tapscott
Senator Van Drie

As members of the State Board of Public Instruction:

Ron Hallock of West Des Moines, Polk County, Iowa, for the regular term ending January 2, 1978.

Senator Conklin, Chairman
Senator Arbuckle
Senator Davis
Senator Gross
Senator Neu

Robert J. Beecher of Creston, Union County, Iowa, for the regular term ending January 2, 1978.

Senator Anderson, Chairman
Senator Bass
Senator Briles
Senator Glenn
Senator Graham

Mrs. Earl G. Sievers of Avoca, Pottawattamie County, Iowa, for the regular term ending January 2, 1978.

Senator Griffin, Chairman
Senator Bass
Senator Doderer
Senator Erskine
Senator Graham

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Keith reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

MESSAGE FROM THE HOUSE

The following message was received from the House:

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

House Concurrent Resolution 101, inviting Governor Robert D. Ray to deliver his state of state message.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 101

By Varley

Be It Resolved by the House, the Senate Concurring, That a joint convention of the two houses of the second regular session of the Sixty-fourth General Assembly be held on Monday, January 10, 1972 at 1:45 p.m.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Senator Lamborn asked and received unanimous consent to take up **House Concurrent Resolution 101** and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 101

Senator Briles asked and received unanimous consent to take up the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 101

By Personnel Committee

Whereas, Senate Concurrent Resolution 5 duly adopted during the First Session of the Sixty-fourth General Assembly set up the salaries of Officers and Employees of the Senate and House, but did not include a classification for Switchboard Operators;

Now, Therefore, Be It Resolved by the Senate, the House Concurring: That the daily compensation of the Switchboard Operators of the Sixty-fourth General Assembly shall be \$14.00 per day.

The motion prevailed and the resolution was adopted.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Davis reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

BILLS RETURNED TO COMMITTEE UNDER SENATE RULE 4

Senator Lamborn moved that all bills on the Senate calendar of January 10, 1972, except the special orders and the Senate bill amended by the House, be referred to the President of the Senate for reassignment.

Senator Gaudineer moved that the motion be amended as follows and requested a roll call:

AMENDMENT 1

- 1 Amend the motion by the Senator from Jackson by inserting
- 2 after the word, "Orders" the words, ", Senate File 387,".

On the question "Shall Amendment 1 to the Lamborn motion be adopted?" the vote was:

Ayes, 18:

Carlson	Gross	Palmer	Tapscott
Coleman	Hill	Riley	Thordsen
Doderer	Kennedy	Robinson	Van Gilst
Gaudineer	Miller	Schaben	Walsh
Glenn	Milligan		

Nays, 31:

Anderson	Davis	Lamborn	Rabedeaux
Arbuckle	DeKoster	Laverty	Rhodes
Balloun	Erskine	Messerly	Shaff
Bass	Gilley	Mowry	Shawver
Briles	Graham	Neu	Smith
Brownlee	Griffin	Nicholson	Stephens
Conklin	Keith	Potgeter	Van Drie
Curran	Kyhl	Potter	

Absent or not voting, 1:

Ollenburg

Amendment 1 lost.

Senator Gaudineer moved that the Lamborn motion be amended as follows:

AMENDMENT 2

- 1 Amend the motion by the Senator from Jackson, by
- 2 striking the words, "the President of the Senate for re-
- 3 assignment" and by inserting in lieu thereof the words,
- 4 "the standing committee from whence they came."

Amendment 2 lost.

Senator Gaudineer moved that the Lamborn motion be amended as follows:

AMENDMENT 3

- 1 Amend the motion by the Senator from Jackson, by in-
- 2 serting at the end thereof the following:
- 3 "In the event any or all of the chairmen of the standing
- 4 committees meet as a regular or ad hoc committee, and during
- 5 such meeting arrive at a definite or proposed calendar of
- 6 bills for consideration of the Senate, such meetings shall
- 7 be open to the public and notice thereof posted in the same
- 8 manner as meetings of regular standing committees."

Senator Lamborn raised a point of order on Amendment 3 for the reason that it was not germane to the main motion.

The Chair ruled the point well taken and Amendment 3 out of order.

Senator Gaudineer moved that the Lamborn motion be amended as follows:

AMENDMENT 4

- 1 Amend the motion by the Senator from Jackson, by in-
- 2 serting after the phrase, "Senate for" the word, "immediate".

Amendment 4 lost.

Senator Hill raised a point of order on the Lamborn motion under Senate Rule 4.

The Chair ruled the point well taken, and that in accordance with Senate Rule 4 all of the bills on the calendar with the exception of those under special order and Senate bills amended by the House shall be returned to committee.

Senator Lamborn asked and received unanimous consent to withdraw his motion.

BILLS RETURNED TO COMMITTEE UNDER SENATE RULE 4

- S. F. 7 Human and industrial relations
- S. F. 72 Judiciary
- S. F. 80 Cities and towns
- S. F. 95 Conservation and recreation
- S. F. 98 Human and industrial relations
- S. F. 110 Appropriations
- S. F. 128 Ways and means
- S. F. 132 County government
- S. F. 134 Appropriations
- S. F. 144 State government
- S. F. 167 County government
- S. F. 184 State government
- S. F. 185 County government
- S. F. 214 State government

- S. F. 220 Schools
- S. F. 223 Commerce
- S. F. 237 Law enforcement
- S. F. 239 Commerce
- S. F. 268 Law enforcement
- S. F. 287 Conservation and recreation
- S. F. 288 State government
- S. F. 298 Transportation
- S. F. 307 Ways and means
- S. F. 322 County government
- S. F. 327 Transportation
- S. F. 329 Transportation
- S. F. 333 Law enforcement
- S. F. 334 Agriculture
- S. F. 346 Conservation and recreation
- S. F. 356 Law enforcement
- S. F. 371 Transportation
- S. F. 374 Higher education
- S. F. 376 Transportation
- S. F. 387 Appropriations
- S. F. 393 Cities and towns
- S. F. 396 Law enforcement
- S. F. 403 Transportation
- S. F. 410 Ways and means
- S. F. 430 County government
- S. F. 437 Commerce
- S. F. 447 Commerce
- S. F. 466 Commerce
- S. F. 471 Transportation
- S. F. 472 Transportation

- S. F. 476 Judiciary
- S. F. 486 State government
- S. F. 488 Transportation
- S. F. 498 Higher education
- S. F. 499 State government
- S. F. 516 Social services
- S. F. 517 Schools
- S. F. 520 Judiciary
- S. F. 524 Human and industrial relations
- S. F. 535 Transportation
- S. F. 537 Transportation
- S. F. 540 Transportation
- S. F. 547 Transportation
- S. F. 566 Human and industrial relations
- S. F. 567 Human and industrial relations
- S. F. 575 Ways and means
- H.J.R. 14 State government
- H. F. 9 Social services
- H. F. 10 Commerce
- H. F. 30 Commerce
- H. F. 48 Transportation
- H. F. 144 Schools
- H. F. 145 Agriculture
- H. F. 178 Judiciary
- H. F. 180 Judiciary
- H. F. 227 Ways and means
- H. F. 254 Commerce
- H. F. 281 Ways and means
- H. F. 287 Agriculture
- H. F. 307 Commerce

- H. F. 391 Agriculture
- H. F. 406 Ways and means
- H. F. 412 State government
- H. F. 454 Transportation
- H. F. 527 Agriculture
- H. F. 539 State government
- H. F. 632 State government
- H. F. 671 Environmental preservation
- H. F. 687 County government

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

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 101 duly adopted, the Senate proceeded to the House under the direction of the Sergeant at Arms.

JOINT CONVENTION

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

Senator Lamborn of Jackson 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 Jepsen announced a quorum present and the joint convention duly organized.

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

The motion prevailed and the President appointed as such committee Senators Thordsen of Scott, Rabedeaux of Muscatine and Schaben of Harrison on the part of the Senate, and Representatives Kelly of Woodbury, Siglin of Lucas and Ewell of Black Hawk on the part of the House.

The committee waited upon Governor Ray and escorted him to the Speaker's station. President Jepsen then presented Governor Ray, who delivered the following state of the state message:

STATE OF THE STATE MESSAGE

MR. PRESIDENT, MR. SPEAKER, MR. CHIEF JUSTICE, SENATORS AND REPRESENTATIVES, STATE OFFICIALS, DISTINGUISHED GUESTS, LADIES AND GENTLEMEN:

I guess I am somewhat saddened as I look over the General Assembly, and that is because there is one very special face that is missing amidst you, and that is of course the Dean of the Legislature, Dewey Goode who has served some forty years in the legislative body and I know we all miss Dewey very much and hope that he will return soon.

This is a new year and a new session of the Sixty-fourth General Assembly. It is a time for action and not for words.

Here in Iowa and all over the nation, people make it clear that they are turned off by inflated rhetoric. They expect their government—at every level—to come to grips... more aggressively, more effectively, than ever before... with issues and problems that affect people in their everyday lives.

These are the hard issues, the hard problems. Because they are hard, there is a human temptation for people in government to play charades in dealing with them... while actually evading them by trying to focus public attention on matters that are basically peripheral and of no great importance in the lives of our people.

We cannot turn our heads or cast our eyes away from change. Change is inevitable. Certain facts, however, remain constant.

I remind you that what is important is not how well government is doing, but how well our people are doing.

The time is past when people are willing to grant their public officials the luxury of evasiveness. The so-called "average citizen"... who is never average, at all... is not a shadowy, unreal figure to be dismissed airily as the "man in the street". Don't assume he pays attention to governmental affairs only on Election Day—and cares not what happens the rest of the time. Thanks to improved education, expanded leisure, and an enormous increase in the amount of rapidly circulated and readily available information about government, today's citizen has both the know-how and the incentive to follow political action and to rate performance by us who participate directly in political action.

Citizens not only question the credibility of government; they also increasingly question the gap between promise and delivery. They increasingly demand that the gap be closed. This is all to the good... and the greatest service which you and I can render to the people of Iowa in the course of the present session is to keep our words and deeds harnessed together.

During this session of the legislature, as you practice the art of politics in its purest sense, keep in mind that the best politics is doing what is right for the people we represent.

You are not starting a new ball game, but beginning the second half of one already underway. As this session progresses, you must keep in mind that the citizens of this state are your teammates. Thus, what is important when the clock runs out is how well the people have scored. What I want to talk to you about now are the goals which we must cross to makè this a winning session.

But first let us look at the Condition of the State.

That the economy has turned a corner is evidenced in the current revenues of state government. Unlike a year ago, I no longer shudder when I hear the knock of the comptroller at my door.

When the economy of this nation dropped, the shockwave reverberated through our state and its government. We—the legislature and I—faced the problems this drop in revenue created; we took drastic measures to live within our means as Iowans expected us to do.

Today, though we are far from being a state with overflowing coffers, our bills are being paid and the state's financial condition continues to improve. An early indication that enables me to make this cautiously optimistic statement is that today the state revenues are running slightly ahead of the projections made last spring.

I believe, however, it is too early for us to anticipate an economic upturn sufficient to cover massive additional expenditures some might want to propose at this time, regardless of how worthy such programs might be. Nor can we ask our taxpayers to shoulder any more burden.

Because of President Nixon's dramatic and bold action to achieve economic stability, our state government will in the future be able to more easily forecast revenues and evaluate the purchasing power of its dollars.

No state in America is hurt more deeply by inflation than Iowa. This state's proportionately great number of elderly people living on fixed incomes, and the Iowa farmers whose products rarely follow an inflationary trend, combine to make our state extremely vulnerable to rising costs. Therefore, this state benefits enormously from anti-inflationary policies.

Because of the President's economic measures, your legislative policies and our executive actions, there are few states in this Union whose people and whose government have come through the trying period just past as unscathed as we have.

This year has seen the beginning of the implementation of the most carefully-researched, forward-looking plan for financing education ever presented in this state. Any kinks that might exist in this plan must be straightened out without jeopardizing its basic principles.

As of the beginning of this new calendar year, the case loads of District Court judges will be brought into better balance by new judicial districts.

At the same time, two major recommendations of the Governor's Economy Committee are taking effect; one, the massive reorganization of Iowa's liquor distribution system, designed to improve service to the public while saving the state large sums of money; and two, the establishment of a Department of General Services which will enable us to do a better job at a potential savings of \$3 million a year.

Furthermore, with your support, we have lowered the minimum voting age to 18 years which has already had some interesting and happy results. Iowans have elected several municipal council members who are less than

21 years of age—and, most dramatically, elected America's youngest mayor—19-year-old Jody Smith of Ayrshire whose inauguration on January 3 won nationwide attention. These events are good omens for the future of our society.

This year sees a new soil conservancy law going into effect in Iowa because of landmark legislation enacted last session. It is entirely appropriate that this law was the first of its kind in the nation... for we live in a state where the soil, though held privately, is nonetheless a public trust.

It is a compliment to this General Assembly that you have seen the wisdom in working toward a land-use policy for this state. Iowa must make comprehensive, overall plans for the rational and beneficial use of its valuable land. If we fail to preserve this resource, the future will curse us—but will be almost powerless to correct our omission.

The achievements of 1971 should inspire us as we move to further gains in 1972. Everyone shares your eagerness for a short session this year. The desire for brevity, however, must not short-change a legislative program. The quality of a product is seldom judged by the length of time it took to develop it.

I as Governor, members of my staff and the many people in the executive branch of state government are earnestly ready to assist you in your conscientious efforts to forge a record of accomplishments during this session.

Traditionally, in messages to legislatures, governors incorporate a section which could be labeled a "Christmas list". Such an itemization would include areas of specific interest to persons who derive their livelihood from business, or education, or agriculture, or to those in transportation or utilities, or to that spectrum known as "labor" or to those labeled "elderly", "poor" or "handicapped".

This message contains no such Christmas list for I believe this is a session where the issues we confront affect and interest all Iowans.

I want to discuss with you some legislative concerns. This program is not intended to include all matters that deserve your consideration, nor will it encompass all the issues on which my position is well known and which I believe should be enacted into law.

The order in which the items are listed does not indicate the priorities placed on them.

Although all of them are not equal in importance, all are important; all can add to the well-being of our Iowans.

1. JUDICIAL REFORM: In this session you can give Iowans a unified trial court system, desperately needed to replace an archaic, outmoded judicial structure older than the state itself. Such court reform will instill in Iowans confidence in and respect for the judiciary, particularly at the lower level where most people first come in contact with the courts.

2. DEPARTMENT OF ENVIRONMENTAL QUALITY: I hardly need to belabor the point that environmental protection is and will be a foremost concern for the entire human race during the rest of this century—and thereafter. We in Iowa must equip ourselves with effective tools to do our part of this job successfully—and a well-muscled Department of Environmental Quality is one of the tools which we must have.

3. AMUSEMENT RIDE SAFETY: Last summer's three tragic accidents in which more than a score of persons were injured and one person was killed clearly demonstrate the need for mandatory safety inspection

and regulation of amusement rides. An amusement park is a place for children's laughter, not for parents' tears.

4. **JUNKYARD-BILLBOARD BILL:** There should no longer be any doubt of the intent of the federal government to deny Iowa its full share of highway aid unless and until legislation for junkyard beautification and highway advertising control is passed.

5. **HOME RULE:** In 1968 the people of Iowa voted to amend the state Constitution to provide home rule for cities and towns. That amendment lays upon us—and rightly so—the obligation to give municipalities more freedom in governing themselves . . . a process which involves complete re-drafting of the Municipal Code. Satisfactory municipal "home rule" must become a reality before this General Assembly adjourns.

6. **CIVIL RIGHTS FOR THE DISABLED:** We have removed many barriers of misunderstanding which have set apart our handicapped citizens from the rest of society. And now I urge your support in eliminating yet another. I ask that the Iowa Civil Rights Act be extended to provide equal employment opportunities to disabled persons in accordance with their abilities to perform specific jobs. This proposal would also assure Iowa's handicapped that equal opportunities in housing, accommodations and other important services exist for them too.

7. **DEPARTMENT OF TRANSPORTATION:** Transportation is an indispensable part of modern society. Presently several state agencies deal on a piece-meal basis with this aspect of life in Iowa. We need urgently to bring together into one agency the state's scrutiny of the complete transportation system, including its highway, rail, air and water components.

8. **PORNOGRAPHY:** Though high court decisions have made it clear that adults have a right to read and see what they wish, there is clearly a need to deprive the smut peddlers of their youthful market. Iowa needs a law to control the sale and distribution of obscene material. We should also provide additions to our nuisance laws so that private citizens can halt offensive conditions created by selling or displaying obscene material.

9. **ADULT RIGHTS FOR NEW VOTERS:** If a person is old enough to vote, he or she is old enough to be vested with the other responsibilities, privileges and obligations of adulthood. If Jody Smith is old enough to serve as mayor of Ayrshire, he is certainly old enough to be accepted as an adult in all ways. Young voters, whether or not in college, should be treated as all other eligible electors in establishing their place of voting.

10. **VIETNAM WAR BONUS:** Following World Wars I and II and the Korean Conflict, the people of Iowa voted a state bonus for the returning war veterans. Our Iowans today should be given the opportunity to do no less for those young men who went off to a widely unpopular war in Vietnam. They didn't leave with the bands playing nor did they return with the confetti flying. Perhaps such a showing of appreciation for their sacrifice would be in order even more than on the previous occasions.

11. **BARGAINING FOR PUBLIC EMPLOYEES:** I continue to believe that Iowa needs a structure for collective bargaining with public employees. Again, I ask that you consider this type of legislation which can now be debated rationally and intelligently without the pressure of a crisis.

12. **OMBUDSMAN:** I established a State Citizen's Aide Office through an experimental operation funded by a federal grant. To continue this office requires a \$56,000 appropriation. Iowa has been a pioneer in this significant field, which directly confronts the problems of an individual citizen's frustration in trying to pierce what is—to him—the faceless wall of public

bureaucracy. The Ombudsman is the people's hope for unravelling the red-tape, for remedying the oversights, and repairing the injustices of governmental bodies. The bigger and more complex the processes of government become, the greater becomes the need for an Ombudsman to help the ordinary citizen. Proof of the need here is provided by the constantly increasing volume of requests for help to which the present Iowa Citizen's Aide's office is responding. The soundness of the idea is no longer in question. Let us now give it a foundation of statutory permanence.

13. **DRUNKEN DRIVER REFORM:** We must do more than we are doing to rid the highways of the menace of the drunken driver. Too often mere payment of a penalty for failure to drive soberly does not change a driver's attitude or keep such a driver off the road. I therefore propose that special schools be established around Iowa where convicted drinking drivers who lose their driving privileges can earn back the right to operate motor vehicles. Such programs can be broadened to include rehabilitation for other traffic violators. The Court should be vested with the power to commit or refer a defendant for treatment.

14. **CONCEALED WEAPON PERMITS:** Clearly, some limitations need to be placed on the issuance of permits to carry concealed weapons.

15. **A UNIFORM FISCAL YEAR FOR IOWA:** At a time when all levels of government are more closely tied than ever before, there exists some conflict and confusion in taxing and budget years. Federal and state government fiscal years run from July 1 to June 30, as do local schools. Cities, towns and counties, however, follow the calendar year. Because of these differences, budgeting is more confusing and difficult than it needs to be.

The following four items, plus the Ombudsman program, will require new appropriations. Funds for these projects are available within the present financing structure and additional revenue measures will not be necessary.

16. **WORLD FOOD EXPO '76:** Iowa has one of the greatest opportunities in its history. The concept of a World Food Exposition is breathtaking in scope and promises long term benefits to this State. It will involve large sums of money, most of which will be provided by the federal government and private industry. We are fortunate to have been successful in obtaining the official encouragement of the American Revolution Bicentennial Commission for this proposal. Iowa now must make a commitment if additional support is to be forthcoming. Therefore, I recommend an appropriation of \$250,000 to the Iowa Bicentennial Commission so that land options can be taken and essential preparations for a World Food Expo '76 can continue.

17. **IOWA CRIME COMMISSION:** A \$600,000 appropriation for fiscal year 1972-73 is necessary for local Crime Commissions in our cities and counties in order to receive the benefits of millions of dollars in federal anti-crime funds during this period.

18. **SCHOOL LUNCH ASSISTANCE:** For the second year of this biennium, the state's share of the cost of school lunch assistance to local schools, to comply with the National School Lunch Act, will require an appropriation of \$575,000. Earlier, you recognized the merits of this program when you appropriated \$515,000 for the 1971-72 fiscal year.

19. **SCHOOL BUDGET REVIEW COMMITTEE:** To give the School Budget Review Committee the capacity to aid individual school districts with special problems too diverse to be covered by the statutes, an appropriation of \$500,000 should be provided that committee.

20. **STATE PARK USER FEES:** With more leisure time and greater need to lessen the tensions of everyday living, many Iowans have sought refuge in our state parks. Some have expressed to me personally a willingness to pay a small fee to maintain clean and attractive facilities and good protection. Other states have found a user fee an answer for good park maintenance. I continue to believe that legislation should be completed to provide for a modest user fee for state parks.

21. **TAX-EXEMPT PROPERTIES:** Cities, towns, counties and school districts and the people living in them cannot afford the luxury of providing services required for much of the real property not now on the property tax rolls. Today, tax exemptions of real property extend beyond the original intent. Citizens should not be overburdened with property taxes for the special benefit of select groups. Therefore, you have been wise in scrutinizing these exemptions so the laws affecting such properties in our state can be tightened.

22. **COMMERCE COMMISSION—INTEREST RATES:** The Iowa Commerce Commission is strenuously working to hear utility rate application cases promptly. But still the problem of refunds will exist where the Commission does not approve the rate requests in full. The Commission should be given the power to establish a fair rate of interest to be applied on the customers' money that is on deposit or to be refunded. This would also encourage all parties to cooperate so that a quick determination can be made.

23. **LOW-RENT HOUSING:** Public housing projects have succeeded in helping our elderly and our low-income citizens. Low-rent housing that is in the public interest should be allowed without the requirement of an election, as is now permitted for the elderly.

24. **COUNTY SCHOOL DISTRICTS:** Elimination of Iowa's county Boards of Education is a worthy goal, for in many cases the services provided do not justify the high cost of these educational units. But the special education programs which have historically been delivered by these county boards must be maintained under any legislation which brings about this elimination.

25. **UNIFORM STATE BUILDING CODE:** Wide variance in local building codes around Iowa prevent full utilization of modern housing construction technology. A uniform building code at the state level would help remove this obstruction to progress. Our Housing Code also needs to be updated.

This, then, is a 25-point legislative program—not all inclusive, but all important goals that can be reached this session. Most of them are familiar to you and you have become knowledgeable about them, thus the prognosis for informed debate appears good.

Knowing that it often requires time and reflection to achieve legislative and public support for important proposals . . . however much I would prefer immediate results . . . I want to now mention quickly several other vital issues which you have or I am sure you will want to have under legislative study.

It is imperative that we continue to move forward to the establishment of a state-wide educational television network.

Iowans not yet within range of "Sesame Street" on the state's educational channels can take hope in the record ETV has made in only three years. In 1969, you first appropriated operating funds for our state-wide educational television and radio system and during that same year the

purchase of Channel 11 was completed. Two weeks from today, on January 24, a jointly-owned 2,000-foot tower near Alleman becomes operational and with it the ETV signals will reach more than 65 percent of Iowa's population—some 1.8 million persons.

In the matter of financing needed ETV expansion in the future, I suggest you carefully examine the alternatives.

It is heartening to see that careful, extensive study of proposals to revise the penal code, with provision for penal reform, is under way in this body. This is a field where deeply fundamental changes are sure to occur—and should occur. Much can be done to improve our system to condition transgressors for return to society. I still believe the regional correctional concept is right and hopefully the legislature will agree following its study of our penal system.

I note your auto insurance study committee has deferred action on any change in required coverage for Iowa car owners pending analysis of the experience of other states that have now adopted no-fault or partial no-fault insurance programs. In the absence of any legislative action this year, I would hope insurance companies would make available extended coverage that would give immediate payment for medical expense and loss of earnings regardless of who is at fault in an accident. This could be done without curtailing a victim's right to pursue recovery against a wrongdoer. Pure no-fault insurance would deprive injured people of fair and full recovery for their injuries and damages, but there is need for improvement in our insurance system and the legislature must prepare for this evolution.

As I travel our state and talk to its people, I have observed a healthy change in attitude toward this very special place we call Iowa.

For many years, I listened to Iowans underrate themselves and their state. I hear this less and less. Today, more Californians are leaving that state than enter it—a first in its history. Crime and congestion, pollution and blight stalk the nation's major cities. The financial woes of government and the resulting burden on citizens of many states present nearly insolvable problems. By contrast, the condition in Iowa today is not only tolerable but actually enviable.

That is not to say, however, that we are free of problems and difficulties for we are not. But we still have a society with the capacity to deal with them.

Professor Lawrence Lafore, a newcomer to our state who wrote the article in Harpers Magazine that has been widely circulated across this nation, expressed so well a feeling of Iowa when he said: "Iowa is a unit of consciousness; it has a culture of its own" . . . then he added: "Nobody in Iowa has any sense of being anybody's social inferior".

To that I would add: "Iowa is a place where everybody is somebody."

While millions of other Americans must deal with the frustration of a computerized, credit card society, in Iowa one can still make an individual impact on our way of life.

And you, in this legislative assembly, are among the most fortunate of all Iowans. For you, as I, have been charged with the stewardship of this state and its people.

It has been said that Iowa is a wise partnership of land and people, a place for human beings to live as well as to exist. And that is what Iowa is all about.

In the days of this session and in the days beyond, I know that we, too, will strive to work together in a like partnership to continue building here in Iowa the good society. And that is what government is all about.

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

Representative Varley moved that the joint convention be dissolved.

The motion prevailed.

The Senate returned to the Senate chambers and reconvened, President pro tempore Kyhl presiding.

COMMITTEE ON CHAPLAINS

President Jepsen announced the appointment of Senator John C. Rhodes as a committee of one to work with the House committee in securing chaplains for the Senate during the Sixty-fourth General Assembly, Second Session, to fill the vacancy created by the resignation of Senator J. Wesley Graham.

ANNOUNCEMENT OF COMMITTEE APPOINTMENT

President Jepsen announced the appointment of Senator Rudy Van Drie to fill the vacancy on the Departmental Rules Review Committee created by the resignation of Senator John Mowry. The unexpired portion of the term ends April 30, 1973.

COMMUNICATION FROM THE SECRETARY OF THE SENATE

Pursuant to Rule III, Section 641 of the Rules of the U. S. House of Representatives, a printed copy of the Journal of the House, First Session of the Ninety-second Congress, has been received and placed on file in the office of the Secretary of the Senate.

ANNOUNCEMENTS BY THE LEGISLATIVE COUNCIL

To fill vacancies on the criminal code review study committee created by Senate Joint Resolution 18, Acts of the Sixty-third General Assembly, First Session, the following appointments were made:

Senator Lee H. Gaudineer, Jr.
Senator Ralph W. Potter
Representative Michael K. Kennedy
Representative George J. Knoke
Representative Charles H. Pelton
John Callaghan, additional citizen member
David J. Dutton, additional citizen member

Pursuant to section 2.50, subsection 4, Code 1971, and the September 8, 1971 Legislative Council Meeting, the following study committee was created:

LOCAL GOVERNMENTS FINANCIAL STUDY COMMITTEE

6 legislative members
 Citizen members not anticipated
 Representative Don D. Alt, Chairman
 Senator Roger J. Shaff, Vice Chairman
 Senator Gene V. Kennedy
 Senator John C. Rhodes
 Representative Joseph C. Johnston
 Representative Henry C. Mollett

In accordance with Senate Concurrent Resolution 46, Acts of the Sixty-fourth General Assembly, First Session, the Legislative Council authorized the creation of the following new study committees:

DEPARTMENT OF TRANSPORTATION STUDY COMMITTEE
 (S.C.R. 25)

12 legislative members
 6 citizen members
 Representative Richard F. Drake, Chairman
 Senator John M. Walsh, Vice Chairman
 Senator Leigh R. Curran
 Senator Lucas J. DeKoster
 Senator Eugene M. Hill
 Senator Charles P. Miller
 Senator John C. Rhodes
 Representative Vernon N. Bennett
 Representative Dewey E. Goode
 Representative John N. Nystrom
 Representative Lloyd F. Schmeiser
 Representative Ivor Stanley
 Captain Art Bull
 Kenneth Frazier
 Mrs. Nadean Hamilton
 Frank E. Horton
 Ralph Kirk
 Richard J. Petska

SCHOOL SYSTEMS STANDARDS STUDY COMMITTEE
 (S.C.R. 39—S.C.R. 45)

10 legislative members
 5 citizen members
 Senator W. Charlene Conklin, Chairman
 Representative Charles E. Grassley, Vice Chairman
 Senator Wilson L. Davis
 Senator Gene V. Kennedy
 Senator Cloyd E. Robinson
 Senator Richard L. Stephens
 Representative Charles E. Knoblauch, Sr.
 Representative Norman G. Rodgers
 Representative Elizabeth Shaw
 Representative Delwyn Stromer
 Dr. Roderick Bickert
 Paul L. Eckert
 Roger E. Leavitt
 Mrs. Jane Paul
 Dr. Ralph Scott

HIGHER EDUCATION STUDY COMMITTEE
(H.C.R. 9)

8 legislative members

No citizen members anticipated

Representative Richard W. Welden, Chairman

Senator Rudy Van Drie, Vice Chairman

Senator Minnette F. Doderer

Senator Edward E. Nicholson

Senator Marvin W. Smith

Representative Willard Hansen

Representative George N. Pierson

Representative James D. Wells

PENAL AND CORRECTIONAL SYSTEMS STUDY COMMITTEE
(H.C.R. 22)

10 legislative members

4 citizen members

3 inmates

Senator Clifton C. Lamborn, Chairman

Representative Donald V. Doyle, Vice Chairman

Senator R. Dean Arbuckle

Senator Gene W. Glenn

Senator Gene V. Kennedy

Senator Ralph W. Potter

Representative Perry L. Christensen

Representative E. Kevin Kelly

Representative Harold C. McCormick

Representative Barton L. Schwieger

Professor James McCue

Joseph DeRaad

Dewey Landeck

Oscar Jones

Jan Hollins

Mrs. Oneda Cooper Mitchell

Gary Shay

LAND USE POLICIES STUDY COMMITTEE
(H.C.R. 25)

10 legislative members

1 citizen member

Senator Charles O. Laverty, Chairman

Representative Herbert L. Campbell, Vice Chairman

Senator G. William Gross

Senator Wayne D. Keith

Senator James F. Schaben

Senator George L. Shawver

Representative Dale M. Cochran

Representative James I. Middleswart

Representative Andrew Varley

Representative William P. Winkelman

Frank H. Mendell

BANK HOLDING COMPANIES STUDY COMMITTEE
(S.C.R. 28)

8 legislative members
 No citizen members anticipated
 Senator S. J. Brownlee, Chairman
 Representative Harold O. Fischer, Vice Chairman
 Senator Reinhold O. Carlson
 Senator Lee H. Gaudineer, Jr.
 Senator H. L. Ollenburg
 Representative Dennis L. Freeman
 Representative Lillian McElroy
 Representative Berl E. Priebe

ASSISTANCE GRANT PROGRAMS STUDY COMMITTEE
(H.C.R. 48)

8 legislative members
 No citizen members anticipated
 Senator Quentin V. Anderson, Chairman
 Representative Nathan F. Sorg, Vice Chairman
 Senator Alden J. Erskine
 Senator J. Wesley Graham
 Senator John E. Tapscott
 Representative Laverne W. Schroeder
 Representative Kenneth D. Scott
 Representative Delbert L. Trowbridge

In accordance with Senate File 565, Acts of the Sixty-fourth General Assembly, First Session, the Legislative Council authorized the creation of the following study committee:

MENTAL HEALTH AND JUVENILE INSTITUTIONS STUDY COMMITTEE

8 legislative members
 No citizen members anticipated
 Representative Edgar H. Holden, Chairman
 Senator Earl Bass, Vice Chairman
 Senator James W. Griffin, Sr.
 Senator Charles P. Miller
 Senator Marvin W. Smith
 Representative A. June Franklin
 Representative Joan Lipsky
 Representative Delmont Moffitt

The Legislative Council approved the appointment by Standing Committee Chairmen of the following subcommittees to conduct certain studies during the interim:

APPROPRIATIONS
(Transportation Subcommittee)

Representative Richard W. Welden, Chairman
 Senator Wayne D. Keith
 Senator Eugene M. Hill
 Senator Clifton C. Lamborn
 Senator John C. Rhodes

Senator John M. Walsh
 Representative Dewey Goode
 Representative Norman Jesse
 Representative Lloyd F. Schmeiser
 Representative Laverne Schroeder

CITIES AND TOWNS
 (Municipal Code Subcommittee)

Senator John C. Rhodes, Chairman
 Senator Wilson L. Davis
 Senator William D. Palmer
 Senator Tom Riley
 Representative Don D. Alt
 Representative Theodore R. Ellsworth
 Representative Ed Skinner
 Representative Nathan Sorg

COMMERCE
 (Commerce Commission Subcommittee)

Senator John L. Mowry, Chairman
 Representative Harold O. Fischer, Vice Chairman
 Senator William D. Palmer
 Senator W. R. Rabedeaux
 Senator Harold Thordsen
 Representative Warren E. Curtis
 Representative Tom Dougherty
 Representative Floyd H. Millen

COMMERCE AND JUDICIARY
 (No-Fault Insurance Subcommittee)

Senator Rudy Van Drie, Co-Chairman
 Representative Dennis L. Freeman, Co-Chairman
 Senator James W. Griffin, Sr.
 Senator William D. Palmer
 Senator C. Joseph Coleman
 Senator Lucas J. DeKoster
 Senator Tom Riley
 Representative Theodore R. Ellsworth
 Representative James H. Schwartz
 Representative E. Kevin Kelly
 Representative Robert M. Kreamer
 Representative John W. Patton

ENVIRONMENTAL PRESERVATION
 (Environmental Agencies Subcommittee)

Representative Luvern W. Kehe, Chairman
 Senator Leigh R. Curran
 Senator Cloyd E. Robinson
 Senator George L. Shawver
 Representative Michael T. Blouin
 Representative Marion D. Siglin

(Radiation Subcommittee)

Senator Wayne D. Keith, Chairman
 Senator Gene V. Kennedy
 Senator Charles O. Laverty
 Representative Herbert L. Campbell
 Representative John H. Clark
 Representative Dale M. Cochran

HUMAN AND INDUSTRIAL RELATIONS

(Amusement Rides Subcommittee)

Representative George N. Pierson, Chairman
 Senator James W. Griffin, Sr.
 Senator W. R. Rabedaux
 Senator Cloyd E. Robinson
 Representative James D. Wells
 Representative Delwyn Stromer

SOCIAL SERVICES

(Nursing Homes Subcommittee)

Representative Edgar H. Holden, Chairman
 Senator Earl Bass, Vice Chairman
 Senator G. William Gross
 Senator Charles P. Miller
 Senator Marvin W. Smith
 Senator Richard L. Stephens
 Representative Keith H. Dunton
 Representative George J. Knoke
 Representative D. Vincent Mayberry
 Representative Nathan F. Sorg

STATE GOVERNMENT

(Building Code Subcommittee)

Representative John Camp, Chairman
 Senator R. Dean Arbuckle
 Senator James W. Griffin, Sr.
 Senator W. R. Rabedaux
 Senator James F. Schaben
 Representative C. Raymond Fisher
 Representative D. Vincent Mayberry
 Representative Raymond J. Taylor

(Voter Residency and Registration Subcommittee)

Representative Richard Drake, Chairman
 Senator James A. Potgeter
 Senator John C. Rhodes
 Senator John E. Tapscott
 Representative C. Raymond Fisher
 Representative Earl M. Willits

WAYS AND MEANS
(Tax Exemptions Subcommittee)

Representative Norman Roorda, Chairman
 Senator H. L. Ollenburg, Vice Chairman
 Senator Minnette F. Doderer
 Senator George F. Milligan
 Senator Roger J. Shaff
 Representative George R. Kinley
 Representative Robert M. Kreamer
 Representative Ivor W. Stanley

(Tax Assessments Subcommittee)

Senator Roger J. Shaff, Chairman
 Representative Elmer Den Herder, Vice Chairman
 Senator Alden J. Erskine
 Senator Ralph W. Potter
 Senator Bass Van Gilst
 Representative Donald V. Doyle
 Representative C. Raymond Fisher
 Representative Floyd H. Millen

AMENDMENTS FILED

- 1 Amend House File 574, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 3, line 26, strike the words "or useful".
- 4 2. Page 55, lines 6 and 7, strike the words "useful
- 5 or convenient" and insert in lieu thereof the word
- 6 "necessary".
- 7 3. Page 56, lines 19 and 20, strike the words "use-
- 8 ful or convenient" and insert in lieu thereof the word
- 9 "necessary".
- 10 4. Page 57, lines 5 and 6, strike the words "useful
- 11 or convenient" and insert in lieu thereof the word
- 12 "necessary".
- 13 5. Page 57, line 11, strike the word "useful" and
- 14 insert in lieu thereof the word "necessary".
- 15 6. Page 118, lines 32 and 33, strike the words
- 16 "useful and convenient" and insert in lieu thereof the
- 17 word "necessary".
- 18 7. Page 151, line 27, strike the words "useful and
- 19 convenient" and insert in lieu thereof the word
- 20 "necessary".
- 21 8. Page 154, line 1, strike the words "useful and
- 22 convenient" and insert in lieu thereof the word
- 23 "necessary".

LEE H. GAUDINEER, JR.

- 1 House File 574, as amended and passed by the House,
- 2 is amended as follows:
- 3 1. Page 6, line 21, strike the figure "1971" and
- 4 insert in lieu thereof the figure "1972".
- 5 2. Page 6, line 24, strike the figure "1973" and
- 6 insert in lieu thereof the figure "1974".

- 7 3. Page 6, line 25, strike the figures "1971" and
 8 "1973" and insert in lieu thereof the figures "1972"
 9 and "1974" respectively.
- 10 4. Page 6, line 30, insert after the word "divisions"
 11 the words "or parts of a division".
- 12 5. Page 6, line 34, strike the figure "1973" and
 13 insert in lieu thereof the figure "1974".
- 14 6. Page 7A, line 5, strike the word "and" and insert
 15 in lieu thereof the words ", and if".
- 16 7. Page 10, after line 35, insert the following
 17 new section:
 18 "Sec. All railway companies shall construct
 19 and repair all street improvements between the rails
 20 of their tracks, and one foot outside, at their own
 21 expense, unless by ordinance the railway is required
 22 to improve other portions of the street, and in that
 23 case the railway shall construct and repair the
 24 improvement of that part of the street specified by
 25 the ordinance, and the improvement or repair must be

Page 2

- 1 of the material and character ordered by the city, and
 2 must be done at the time the remainder of the improvement
 3 is constructed or repaired.
- 4 When an improvement is made, the company shall lay
 5 rail as required by the council, and shall then keep
 6 up to grade that part of the improvement they are
 7 required to construct or maintain.
- 8 If a railway fails or refuses to comply with the
 9 order of the council to construct or repair an
 10 improvement, the work may be done by the city and the
 11 expense shall then be assessed upon the property of
 12 the railway company, for collection in the same manner
 13 as a property tax. A tax assessed under this section
 14 shall also be a debt due from the railway, and may be
 15 collected in an action at law in the same manner as
 16 other debts."
- 17 8. Page 18, lines 30 and 31, strike the words "The
 18 committee may consider any information relevant to the
 19 proposal."
- 20 9. Page 20, line 20, insert after the word
 21 "incorporation" the words "or discontinuance".
- 22 10. Page 20, line 21, insert after the word
 23 "territory" the words "or city".
- 24 11. Page 35, strike lines 28 through 30.
- 25 12. Page 57, line 10, strike the word "water" and

Page 3

- 1 insert in lieu thereof the word "waterways".
- 2 13. Page 62, line 1, strike the word and figure
 3 "four (4)" and insert in lieu thereof the word and
 4 figure "three (3)".
- 5 14. Page 62, line 13, strike the words and figures
 6 "four (4) and five (5)" and insert in lieu thereof the
 7 words and figures "three (3) and four (4)".
- 8 15. Page 98, lines 2 and 3, strike the words "by

- 9 resolution".
- 10 16. Page 98, line 9, strike the words "by resolu-
- 11 tion".
- 12 17. Page 98, line 19, after the period insert the
- 13 following: "Rates must be established by ordinance of
- 14 the council or by resolution of the trustees, published
- 15 in the same manner as an ordinance."
- 16 18. Page 98, line 22, strike the word "resolution"
- 17 and insert the words "ordinance of the council or by
- 18 resolution of the trustees published in the same manner
- 19 as an ordinance,".
- 20 19. Page 104, line 18, after the word "be" insert
- 21 the word "in".
- 22 20. Page 106, line 13, strike the word "to" and
- 23 insert in lieu thereof the word "of".
- 24 21. Page 106, line 20, insert after the word
- 25 "repairs" the word ", construction, or reconstruction".

Page 4

- 1 22. Page 106, line 22, insert after the word
- 2 "repairs" the words ", construction, or reconstruction".
- 3 23. Page 110, lines 2 and 3, strike the words "
- 4 collect, or dispense charges" and insert in lieu thereof
- 5 the words "and collect charges, and dispense the moneys
- 6 received".
- 7 24. Page 118, after line 27, insert the following
- 8 new section:
- 9 "Sec. Section twenty-six point six (26.6),
- 10 Code 1971, as amended by chapter one hundred sixty-five
- 11 (165), section forty-five (45), Acts of the Sixty-fourth
- 12 General Assembly, First Session, is amended to read
- 13 as follows:
- 14 26.6 POPULATION OF COUNTIES, TOWNSHIPS, CITIES,
- 15 AND TOWNS. Whenever the population of any county,
- 16 township, city, or town is referred to in any law of
- 17 this state, it shall be determined by the last *preceding*
- 18 certified[, or certified and published, official] *federal*
- 19 census unless otherwise provided. [However, the popula-
- 20 tion figure disclosed for any city or town as the result
- 21 of a special federal census as modified as the result
- 22 of consolidation or annexation in the manner provided
- 23 in sections 312.3, and 123.50, shall be considered for
- 24 no other purposes than the application of sections
- 25 123.50, 312.3 and the provisions of this division.]

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- 1 Whenever a special federal census is hereafter taken
- 2 by any city or town, the mayor and council shall certify
- 3 the [said] census as soon as possible to the secretary
- 4 of state and to the treasurer of state as otherwise
- 5 herein provided, and failing to do so, the treasurer
- 6 of state shall, after six months from the date of [said]
- 7 the special census, turn over such moneys as authorized
- 8 by sections 123.50 [and], 312.3 and the provisions of
- 9 chapter 165, division IV, Acts of the Sixty-fourth

10 *General Assembly, First Session, to the general fund*
 11 *of the state, and continue to do so until such time*
 12 *as certification by [said] the mayor and the council is made,*
 13 *or until the next decennial federal census. If there*
 14 *be a difference between the original certified record*
 15 *in the office of the secretary of state and the published*
 16 *census the former shall prevail."*

17 25. Page 118, line 33, strike the word "*convenient*"
 18 and insert in lieu thereof the word "*necessary*".

19 26. Page 123, strike lines 34 and 35, and page 124,
 20 strike lines 1 through 8, and insert in lieu thereof
 21 the following:

22 "as amended by chapter one hundred (100), section
 23 one (1), Acts of the Sixty-fourth General Assembly,
 24 First Session, is amended to read as follows:

25 49.7 PORTIONS OF TOWNSHIPS COMBINED. No precinct

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1 shall contain different townships or parts thereof,
 2 except for *other than city elections* where the board
 3 of supervisors has combined two or more contiguous
 4 townships into one election precinct or where, by reason
 5 of the existence of a village or [incorporated town] *city*
 6 *of less than two thousand population* on or near a
 7 township line, the board of supervisors may create a
 8 voting precinct in compact form, from [said town] *the*
 9 *city* or village, and may include [therein] territory
 10 adjoining and adjacent to [said] *the* village or [town] *city,*
 11 which is situated in two or more townships."

12 27. Page 124, strike lines 9 through 13.

13 28. Page 139, strike lines 14 through 35, and page
 14 140, strike lines 1 and 2.

15 29. Page 151, line 27, strike the word "*convenient*"
 16 and insert in lieu thereof the word "*necessary*".

17 30. Page 154, line 1, strike the word "*convenient*"
 18 and insert in lieu thereof the word "*necessary*".

19 31. Page 162, line 31, strike the word "*legal*" and
 20 insert in lieu thereof the word "*qualified*".

21 32. Page 170A, line 18, strike the word "*qualified*"
 22 and insert in lieu thereof the words "*[legal] qualified*".

23 33. Page 175, strike lines 24 through 35, and page
 24 176A, strike lines 1 through 4 and insert in lieu thereof
 25 the following:

Page 7

1 "teen (358B.16), Code 1971, as amended by chapter
 2 two hundred five (205), section one (1), Acts of the
 3 Sixty-fourth General Assembly, First Session, is amended
 4 to read as follows:

5 358B.16 WITHDRAWAL OF CITY [OR TOWN] FROM DIS-
 TRICT.

6 [Whenever any incorporated] A city [or town, having
 7 maintained a library pursuant to the provisions of
 8 chapter 378 for at least ten years and having levied
 9 a tax of its own for the same purpose, shall decide

10 to] *may* withdraw from the county library district[, it
 11 may do so] by giving notice by certified mail to the
 12 board of library trustees of [said] *the* county library
 13 and the county auditor prior to July 10, [by the governing
 14 body of said incorporated city or town, of its withdrawal
 15 from the county library district,] and *on that date* shall
 16 cease to be a part of or included in [said] *the* county
 17 library district.

18 34. Page 182, line 4, strike the first comma,
 19 following the figure "(420.14)" and insert in lieu
 20 thereof the word "through".

21 35. Page 188, strike lines 3 through 17, and insert
 22 in lieu thereof the following:

23 "(453.9), unnumbered paragraph one (1), Code 1971,
 24 as amended by chapter two hundred twenty-one (221),
 25 section three (3), Acts of the Sixty-fourth General

Page 8

1 Assembly, First Session, is amended to read as follows:
 2 453.9 INVESTMENT OF SINKING FUNDS. The governing
 3 council or board who by law are authorized to direct
 4 the depositing of funds shall be authorized to direct
 5 the treasurer *or other designated financial officer*
 6 to invest any fund not an active fund needed for current
 7 use and which is being accumulated as a sinking fund
 8 for a definite purpose, the interest on which is used
 9 for the same purpose, in savings accounts in banks,
 10 in the certificates or warrants provided by section
 11 454.19, or make time deposits of such funds as provided
 12 in this chapter and receive time certificates of deposit
 13 therefor, or in bonds or other evidences of indebtedness
 14 issued, assumed, or guaranteed by the United States
 15 of America, or by any agency or instrumentality thereof,
 16 or in local certificates or warrants issued by any
 17 municipality or school district within the county, or
 18 in municipal or school district bonds which constitute
 19 a general liability, and the treasurer *or other officer*
 20 when so directed shall so invest such fund."

21 36. Page 189, strike line 18 and insert in lieu
 22 thereof the following:

23 "Upon all cities for public purposes which are
 24 reasonable and necessary as an incident to the powers
 25 and duties conferred upon cities."

Page 9

1 37. By renumbering sections and correcting internal
 2 references to conform with this amendment.

COMMITTEE ON CITIES AND TOWNS
 RALPH W. POTTER, Chairman

1 Amend House File 574, as amended and passed by the
 2 House, by inserting on page 7A, after the period in
 3 line 10, the following: "This grant of home rule powers
 4 does not include the power to enact private or civil

5 law governing civil relationships, except as incident
6 to an exercise of an independent city power."

LEE H. GAUDINEER, JR.

1 Amend House File 574, as amended and passed by the House,
2 page 8A, by striking lines 9 through 12, inclusive, and
3 inserting in lieu thereof the following:

4 "Cities may pay, out of the general fund, annual dues
5 to the league of Iowa municipalities, provided that the
6 sum total of annual dues collected by the league from cities
7 shall not exceed ninety thousand (90,000) dollars. In
8 addition they may pay out of the general fund the actual
9 expenses of delegates to the annual conference of the league.
10 The league shall keep and make such accounts and reports as
11 shall be required by the state municipal accounting depart-
12 ment, and the same shall be annually checked by said depart-
13 ment."

ROGER J. SHAFF
FRANCIS J. MESSERLY

1 Amend House File 574, page 8B, lines 43 and 44, by striking
2 the words "having a population of five thousand or more".

JAMES A. POTGETER

1 Amend House File 574, as amended and passed by the House, as
follows:

2 1. Page 112, line 11, by striking the words, figures and comma (,),
3 "three hundred sixty-eight (368)".

4 2. Page 7A, by striking lines 12 and 13 and inserting in lieu
5 thereof the following:

6 "1. Municipal corporations are granted home rule power and
7 authority, not inconsistent with the laws of the General Assembly,
8 to determine their local affairs and government, except that they
9 shall not have power to levy any tax unless expressly authorized
10 by the General Assembly. The rule or proposition of law that a
11 municipal corporation possesses and can exercise only those powers
12 granted in express words is not a part of the law of this state."

JOHN L. MOWRY
FRANCIS J. MESSERLY

On motion of Senator Lamborn, the Senate adjourned until
9:45 a.m., Tuesday, January 11, 1972.

JOURNAL OF THE SENATE

SECOND DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, JANUARY 11, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Roland Ritter, pastor of the United Methodist Church, Chariton, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, January 10, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ollenburg for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

The Chair announced that the following visitors were present in the Senate gallery:

Sixty-five students from Iowa Valley High School, Marengo, Iowa, accompanied by their principal, Norm Blake, and instructor, Mike Scott.

PETITION

The following petition was presented and placed on file:

By Senator Erskine, from forty-nine residents of Woodbury County favoring the multi-county Regional Service Agency concept.

SPECIAL ORDER OF BUSINESS

House File 574

The hour having arrived, the Chair announced the special order of business for the consideration of House File 574.

On motion of Senator Potter, House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organ-

ization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry moved that the Senate resolve itself into a committee of the whole for the consideration of House File 574 and requested a roll call.

On the question "Shall the Senate resolve itself into a committee of the whole?" (H.F. 574) the vote was:

Ayes, 14:

Anderson	Conklin	Graham	Mowry
Bass	Curran	Hill	Nicholson
Briles	DeKoster	Messerly	Shawver
Coleman	Gilley		

Nays, 33:

Arbuckle	Gross	Neu	Schaben
Balloun	Keith	Palmer	Shaff
Brownlee	Kennedy	Potgeter	Stephens
Carlson	Kyhl	Potter	Tapscott
Davis	Lamborn	Rabedaux	Thordsen
Doderer	Laverty	Rhodes	Van Drie
Gaudineer	Miller	Riley	Van Gilst
Glenn	Milligan	Robinson	Walsh
Griffin			

Absent or not voting, 3:

Erskine	Ollenburg	Smith
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The motion lost.

President pro tempore Kyhl took the chair at 10:25 a.m.

SPECIAL GUEST

Senator Messerly rose on a point of personal privilege to present to the Senate his son, Corporal Randy Messerly of the First Marine Division, who had just returned from active duty in Vietnam.

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILL

Senate File 1001, by Senator Riley, a bill for an act changing the local budget certification date of school districts.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 102

By Riley, Shawver, Rhodes, Thordsen, Neu, and DeKoster

Whereas, in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, the Government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

Whereas, the right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

Whereas, these infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union, *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly urges that the President of the United States of America call upon the Government of the Soviet Union to permit the free exercise of religion by all of its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities, and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

BILLS ASSIGNED TO COMMITTEE

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

S. F. 531 State government

S. F. 532 Judiciary

S. F. 536 Transportation

S. F. 1001 Schools

H. F. 217 State government

H. F. 577 Conservation and recreation

COMMUNICATIONS

The following communications were filed with the Secretary of the Senate:

January 11, 1972

Mr. Carroll Lane
Secretary of Senate
State House
Local

Dear Mr. Lane:

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

These include 15 claims of a general nature.

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

Very truly yours,

MAURICE E. BARINGER
Chairman
State Appeal Board

OFFICE
STATE COMPTROLLER

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
1946-64-25	Midtown Motor Inn, Des Moines, Iowa, Outdated Invoice	\$ 87.06	Disapproved
1974-64-25	Dr. MacDonald's Feed, Fort Dodge, Iowa, Registration Fee Refund	121.06	Disapproved
2162-64-25	Donald Howard Trost, Lenox, Iowa, License Fee Refund	6.00	Disapproved
2166-64-25	R. E. Merrill, Ames, Iowa, Loss of Earnings	32,888.60	Disapproved
2383-64-25	Sylvan Hochstedler, Kalona, Iowa, Outdated Warrant	18.30	Disapproved
2418-64-25	Gilbert F. Livermore, D.D.S., Oskaloosa, Iowa, Outdated Claim	325.00	Disapproved
2447-64-25	Lineville Elevator Co., Lineville, Iowa, License Fee Refund	37.50	Disapproved
2540-64-25	Cornelius Schimmel, Pella, Iowa, Outdated Warrant	9.24	Disapproved
2668-64-25	Rex A. Ward, Ossian, Iowa, Boat License Refund	9.00	Disapproved
2707-64-25	Robert E. Korte, Des Moines, Iowa, Deer License Refund	10.00	Disapproved

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2711-64-25	Robert J. Korte, Oskaloosa, Iowa, Deer License Refund	10.00	Disapproved
2755-64-25	Paul Klonglan, Ankeny, Iowa, Boat License Refund	4.50	Disapproved
2782-64-25	Ronald H. Huffman, Carroll, Iowa, Boat Registration Refund	4.50	Disapproved
2832-64-25	Holiday Chrysler Plymouth, Des Moines, Iowa, License Fee Refund ..	27.00	Disapproved
2834-64-25	B & G Contractors, Centerville, Iowa, Outdated Claim	217.81	Disapproved

January 11, 1972

Mr. Carroll Lane
Secretary of Senate
State House
Local

Dear Mr. Lane:

In accordance with Section 25A.12, Code of Iowa, 1971, we are hereby submitting to the General Assembly all claims and judgments paid during 1971 by the State Appeal Board under Chapter 25A.

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

Very truly yours,

MARVIN R. SELDEN, JR.
State Comptroller

CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1971

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-237-64	Paula S. May	Personal injuries Noehren Dorm, UNI, Cedar Falls	Undetermined	\$ 300.00
T-524-64	F. W. Tomasek & Edward & Frank Colony	Crop damage as result of construction of Security Medical Facility		
T-1142-64	Carlyn Kay Lewis	Personal injuries Burge Hall, Univ. of Iowa	\$ 187.50	1,154.71
T-1700-64	Zane B. Smith	Auto damage, National Guard vehicle backed into	112.00	112.00
T-1891-64	Evelyn L. Van Pelt	Paint on coat, Tax Office, Lucas Bldg.	109.63	109.63
T-2107-64	Faith Ann Walrod	Property damage, flood, Dancer Hall, UNI, Cedar Falls	20.60	20.60
T-2108-64	Darrell D. Millard	Auto damage, Ice and snow, Wright Hall, UNI, Cedar Falls	221.60	200.00
T-2118-64	Mary Colette Tigan	Flood damage, Dancer Hall, UNI, Cedar Falls	100.00	100.00
T-2226-64	Ralph L. Johnson	Collision with state snow plow	103.45	95.00
T-2250-64	U. S. Army Claims Service	Collision with state snow plow	100.00	100.00
T-2277-64	Kenneth J. McBride	Eight individuals claims involving National Guard	562.71	562.71
T-2350-64	R. L. Johnson & Farm Bureau Ins. Co.	Injury from broken glass at Law Enforcement Academy	26.50	26.50
T-2368-64	John Dilley	Collision with state snow plow	644.00	544.00
T-2432-64	Edwin J. Vittetoe	Walked through window, MHI, Mount Pleasant	130.42	130.42
T-2656-64	Duane A. Gideon	Car damage, fair grounds	572.05	572.05
T-2676-64	Carleton E. Powers	Car damage, fair grounds	127.72	127.72
T-2746-64	Velma Rodewald	Sailboat damage, Lake Keomah	70.38	70.38
T-2854-64	Ronald W. Johnston	Personal injury, fair grounds	26.00	26.00
		Paint on clothes, Lacey State Park	15.00	15.00

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1971

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Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-111-64-T	Elizabeth Kershner Van Allen	Crop damage from flooding	\$ 261.00	\$ 136.00
H-112-64-T	Frances Kershner Bickelhaupt	Crop damage from flooding	261.00	136.00
H-127-64-T	June Halsted	Injury from contact with right-of-way rail while mowing ..	2,603.90	800.00
H-132-64-T	Mabel E. Reaves	Slip and fall on Linn Creek Bridge	3,692.65	3,000.00
H-165-64-T	Lille Jensen	Garden damage due to weed spray	33.50	33.50
H-167-64-T	Darrell Duane Groth	Crop loss due to weed spray	62.10	62.10
H-177-64-T	Dorothy Ann Dolash	Car damage, hit portable flashing light	53.95	53.95
H-178-64-T	City of Waterloo	Damage to city light cables from highway installation of signs	106.00	106.00
H-180-64-T	James W. Pearson & John & James Bowman	Crop damage from flooding	1,563.00	1,492.41
H-182-64-T	Clair J. Weiss	Broken eye glasses on the job	58.00	58.00
H-196-64-T	Keith Leineweaver	Tractor tire damage by snow fence post	25.44	25.44
H-197-64-T	Ira D. Flora	Car damage by concrete in road	49.03	49.03
H-198-64-T	Paul & Walter Grumstrup	Crop damage from flooding	7,731.66	7,731.66
H-202-64-T	Mrs. Herbert Nowlan	Car damage from concrete in road	28.27	28.27
H-204-64-T	Harold Beerman	Loss of well due to construction	732.99	732.99
H-208-64-T	Roger Allen Steil	Car damage from road condition	78.45	78.45
H-220-64-T	Donald R. Distlehorst	Tractor tire damage from right-of-way rail	94.79	47.50
H-230-64-T	Nellie G. Sorenson	Tire damage from grader blade	26.31	26.31
H-239-64-T	Ray Kraklio	Mower damage, hit right-of-way marker	165.50	165.50
H-243-64-T	Billy J. Deaton	Survey pin ruined tire	14.50	14.50

CHAPTER 25A—TORT CLAIMS
 JUDGMENTS AND SETTLEMENTS AT OR BEFORE TRIAL—1971

Claim No.	Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-894-63	Bernita Jacobsen	Injuries received in gym class at University of Iowa (judgment)	\$50,000.00	\$ 2,200.00
T-514-63	Walston Aviation, Inc.	Damage to airplane when struck by National Guard Vehicle (1970 judgment)	12,000.00	10,500.00
T-525-64	Benny Hudson	Injury to hand at penitentiary (judgment)	15,000.00	903.13
T-1282-64	Stanley Richards	Fall on loading dock at Iowa University store (settlement)	5,000.00	2,750.00
T-1750-64	Alvin Harris	Injuries at prison (settlement)	15,000.00	600.00
H-181-64-T	Mary Kay Brockman	Fall on highway (settlement)	25,331.38	450.00

REPORT OF COMMITTEE

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government to which was referred **House File 687**, a bill for an act relating to the authority of the auditor of state, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend House File 574, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 7A by striking lines 19 and 20.
- 4 2. By renumbering the lines accordingly.

C. JOSEPH COLEMAN

- 1 Amend House File 574 as amended, passed, and reprinted
- 2 by the House as follows: Page 8A, by striking lines 17 through
- 3 35 inclusive, and on page 8B, by striking lines 36 through 42
- 4 inclusive, and inserting in lieu thereof the following:
- 5 "Sec. 16. A city may not dispose of an interest in real
- 6 property by sale, lease for a term of more than three years,
- 7 or gift, except in accordance with the following procedure:
- 8 1. The council shall set forth its proposal in a
- 9 resolution and shall publish notice as provided in section
- 10 three (3) of this Act, of the resolution and of a date, time,
- 11 and place of a public hearing on the proposal.
- 12 2. After the public hearing, the council may make a final
- 13 determination on the proposal by resolution.
- 14 3. A city may not dispose of real property by gift
- 15 except to a governmental body for a public purpose."

ARTHUR A. NEU

- 1 Amend House File 574, as amended, passed and reprinted by
- 2 the House, as follows:
- 3 1. Page 15, by inserting after line 17 the following new section:
- 4 "Sec. Any territory may be severed upon the unanimous
- 5 consent of all owners of the territory and approved by resolution
- 6 of the council of the city in which the territory is located.
- 7 The council shall provide in the resolution for the equitable
- 8 distribution of assets and equitable distribution and assumption
- 9 of liabilities of the territory as between the city and the
- 10 severed territory. The severance shall be completed upon filing
- 11 the resolution as provided in section forty-one (41), subsection
- 12 two (2) of this Act."
- 13 2. By renumbering sections and correcting internal references to
- 14 conform with this amendment.

TOM RILEY

- 1 Amend House File 574, as amended and passed by
 2 the House, as follows:
 3 Page 33, line 14, by striking the words "All applicable",
 4 and by striking all of lines 15, 16, and 17.

EUGENE M. HILL

- 1 Amend House File 574, as amended, passed and reprinted by
 2 the House, page 51, line 27, by striking the words "by the council".
 COMMITTEE ON CITIES AND TOWNS
 RALPH W. POTTER, Chairman

- 1 Amend House File 574 as amended, passed and reprinted by the
 House
 2 by striking from page 60, line 31 the word "qualified".

FRANCIS L. MESSERLY

- 1 Amend House File 574, as amended, passed and reprinted
 2 by the House as follows:
 3 1. Page 80, line 35 by inserting after the word
 4 and comma "teen," the following: "for annual payments
 5 or thirty for semi-annual payments,".
 6 2. Page 83, by striking lines 22 through 28 in-
 7 clusive and inserting in lieu thereof the following:
 8 "6. The council shall provide for annual or semi-
 9 annual payment of installments at the election of the
 10 property owner. Notwithstanding sub-section 1 through
 11 5 of this section, where semi-annual payments are elected,
 12 interest due for the entire year shall be paid with the
 13 first assessment due and payable January 1 of each year."

COMMITTEE ON CITIES AND TOWNS
 RALPH W. POTTER, Chairman

- 1 Amend House File 574, as amended and passed by the House
 2 as follows: Page 82, by striking all of lines 20 through 27
 3 and inserting in lieu thereof the following:
 4 "Sec. 142. The right-of-way of a railway company is
 5 subject to special assessment for public improvements but
 6 payment of such assessment shall be suspended, without in-
 7 terest, so long as said right-of-way is used exclusively as
 8 an operating right-of-way. The entire amount of any such
 9 assessment is due and payable in full within one year of the
 10 abandonment of right-of-way service or commencement of the
 11 use of said right-of-way for a purpose other than railroad
 12 transportation. Such assessment shall constitute a lien upon
 13 the right-of-way property and shall be payable by the titled
 14 owner thereof."

JAMES W. GRIFFIN, SR.

- 1 Amend House File 574 as amended, passed and reprinted
 2 by the House as follows:
 3 Page 111, line 10, by striking the comma and words
 4 "without the approval" and by striking line 11 and
 5 inserting in lieu thereof a period.

EUGENE M. HILL

1 Amend House File 574 as amended, passed, and reprinted
2 by the House, page 113, after line 5, by adding a new
3 section as follows:
4 "Sec. Chapter three hundred sixty-eight (368), Code 1971, is
5 repealed except for section three hundred sixty-eight point
6 two (368.2)."

JOHN L. MOWRY

1 Amend House File 574, as amended, passed and reprinted by
2 the House as follows:
3 1. Page 191, line 17, strike the word "Whenever" and insert
4 in lieu thereof the words "Except as otherwise provided by statute,
5 whenever".
6 2. Page 191, line 32, insert after the word "thereof" the
7 comma and the words ", except as otherwise provided by statute".

COMMITTEE ON CITIES AND TOWNS
RALPH W. POTTER, Chairman

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Wednesday, January 12, 1972.

JOURNAL OF THE SENATE

THIRD DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, JANUARY 12, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Robert Gildner, pastor of the First Methodist Church, Indianola, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, January 11, 1972, was approved.

ANNOUNCEMENT BY SECRETARY OF SENATE

The Secretary of the Senate announced that the Iowa Chapter of the American Academy of Family Physicians has made arrangements for a doctor from their organization to be present every legislative day. They will be available for emergency treatment for legislative members, clerks and staff and will serve as a liaison between their organization and the legislature.

Dr. Harold Moessner, Amana, Iowa—Available today.

Dr. Donald Otpilie, Oelwein, Iowa—Served January 10, 1972.

Dr. C. W. Beckman, Kalona, Iowa—Served January 11, 1972.

INTRODUCTION OF BILLS

Senate File 1002, by committee on county government (committee on county government), a bill for an act requiring posting of bond in conjunction with petitioning to establish a rural water district.

Read first time and placed on calendar.

Senate File 1003, by committee on county government (committee on county government), a bill for an act relating to support payments as the result of a dissolution of marriage.

Read first time and placed on calendar.

Senate File 1004, by committee on county government (committee on county government), a bill for an act relating to the valuation of certain public utilities.

Read first time and placed on calendar.

Senate File 1005, by committee on county government (committee on county government), a bill for an act relating to the military records of veterans.

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

Senate File 1006, by committee on county government (committee on county government), a bill for an act relating to disposition of obsolete instruments in the county recorder's office.

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

Senate File 1007, by committee on county government (committee on county government), a bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses.

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

UNFINISHED BUSINESS
SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

President Jepsen took the chair at 11:45 a.m.

(House File 574 pending.)

INTRODUCTION OF BILL .

Senate File 1008, by Senators Brownlee, Ollenburg, and Carlson (Fischer of Grundy, Freeman, McElroy and Priebe), a bill for an act relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state

banks for management, financial advice, consultation or services, and prescribing penalties for violations.

Read first time and passed on file.

SENATE FILE WITHDRAWN

Senator DeKoster asked and received unanimous consent that Senate File 548 be withdrawn from further consideration of the Senate.

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILL

Senate File 1009, by Senators Conklin, Van Drie, Rabedeaux, Griffin, Bass, Thordsen, Curran, Shaff, Keith, Neu, Nicholson, Briles, Laverty, Shawver, Riley, Brownlee, Rhodes, Carlson, Potter, Messerly, Gilley, Graham, Potgeter, Davis, Walsh, and Lamborn, a bill for an act relating to the attainment of the age of majority.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 103

By Messerly, Conklin and Balloun

Whereas, construction cost of the shorter Palo Route of Interstate 380 is some \$15 million less than the longer dogleg.

Whereas, the distance the motoring public must travel between the two metropolitan areas of Waterloo and Cedar Rapids is substantially shorter by the Palo Route.

Whereas, Highway Commission studies show that the annual road user benefits are greater for the Palo Route than any of the other proposed corridors.

Whereas, the population of Black Hawk County alone is equal to the total population of the half dozen Northeastern Iowa counties the dogleg is designed to serve.

Whereas, the shorter Palo Route will take out of production land which is far less productive than that which would be used by the dogleg route.

Whereas, the annual maintenance cost of the shorter Palo Route would be substantially less.

Now Therefore, Be It Resolved by the Senate, the House Concurring: That the Iowa Highway Commission be urged to select the Palo Route for Interstate 380 from Waterloo to Cedar Rapids.

Be It Further Resolved, that copies of this concurrent resolution be transmitted to each member of the Iowa State Highway Commission.

AMENDMENTS FILED

- 1 Amend House File 574, as amended and passed by the House,
 2 as follows:
 3 1. Page 4, line 10, insert after the comma the words "or
 4 in the case of ordinances and amendments to be published in a
 5 city in which no newspaper is published."
 6 2. Page 8B, line 38, strike the words "the person who owns
 7 all the" and insert in lieu thereof the words "any person or
 8 persons who own".
 9 3. Page 38, line 1, strike the words "a measure" and insert
 10 in lieu thereof the words "an ordinance, amendment, or resolution".

COMMITTEE ON CITIES AND TOWNS
 RALPH W. POTTER, Chairman

- 1 Amend House File 574 as passed and reprinted by the House,
 2 page 11, line 34, by inserting after the word "wood" the following:
 3 ", except as stated in section twenty (20), subsection two (2),
 4 paragraph c of this Act".

LUCAS J. DeKOSTER

- 1 Amend House File 574, as amended, reprinted and passed by
 2 the House, as follows:
 3 Page 31, line 33, by striking the words and comma "the state
 4 library,".

RALPH W. POTTER
 LUCAS J. DeKOSTER

- 1 Amend House File 574, as amended, reprinted and passed by
 2 the House, as follows:
 3 Page 33, line 13, after the word "hold", by inserting the
 4 word and comma "general,".

RALPH W. POTTER

- 1 Amend House File 574, as amended and passed by the
 2 House, as follows:
 3 1. Page 60, strike lines 6 through 35, and strike
 4 lines 1 through 7 on page 61, and insert in lieu thereof
 5 the following:
 6 "2. Before the council may institute proceedings for
 7 the issuance of bonds for a general corporate purpose,
 8 it shall call a special city election to vote upon the
 9 question of issuing the bonds. At the election the propo-
 10 sition must be submitted in the following form:."
 11 2. Renumber remaining subsections of section 104.
 12 3. Page 62, line 19, strike the words "petitions
 13 and".

EUGENE M. HILL

- 1 Amend House File 574, as amended and passed by the
 2 House, by inserting on page 60 in line 12 after the word
 3 "Act" the words ", except that the notice must be pub-
 4 lished not less than twenty-five nor more than forty days
 5 before the date of the meeting".

FRANCIS L. MESSERLY
 RALPH W. POTTER

1 Amend House File 574 as amended and passed by the House as follows:

2 Page 135, line 7, by striking lines 7 through 14 inclusive.

MARVIN W. SMITH

1 Amend House File 574, as amended and passed by the
2 House, by striking from page 135 lines 9 through 14 and
3 inserting in lieu thereof the following:

4 "3. Payment of all or part of the cost of construc-
5 tion and maintenance of bridges in cities [and towns] having
6 a population of eight thousand or less and all or part of
7 the cost of construction of roads located within [an
8 incorporated town] *a city*, of less than four hundred popu-
9 lation, which lead to state parks."

RALPH W. POTTER

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Thursday, January 13, 1972.

JOURNAL OF THE SENATE

FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, JANUARY 13, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Ralph Hanson, pastor of the First Lutheran Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, January 12, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Arbuckle for the day on request of Senator Kyhl.

DISTINGUISHED GUEST

Senator Brownlee rose on a point of personal privilege and presented to the Senate the Honorable Russell Hellman, State Representative from Michigan, chairman of the appropriations subcommittee on natural resources.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James S. Kimball, Osceola, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 101, setting the daily compensation of the switchboard operators in the House and Senate.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1001, a bill for an act relating to safety inspection and regulation of amusement rides, devices, and related electrical equipment.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 695, a bill for an act to appropriate from motor vehicle fuel tax fund to the state comptroller.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 695

- 1 Amend the Senate amendment to House File 695, dated
- 2 June 19, 1971, as follows:
- 3 1. By striking the word "public" in line 7.
- 4 2. By inserting after the word "application" in line
- 5 7 the following: "while the general assembly is in
- 6 session".

HOUSE MESSAGE CONSIDERED

House File 1001, a bill for an act relating to the safety inspection and regulation of amusement rides, devices and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations.

Read first time and passed on file.

APPOINTMENT OF PAGE
TO LIEUTENANT GOVERNOR

Lieutenant Governor Jepsen announced the appointment of his page, Bruce Pierson of Plymouth County, who appeared before the rostrum and was duly sworn.

INTRODUCTION OF BILLS

Senate File 1010, by Senator Potter, a bill for an act relating to real estate broker trust funds.

Read first time and passed on file.

Senate File 1011, by Senator Glenn, a bill for an act relating to the rate regulation of public utilities.

Read first time and passed on file.

COMMUNICATIONS

The following communications were presented:

January 10, 1972

Members of the Senate
Sixty-fourth General Assembly
Senate Chambers
Local

Attention: Lt. Governor Roger W. Jepsen

Gentlemen:

We respectfully submit the name of Don C. Uthus to the Senate for

confirmation of the interim appointment as Commerce Counsel.

Mr. Uthus' interim appointment was effective November 1, 1971, and ends June 30, 1975. This appointment was made in conformance with Chapter 475.2 of the Code of Iowa.

Sincerely,
MAURICE VAN NOSTRAND
Chairman

Also:

Honorable Roger W. Jepsen
Lieutenant Governor
State of Iowa
State House
Des Moines, Iowa

Dear Lieutenant Governor:

In accordance with Section 10, Chapter 131 of the Code of Iowa, the Iowa Beer and Liquor Control Council has by unanimous vote engaged Mr. Rolland A. Gallagher of 2078 Twenty-Seventh Street, Des Moines, Iowa, as Director of the Liquor Department.

This is a request to confirm Mr. Gallagher by the Iowa Senate.

Mr. Gallagher is well qualified for this position and the Council is satisfied that he will conduct the affairs of the department in an efficient and businesslike manner. A resume relative to Mr. Gallagher is enclosed.

Please let me know if I can be of further service to you in connection with the confirmation of Mr. Gallagher.

Thank you.

Sincerely yours,
J. STUART KIRK

Also:

January 12, 1972

The Honorable Roger W. Jepsen
Lieutenant Governor of Iowa
State House
Des Moines, Iowa 50319

Dear Governor Jepsen:

Pursuant to the provisions of the Code of 1971, Section 257.11, we are hereby submitting to the Senate for confirmation the appointment of Dr. Robert D. Benton as State Superintendent of Public Instruction for the term ending January 1, 1975, with the effective date of said appointment commencing July 1, 1972.

Sincerely yours,
MRS. VIRGIL E. SHEPARD, President
State Board of Public Instruction

UNFINISHED BUSINESS
SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including

the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

Senator Potter offered the following amendment filed by the committee on cities and towns and called for a division of the amendment, sections 1 and 2 to be considered as division 1, and section 3, as division 2:

Division 1

- 1 Amend House 574, as amended and passed by the House,
- 2 as follows:
- 3 1. Page 4, line 10, insert after the comma the words "or
- 4 in the case of ordinances and amendments to be published in a
- 5 city in which no newspaper is published,".
- 6 2. Page 8B, line 38, strike the words "the person who owns
- 7 all the" and insert in lieu thereof the words "any person or
- 8 persons who own".

Division 2

- 9 3. Page 38, line 1, strike the words "a measure" and insert
- 10 in lieu thereof the words "an ordinance, amendment, or resolution".

On motion of Senator Potter, division 1 of the amendment was adopted.

Action on division 2 of the amendment was deferred for the preparation of an amendment.

Senator Potter offered the amendment filed January 10, 1972, by the committee on cities and towns and found on pages 29 through 33 of the Senate Journal.

Senator Gaudineer offered the following amendment to the amendment and moved its adoption:

- 1 Amend the cities and towns committee amendment filed
- 2 January 10, 1972 to page 5, line 2, by striking "or town"
- 3 and inserting in lieu thereof the following: "[or town]".

The amendment to the amendment was adopted.

Senator Gaudineer called for a division of the amendment, sections 21 and 22 to be considered as division 2, and the remainder of the amendment to be considered as division 1.

On motion of Senator Potter, division 1 of the amendment was adopted.

President pro tempore Kyhl took the chair at 10:55 a.m.

Senator Potter moved the adoption of division 2 of the committee amendment.

Division was called for.

Division 2 of the amendment lost.

Senator Potter offered the following amendment filed by Senators Potter and DeKoster and moved its adoption:

- 1 Amend House File 574, as amended, reprinted and passed by
- 2 the House, as follows:
- 3 Page 31, line 33, by striking the words and comma "the state
- 4 library,".

The amendment was adopted.

Senator Potter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended, reprinted and passed by
- 2 the House, as follows:
- 3 Page 33, line 13, after the word "hold", by inserting the
- 4 word and comma "general,".

The amendment was adopted.

Senator Potter offered the following amendment filed by the committee on cities and towns and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted by
- 2 the House, page 51, line 27, by striking the words "by the council".

The amendment was adopted.

Senator Messerly offered the following amendment filed by Senators Messerly and Potter and moved its adoption:

- 1 Amend House File 574, as amended and passed by the
- 2 House, by inserting on page 60 in line 12 after the word
- 3 "Act" the words ", except that the notice must be pub-
- 4 lished not less than twenty-five nor more than forty days
- 5 before the date of the meeting".

The amendment was adopted.

Senator Potter offered the following amendment filed by the committee on cities and towns and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 80, line 35 by inserting after the word
- 4 and comma "teen," the following: "for annual payments
- 5 or thirty for semi-annual payments,".

6 2. Page 83, by striking lines 22 through 28 in-
 7 clusive and inserting in lieu thereof the following:
 8 "6. The council shall provide for annual or semi-
 9 annual payment of installments at the election of the
 10 property owner. Notwithstanding sub-section 1 through
 11 5 of this section, where semi-annual payments are elected,
 12 interest due for the entire year shall be paid with the
 13 first assessment due and payable January 1 of each year."

Action on the amendment was deferred.

Senator Smith withdrew the following amendment filed by him on January 12, 1972:

- 1 Amend House File 574 as amended and passed by the House as follows:
- 2 Page 135, line 7, by striking lines 7 through 14 inclusive.

Senator Potter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended and passed by the
- 2 House, by striking from page 135 lines 9 through 14 and
- 3 inserting in lieu thereof the following:
- 4 "3. Payment of all or part of the cost of construc-
- 5 tion and maintenance of bridges in cities [and towns] having
- 6 a population of eight thousand or less and all or part of
- 7 the cost of construction of roads located within [an
- 8 incorporated town] a city, of less than four hundred popu-
- 9 lation, which lead to state parks."

The amendment was adopted.

Senator Potter offered the following amendment filed by the committee on cities and towns and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted by
- 2 the House as follows:
- 3 1. Page 191, line 17, strike the word "Whenever" and insert
- 4 in lieu thereof the words "Except as otherwise provided by statute,
- 5 whenever".
- 6 2. Page 191, line 32, insert after the word "thereof" the
- 7 comma and the words ", except as otherwise provided by statute".

Action on the amendment was deferred.

Senator Gaudineer offered the following amendment:

- 1 Amend House File 574, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 3, line 26, strike the words "or useful".
- 4 2. Page 55, lines 6 and 7, strike the words "useful
- 5 or convenient" and insert in lieu thereof the word
- 6 "necessary".
- 7 3. Page 56, lines 19 and 20, strike the words "use-
- 8 ful or convenient" and insert in lieu thereof the word
- 9 "necessary".
- 10 4. Page 57, lines 5 and 6, strike the words "useful

11 or convenient" and insert in lieu thereof the word
12 "necessary".

13 5. Page 57, line 11, strike the word "useful" and
14 insert in lieu thereof the word "necessary".

15 6. Page 118, lines 32 and 33, strike the words
16 "useful and convenient" and insert in lieu thereof the
17 word "necessary".

18 7. Page 151, line 27, strike the words "useful and
19 convenient" and insert in lieu thereof the word
20 "necessary".

21 8. Page 154, line 1, strike the words "useful and
22 convenient" and insert in lieu thereof the word
23 "necessary".

President Jepsen took the chair at 11:51 a.m.

Senator Gaudineer asked and received unanimous consent to withdraw sections 1, 5, 6, 7 and 8 of his amendment.

Action on the Gaudineer amendment was temporarily deferred.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

INTRODUCTION OF BILLS

Senate File 1012, by Senator Riley, a bill for an act relating to computation of personal income taxes.

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

Senate File 1013, by committee on commerce (committee on commerce), a bill for an act relating to the rate of interest on public utility refunds to customers.

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

SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574 and the amendment by Senator Gaudineer.

Senator Gaudineer offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Gaudineer amendment filed January 10, 1972,
- 2 to pages 55, 56, and 57 of House File 574, as amended and
- 3 passed by the House, by striking lines 4 through 12 and

- 4 inserting in lieu thereof the following:
 5 "2. Page 55, lines 6 and 7, strike the words 'or
 6 convenient'.
 7 3. Page 56, line 20, strike the words 'or convenient'.
 8 4. Page 57, lines 5 and 6, strike the words 'or
 9 convenient'".

The amendment to the amendment was adopted.

On motion of Senator Gaudineer, the amendment as amended was adopted.

Senator Gaudineer offered the following amendment filed by him and moved its adoption:

- 1 Amend House 574, as amended and passed by the
 2 House, by inserting on page 7A, after the period in
 3 line 10, the following: "This grant of home rule powers
 4 does not include the power to enact private or civil
 5 law governing civil relationships, except as incident
 6 to an exercise of an independent city power."

The amendment was adopted.

Senator Mowry offered the following amendment filed by Senators Mowry and Messerly:

Division 1

- 1 Amend House File 574, as amended and passed by the House, as
 follows:
 2 1. Page 112, line 11, by striking the words, figures and comma (,),
 3 "three hundred sixty-eight (368),".

Division 2

- 4 2. Page 7A, by striking lines 12 and 13 and inserting in lieu
 5 thereof the following:
 6 "1. Municipal corporations are granted home rule power and
 7 authority, not inconsistent with the laws of the General Assembly,
 8 to determine their local affairs and government, except that they
 9 shall not have power to levy any tax unless expressly authorized
 10 by the General Assembly. The rule or proposition of law that a
 11 municipal corporation possesses and can exercise only those powers
 12 granted in express words is not a part of the law of this state."

Senator Potter called for a division of the amendment, section 1 to be considered as division 1, and section 2 to be considered as division 2.

President pro tempore Kyhl took the chair at 3:04 p.m.

Senator Mowry moved the adoption of division 1 of the amendment and requested a roll call.

On the question "Shall division 1 of the amendment be adopted?" (H.F. 574) the vote was:

Ayes, 12:

Anderson	Coleman	Hill	Shawver
Balloun	Gilley	Messerly	Smith
Bass	Graham	Mowry	Stephens

Nays, 34:

Brownlee	Griffin	Neu	Riley
Carlson	Gross	Nicholson	Robinson
Curran	Keith	Ollenburg	Schaben
Davis	Kennedy	Palmer	Tapscott
DeKoster	Kyhl	Potgeter	Thordsen
Doderer	Lamborn	Potter	Van Drie
Erskine	Laverty	Rabedeaux	Van Gilst
Gaudineer	Miller	Rhodes	Walsh
Glenn	Milligan		

Absent or not voting, 4:

Arbuckle	Briles	Conklin	Shaff
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Division 1 of the amendment lost.

President Jepsen took the chair at 3:15 p.m.

Action on division 2 of the Mowry-Messerly amendment was deferred.

(House File 574 pending.)

SENATE FILES WITHDRAWN

Senator Thordsen asked and received unanimous consent that **Senate File 237** be withdrawn from further consideration of the Senate.

Senator Shaff asked and received unanimous consent that **Senate File 177** be withdrawn from further consideration of the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Gilley rose on a point of personal privilege to express his appreciation for the plant sent to him by the Senate during his hospital confinement in October, 1971.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 102	Judiciary
S.C.R. 103	Transportation
S. F. 1008	Commerce
S. F. 1009	State government

S. F. 1010 Judiciary
 S. F. 1011 Commerce
 H. F. 1001 Law enforcement

COMMUNICATION FROM THE SECRETARY OF THE SENATE

Code corrective bills submitted in accordance with Section 14.6, Subsection 1, Code 1971, have been delivered to the Secretary of the Senate's office by the Code Editor, Wayne A. Faupel.

REPORTS OF COMMITTEES

Senator Stephens submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred **Senate File 334**, a bill for an act relating to the vending of foods and beverages and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **do pass**.

RICHARD L. STEPHENS, Chairman

Ordered passed on file.

Senator DeKoster submitted the following report:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 677**, a bill for an act relating to corrective amendments to the statute on self-liquidating improvements, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Thordsen submitted the following reports:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **Senate File 333**, a bill for an act relating to the revocation or suspension of operators' or chauffeurs' licenses, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the Neu amendment filed April 21, 1971, and found on page 925 of the 1971 Senate Journal and when so amended the bill do pass**.

HAROLD A. THORSEN, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **Senate File 360**, a bill for an act relating to penalties for the operation of coin machines by false means, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the Thordsen amendment filed March 11, 1971, and found on page 522 of the 1971 Senate Journal, and when so amended the bill do pass**.

HAROLD A. THORSEN, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 1009 by striking from page 3, line 6,
2 the word "eighteen" and inserting in lieu thereof the word
3 "nineteen".

GEORGE F. MILLIGAN

1 Amend Senate File 1013, line 18 after the period by
2 adding the following: "Such rate shall not exceed nine
3 cents on the hundred by the year."

COMMITTEE ON COMMERCE
JOHN L. MOWRY, Chairman

1 Amend House File 574 as amended and passed by the House
2 as follows:

3 1. Page 7A, strike all of lines 4 and 5 and the words
4 "general assembly," in line 6 and insert in lieu thereof
5 the following:

6 "Sec. 10. Municipal corporations are granted home rule
7 power and authority, not inconsistent with the laws of the
8 General Assembly, to determine their local affairs and
9 government, except that they shall not have power to levy
10 any tax unless expressly authorized by the General Assembly.
11 The rule or proposition of law that a municipal corporation
12 possesses and can exercise only those powers granted in express
13 words is not a part of the law of this state, and in furtherance
14 thereof, a city may".

15 2. Page 7A, strike all of lines 14 through 18 inclusive.

16 3. Page 7A, renumber the remaining subsections of Sec. 11
17 to conform.

JOHN L. MOWRY
FRANCIS L. MESSERLY

1 Amend House File 574, as amended and passed by the House
2 page 7A by striking all of line 16 after the period and
3 all of lines 17 and 18.

JOHN L. MOWRY
FRANCIS L. MESSERLY

1 Amend House File 574, as passed and reprinted by the House as
2 follows:

3 1. Page 42, by striking lines 15 through 35 inclusive, and page
4 43, by striking lines 1 through 8, inclusive.

5 2. By renumbering the following sections accordingly.

CHARLES F. BALLOUN

1 Amend House File 574, as passed and reprinted by the House, as
2 follows:

3 1. Page 42, by striking all of lines 21 through 27, inclusive.

4 2. Page 42, line 28, by striking the first "the" and inserting
5 in lieu thereof the word "The".

CHARLES F. BALLOUN
FRANCIS L. MESSERLY

1 Amend House File 574, as amended, passed and reprinted by
2 the House, as follows:

- 3 1. Page 57, insert after line 22 the following new para-
 4 graphs:
 5 "..... The equipping of fire, police, sanitation, street,
 6 and civil defense departments."
 7 "..... The acquisition and improvement of real estate for
 8 cemeteries, and the construction, reconstruction, and repair of
 9 receiving vaults, mausoleums, and other cemetery facilities."
 10 "..... The acquisition of ambulances and ambulance equipment."
 11 2. Page 58, strike lines 7 through 12 inclusive and reletter
 12 the remaining paragraphs.

EUGENE M. HILL

- 1 Amend House File 574 as amended, passed, and reprinted by
 2 the House as follows:
 3 Page 78, lines 24 and 25, by striking the words "from any
 4 funds of the state not otherwise appropriated" and inserting
 5 in lieu thereof the words "as provided in section three hundred
 6 seven point ten (307.10) of the Code".

LEE H. GAUDINEER, JR.

- 1 Amend House File 574 as amended, passed and reprinted by
 2 the House as follows:
 3 1. Page 114 by striking all after the period in line 17
 4 through the period in line 27 and inserting in lieu thereof
 5 the following: "[If the] *A city or town, merged area or school*
 6 *district may elect, by resolution of the governing body to*
 7 *have the audit made by certified or registered public [accountants,*
 8 *they must so notify the auditor of state] accountant, within*
 9 *sixty (60) days after the close of the fiscal year to be [examined*
 10 *and towns electing to have their audit made by a certified public*
 11 *accountant must so notify the state auditor by resolution of the*
 12 *council designating the name of the person or firm to be*
 13 *employed at least ninety days prior to the end of a fiscal year]*
 14 *audited. Such resolution shall designate the name of the person*
 15 *or firm to be employed to conduct such audit. The auditor of*
 16 *state shall be notified of such election by furnishing the auditor*
 17 *a certified copy of the resolution of such election. Such audit*
 18 *shall not be commenced before two weeks after acknowledgment of*
 19 *receipt of such resolution by the auditor. It shall be the duty*
 20 *of the auditor to acknowledge receipt thereof within five days*
 21 *after receipt of such certified copy of such resolution."*
 22 2. Page 116 by striking lines 21 and 22 and inserting in lieu
 23 thereof the following:
 24 "1. An annual report to the governor and general assembly
 25 of all municipal financial operations."

JOHN L. MOWRY

- 1 Amend the Carlson amendment filed June 4, 1971, to page 108,
 2 House File 574, as passed and reprinted by the House as follows:
 3 line 6, by striking the words "to the state library,".

REINHOLD O. CARLSON

- 1 Amend division 2 of the committee on cities and towns amendment
 2 January 12, 1972, to House File 574, as amended
 3 and passed by the House, by adding the following: filed

4 "4. Page 38, insert after the period in line 2 the words
5 'A motion to spend public funds in excess of ten thousand
6 dollars on any one project, or a motion to accept public
7 improvements and facilities upon their completion, also
8 requires an affirmative vote of not less than a majority
9 of the council members.' "

RALPH W. POTTER

1 Amend the committee on cities and towns amendment, filed
2 January 11, 1972, to page 191 of House File 574, as amended
3 and passed by the House, as follows:
4 1. Line 4, strike the word "statute" and insert in lieu
5 thereof the words and figure "chapter two hundred sixteen
6 (216), Acts of the Sixty-fourth General Assembly, First
7 Session".
8 2. Line 7, strike the word "statute" and insert in lieu
9 thereof the words and figure "chapter two hundred sixteen
10 (216), Acts of the Sixty-fourth General Assembly, First
11 Session".

RALPH W. POTTER

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Friday, January 14, 1972.

JOURNAL OF THE SENATE

FIFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, JANUARY 14, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Basil Grimes, pastor of the Westminster United Presbyterian Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, January 13, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Arbuckle for the day on request of Senator Kyhl.

PRESENTATION OF VISITORS

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

Ninety Girl Scouts from Linn County. Senator Riley.

Eighty students from Eddyville Community School, Eddyville, Iowa, accompanied by Dennis Hiner. Senator Van Gilst.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dennis Walter, Des Moines, Iowa.

INTRODUCTION OF BILLS

Senate File 1014, by Senators Robinson, Riley and Potter (Stanley, Wells, Lipsky, Radl and Sorg), a bill for an act relating to money advances by county boards of supervisors to county conservation boards from money in the county general funds.

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

Senate File 1015, by committee on judiciary, a bill for an act relating to expert witness fees.

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

Senate File 1016, by Senator Graham, a bill for an act relating to the power of eminent domain of the board of a conservancy district.

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

REASSIGNMENT OF BILL

President Jepsen announced the reassignment of **House File 687**, from the calendar to the state government committee, under Senate Rule 37.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials, and division 2 of the Mowry-Messerly amendment filed January 10, 1972, offered and deferred on January 13, 1972.

Senator Mowry asked and received unanimous consent to withdraw division 2 of the amendment.

Senator Mowry offered the following amendment filed by Senators Mowry and Messerly:

- 1 Amend House File 574 as amended and passed by the House
- 2 as follows:
- 3 1. Page 7A, strike all of lines 4 and 5 and the words
- 4 "general assembly," in line 6 and insert in lieu thereof
- 5 the following:
- 6 "Sec. 10. Municipal corporations are granted home rule
- 7 power and authority, not inconsistent with the laws of the
- 8 General Assembly, to determine their local affairs and
- 9 government, except that they shall not have power to levy
- 10 any tax unless expressly authorized by the General Assembly.

- 11 The rule or proposition of law that a municipal corporation
 12 possesses and can exercise only those powers granted in express
 13 words is not a part of the law of this state, and in furtherance
 14 thereof, a city may".
 15 2. Page 7A, strike all of lines 14 through 18 inclusive.
 16 3. Page 7A, renumber the remaining subsections of Sec. 11
 17 to conform.

President pro tempore Kyhl took the chair at 10:40 a.m.

Senator Mowry moved the adoption of the amendment and requested a roll call.

On the question "Shall the amendment be adopted?" (H.F. 574) the vote was:

Ayes, 18:

Anderson	Conklin	Kennedy	Potgeter
Balloun	Gaudineer	Kyhl	Shawver
Bass	Gilley	Messerly	Smith
Briles	Graham	Mowry	Stephens
Coleman	Hill		

Nays, 30:

Brownlee	Griffin	Nicholson	Robinson
Carlson	Gross	Ollenburg	Schaben
Curran	Keith	Palmer	Shaff
Davis	Lamborn	Potter	Tapscott
DeKoster	Laverty	Rabedeaux	Thordsen
Doderer	Miller	Rhodes	Van Drie
Erskine	Milligan	Riley	Walsh
Glenn	Neu		

Absent or not voting, 2:

Arbuckle	Van Gilst
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The amendment lost.

The Senate resumed consideration of division 2 of the amendment by the committee on cities and towns filed January 12, 1972, to page 38, and deferred on January 13.

Senator Potter offered the following amendment to division 2 of the amendment and moved its adoption:

- 1 Amend division 2 of the committee on cities and towns amendment
filed
- 2 January 12, 1972, to House File 574, as amended
- 3 and passed by the House, by adding the following:
- 4 "4. Page 38, insert after the period in line 2 the words
- 5 'A motion to spend public funds in excess of ten thousand
- 6 dollars on any one project, or a motion to accept public
- 7 improvements and facilities upon their completion, also
- 8 requires an affirmative vote of not less than a majority
- 9 of the council members.'"

The amendment to division 2 of the amendment was adopted.

On motion of Senator Potter, division 2 of the amendment as amended was adopted.

The Senate resumed consideration of the amendment by the committee on cities and towns filed January 11, 1972, to page 191, offered and deferred on January 13.

Senator Potter offered the following amendment to the amendment and moved its adoption:

- 1 Amend the committee on cities and towns amendment, filed
- 2 January 11, 1972, to page 191 of House File 574, as amended
- 3 and passed by the House, as follows:
- 4 1. Line 4, strike the word "statute" and insert in lieu
- 5 thereof the words and figure "chapter two hundred sixteen
- 6 (216), Acts of the Sixty-fourth General Assembly, First
- 7 Session".
- 8 2. Line 7, strike the word "statute" and insert in lieu
- 9 thereof the words and figure "chapter two hundred sixteen
- 10 (216), Acts of the Sixty-fourth General Assembly, First
- 11 Session".

The amendment to the amendment was adopted.

On motion of Senator Potter, the amendment as amended was adopted.

Senator Mowry offered the following amendment filed by Senators Mowry and Messerly:

- 1 Amend House File 574, as amended and passed by the House
- 2 page 7A by striking all of line 16 after the period and
- 3 all of lines 17 and 18.

Senator Potter raised a point of order on the amendment for the reason that it contained the same subject matter as the amendment filed by Senators Mowry and Messerly on January 13, considered and rejected by the Senate on January 14.

The Chair ruled the point not well taken and the amendment in order.

Senator Mowry moved the adoption of the amendment and requested a roll call.

On the question "Shall the amendment be adopted?" (H.F. 574) the vote was:

Ayes, 16:

Anderson	Coleman	Graham	Potgeter
Balloun	Conklin	Hill	Shawver
Bass	Gaudineer	Messerly	Smith
Briles	Gilley	Mowry	Stephens

Nays, 31:

Brownlee	Griffin	Neu	Schaben
Carlson	Gross	Nicholson	Shaff
Curran	Keith	Ollenburg	Tapscott
Davis	Kyhl	Palmer	Thordsen
DeKoster	Lamborn	Potter	Van Drie
Doderer	Laverty	Rabedeaux	Van Gilst
Erskine	Miller	Rhodes	Walsh
Glenn	Milligan	Robinson	

Absent or not voting, 3:

Arbuckle Kennedy Riley

The amendment lost.

Senator Coleman withdrew the following amendment filed by him on January 11, 1972:

- 1 Amend House File 574, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 7A by striking lines 19 and 20.
- 4 2. By renumbering the lines accordingly.

AMENDMENTS FILED

- 1 Amend House File 574 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 3, line 23, by striking the words "which
- 4 is" and by inserting in lieu thereof the words "any
- 5 of which are".
- 6 2. Page 5, line 24, by inserting after the word
- 7 "employee" the words "or the spouse or immediate family
- 8 of such officer or employee".
- 9 3. Page 13, insert after line 12 the following new
- 10 section:
- 11 "Sec. If a city has established the grade of
- 12 a street or alley, and any person has made improvements
- 13 on lots abutting the street or alley according to the
- 14 established grade, and afterward the grade is altered
- 15 in a manner to damage, injure, or diminish the value
- 16 of the improved property, the city shall pay to the
- 17 owner of the property the amount of such damage or
- 18 injury.
- 19 If a city has opened a street or alley, and any per-
- 20 son has made improvements on lots abutting the street
- 21 or alley or uses such street or alley for ingress or
- 22 egress, and afterward the street or alley is vacated
- 23 causing damage or injury or loss of access, or dimin-
- 24 ishing the value of the improved property, the city
- 25 shall pay to the owner of the property the amount of

Page 2

- 1 such damage or injury."
- 2 4. Page 15, line 9, insert after the period the
- 3 following sentence:
- 4 "Territory comprising railroad right-of-way may be
- 5 included in the application without the consent of the

6 railroad if a copy of the application is mailed by cer-
7 tified mail to the owner of the right-of-way, at least
8 ten days prior to the filing of the application with
9 the city council."

10 5. Page 15, line 24, by striking the words "advice
11 and consent" and by inserting in lieu thereof the words
12 "approval of two-thirds vote".

13 6. Page 38, line 5, by striking the word ", veto,".

14 7. Page 38, line 6, by striking the words "ordinance,
15 amendment, or resolution" and inserting in lieu thereof
16 the words "amendment or resolution".

17 8. Page 38, line 6, by adding after the period the
18 following sentence:

19 "The mayor may only veto an ordinance passed by the
20 council and only if he is not a voting member of the
21 council."

22 9. Page 38, by striking lines 13 through 22, inclu-
23 sive, and inserting in lieu thereof the following:

24 "2. If the mayor vetoes the ordinance, he shall
25 explain his reasons for the veto in a message to the

Page 3

1 council at the time of the veto. Within thirty days
2 after the mayor's veto, the council may pass the or-
3 dinance again by a vote of not less than two-thirds
4 of the council members. If the mayor vetoes an ordinance
5 and the council repasses the ordinance after the mayor's
6 veto, a repassage of an ordinance becomes a law when
7 published, unless a subsequent effective date is pro-
8 vided within the ordinance."

9 10. Page 48, line 1, by striking the word "from"
10 and by inserting in lieu thereof a period.

11 11. Page 48, by striking lines 2 and 3, inclusive,
12 and by inserting in lieu thereof the following:

13 "The league of Iowa municipalities may recommend
14 to the governor, city officials for each such position."

15 12. Page 51, line 6, by inserting after the word
16 "budget" the words "and provide a reasonable number
17 of copies of such budget for public inspection".

18 13. Page 66, line 1, by inserting after the word
19 "part" the words "if such lots bear common improve-
20 ments".

21 14. Page 66, line 32, by striking all after the
22 word "streets" and all of line 33 and by inserting in
23 lieu thereof a period.

24 15. Page 72, line 18, by inserting after the word
25 "objections" the words "pertaining to the regularity

Page 4

1 of the proceeding and the legality of using the special
2 assessment procedure".

3 16. Page 76, line 13, by striking the words "within
4 seven days" and by inserting in lieu thereof the words
5 "as soon as practical".

6 17. Page 76, line 19, by striking all after the
7 word "be" and all of lines 20 through 22, inclusive,

- 8 and by inserting in lieu thereof the words "taken as
9 in other equity cases."
10 18. Page 80, line 34, by inserting after the word
11 "of" the word "annual".
12 19. Page 82, line 6, by inserting after the word
13 "council" the words "or as reduced by the court".
14 20. Page 83, line 33, by inserting after the word
15 "proceedings" the words "or legality of the assessment
16 procedure".
17 21. Page 84, line 8, by striking all after the word
18 "located" and all of lines 9 and 10 and by inserting
19 in lieu thereof the words "but such appeal is only to".
20 22. Page 84, line 11, by striking the word "and"
21 and by inserting in lieu thereof the following:
22 " , unless such person filed objections with the
23 council prior to the adoption of the resolution of ne-
24 cessity, they shall also be considered; however, such
25 appeal".

Page 5

- 1 23. Page 104, lines 10 and 11, by striking the words
2 "five percent, but may not exceed".
3 24. Page 105, line 5, by inserting after the word
4 "damages" the words "or cashed and held in escrow to
5 apply against the actual damages sustained for such
6 breach of contract".
7 25. Page 105, line 12, by inserting after the word
8 "damages" the words "or retained and held in escrow
9 to apply against the actual damages sustained for such
10 breach of contract".
11 26. Page 106, line 12, by striking the words "
12 construction, or reconstruction".
13 27. Page 120, line 30, by striking the words "or
14 town," and inserting the words "[or town,]".
15 28. Page 121, line 5, by striking the words "
16 or town," and by inserting in lieu thereof the words
17 "[city or town] or city".
18 29. Page 122, line 33, by striking the word "five"
19 and by inserting in lieu thereof the word "three".
20 30. Page 123, line 31, by adding thereafter the
21 following new subsection:
22 "..... *All such election precincts shall be*
23 *established within the boundaries of a representative*
24 *district as established by law.*"
25 31. Page 139, line 2, by striking the words "the

Page 6

- 1 drug and narcotic laws" and inserting in lieu thereof
2 the words "[the drug and narcotic laws] *Senate File 1,*
3 *Acts of the Sixty-fourth General Assembly, First Session,*
4 *and other laws relating to controlled substances*".
5 32. Page 166, line 32, by adding thereafter the
6 following new sentence:
7 "However, any interest derived from bonds issued
8 by the authority shall be subject to taxation."

LEE H. GAUDINEER, JR.

1 Amend House File 574 as passed and reprinted by the
2 House as follows:

3 Page 24, by inserting after line 10 the following new
4 paragraph:

5 "A city governed by the mayor-council form composed of
6 a mayor and a council consisting of two councilmen elected
7 at large, and one councilman from each of four wards, may
8 continue until the form of government is changed as provided
9 in section forty-five (45) or section fifty-two (52) of this
10 Act. While a city is thus operating with an even number of
11 councilmen, the mayor may vote to break a tie vote on motions."

RUDY VAN DRIE

1 Amend House File 574 as amended, passed and reprinted by
2 the House, as follows: Page 54, line 19, after the period insert
3 the words "A copy of this report must be furnished to the auditor
4 of state."

RALPH W. POTTER

1 Amend House File 574 as amended, passed and reprinted by
2 the House as follows:

- 3 1. Page 110, line 32, by striking the words "or a city".
- 4 2. Page 110, line 33, by striking the words "hospital
5 board of trustees".
- 6 3. Page 111, line 1, by striking the word "boards"
7 and inserting in lieu thereof the word "board".
- 8 4. Page 111, line 5, by striking the words "or hos-
9 pital".
- 10 5. Page 111, line 7, by striking the words "or hospital".
- 11 6. Page 111, by striking lines 8, 9, 10 and 11.
- 12 7. Page 111, line 13, by striking the words "or hospital".
- 13 8. Page 112, line 21, by striking the following: "three
14 hundred eighty (380)".

FRANCIS L. MESSERLY

1 Amend House File 574 as amended and passed by the House
2 as follows:

- 3 1. Page 112, line 12 by striking the words and numbers
4 "three hundred sixty-eight A (368A)".
- 5 2. Page 113, by adding the following new section after
6 line 5:
7 "Sec. All of chapter three hundred sixty-eight A (368A),
8 Code 1971, except three hundred sixty-eight A point twelve
9 (368A.12), Code 1971, shall be repealed."

JOHN L. MOWRY

1 Amend House File 1001, page 7, by adding after
2 line 2 the following new section:

3 "Sec. There is appropriated from the gen-
4 eral fund of the state to the bureau of labor for
5 the fiscal year commencing July 1, 1972, and ending
6 June 30, 1973, the sum of fifty-eight thousand four
7 hundred twenty-nine dollars (\$58,429), or so much
8 thereof as is necessary to carry out the provisions
9 of this Act."

JOHN E. TAPSCOTT

On motion of Senator Lamborn, the Senate adjourned until 10:00 a.m., Monday, January 17, 1972.

JOURNAL OF THE SENATE

EIGHTH DAY

SENATE CHAMBER
DES MOINES, IOWA, MONDAY, JANUARY 17, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Raymond Roden, pastor of the Lutheran Church, Webster City, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, January 14, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Arbuckle for the morning session on request of Senator Kyhl.

PRESENTATION OF VISITORS

The Chair announced the following visitors were present in the Senate gallery:

A group of students from Urbana and Anamosa, Iowa, members of Boy Scout Troops 99 and 55, accompanied by Scoutmasters Lester Ricklefs and Marion Vaupel and Assistant Scoutmaster Dave Hoff. Senator Riley.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Larson, Harlan, Iowa.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1011, a bill for an act relating to the attainment of the age of majority.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1017, by Senators Messerly and Conklin, a bill for an act relating to alterations and repairs to the state capitol building and to organization of the capitol planning commission.

Read first time and passed on file.

Senate File 1018, by Senator Gaudineer, a bill for an act relating to the age for which liability for support is required under the uniform support of dependents law.

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

Senate File 1019, by committee on judiciary, a bill for an act making the violation of the Iowa Commercial Feed Law of 1964 a misdemeanor and providing a penalty therefor.

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

HOUSE MESSAGE CONSIDERED

House File 1011, a bill for an act relating to the attainment of the age of majority.

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

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

Senator Potter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574 as amended, passed and reprinted by
- 2 the House, as follows: Page 54, line 19, after the period insert

3 the words "A copy of this report must be furnished to the auditor
4 of state."

The amendment was adopted.

Senator Shaff offered the following amendment filed by Senators Shaff and Messerly and moved its adoption:

1 Amend House File 574, as amended and passed by the House,
2 page 8A, by striking lines 9 through 12, inclusive, and
3 inserting in lieu thereof the following:
4 "Cities may pay, out of the general fund, annual dues
5 to the league of Iowa municipalities, provided that the
6 sum total of annual dues collected by the league from cities
7 shall not exceed ninety thousand (90,000) dollars. In
8 addition they may pay out of the general fund the actual
9 expenses of delegates to the annual conference of the league.
10 The league shall keep and make such accounts and reports as
11 shall be required by the state municipal accounting depart-
12 ment, and the same shall be annually checked by said depart-
13 ment."

The amendment was adopted.

Senator Neu offered the following amendment filed by him and moved its adoption:

1 Amend House File 574 as amended, passed, and reprinted
2 by the House as follows: Page 8A, by striking lines 17 through
3 35 inclusive, and on page 8B, by striking lines 36 through 42
4 inclusive, and inserting in lieu thereof the following:
5 "Sec. 16. A city may not dispose of an interest in real
6 property by sale, lease for a term of more than three years,
7 or gift, except in accordance with the following procedure:
8 1. The council shall set forth its proposal in a
9 resolution and shall publish notice as provided in section
10 three (3) of this Act, of the resolution and of a date, time,
11 and place of a public hearing on the proposal.
12 2. After the public hearing, the council may make a final
13 determination on the proposal by resolution.
14 3. A city may not dispose of real property by gift
15 except to a governmental body for a public purpose."

The amendment was adopted.

Senator Potgeter withdrew the following amendment filed by him on June 8, 1971:

1 Amend House File 574, page 8, lines 43 and 44, by striking
2 the words "having a population of five thousand or more".

Senator Potgeter offered the following amendment filed by him and moved its adoption:

1 Amend House File 574, page 8B, lines 43 and 44, by striking
2 the words "having a population of five thousand or more".

The amendment was adopted.

Senator Doderer asked and received unanimous consent to withdraw the amendment filed by the committee on cities and towns on January 11, found on page 44 of the Senate Journal, considered and deferred on January 13.

Senator Doderer offered the following amendment by Senators Doderer and Potter and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 81, line 15, insert after the period the
- 4 words "Such notice shall also include a statement in
- 5 substance that assessments may be paid in full without
- 6 interest within thirty days after the date of certifica-
- 7 tion, and thereafter all unpaid special assessments will
- 8 draw annual interest at seven percent, computed to the
- 9 June first next following the due dates of the respec-
- 10 tive installments, and each installment will be delin-
- 11 quent on March thirty-first following its due date,
- 12 and will draw additionally the same delinquent interest
- 13 and the same penalties as ordinary taxes. Such notice
- 14 shall also state substantially that property owners may
- 15 elect to pay any installment semiannually in advance."
- 16 2. Page 83, strike lines 22 through 28 and insert
- 17 in lieu thereof the following:
- 18 "6. Any property owner may elect to pay one-half of
- 19 any annual installment of principal and interest of a
- 20 special assessment in advance, with the second semi-
- 21 annual payment of ordinary taxes collected in the year
- 22 preceding the due date of such installment. The county
- 23 treasurer shall accept such partial payment of the
- 24 special assessment, and shall credit the next annual
- 25 installment of such special assessment to the extent of

Page 2

- 1 such payment, and shall remit the payments to the city."

The amendment was adopted.

Senator Potgeter withdrew the following amendment filed by him on June 8, 1971:

- 1 Amend House File 574, page 11, line 28, by striking the
- 2 second word "the" and inserting in lieu thereof the word
- 3 "reasonable".

Senator DeKoster offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574 as passed and reprinted by the House,
- 2 page 11, line 34, by inserting after the word "wood" the following:
- 3 " , except as stated in section twenty (20), subsection two (2),
- 4 paragraph c of this Act".

The amendment was adopted.

Senator Potgeter withdrew the following amendment filed by him on June 8, 1971:

- 1 Amend House File 574, page 12, line 14, by striking the
- 2 first word "the" and inserting in lieu thereof the word
- 3 "reasonable".

Senator Riley offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted by
- 2 the House as follows:
- 3 1. Page 15, by inserting after line 17 the following new section:
- 4 "Sec. Any territory may be severed upon the unanimous
- 5 consent of all owners of the territory and approved by resolution
- 6 of the council of the city in which the territory is located.
- 7 The council shall provide in the resolution for the equitable
- 8 distribution of assets and equitable distribution and assumption
- 9 of liabilities of the territory as between the city and the
- 10 severed territory. The severance shall be completed upon filing
- 11 the resolution as provided in section forty-one (41), subsection
- 12 two (2) of this Act."
- 13 2. By renumbering sections and correcting internal references to
- 14 conform with this amendment.

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and called for a division of the amendment as follows:

Division 1

- 1 Amend House File 574 as follows:
- 2 1. Page 15, line 28, by inserting after the word "reap-
- 3 pointment" the words ", but no member shall serve more than two
- 4 complete six year terms".

Division 2

- 5 2. Page 15, line 30, by striking the word "forty" and
- 6 inserting in lieu thereof the word "thirty".

Division 3

- 7 3. Page 17, by striking lines 28 and 29 and inserting in
- 8 lieu thereof the words "his actual and necessary expenses spent
- 9 in performance of committee duties."

Division 4

- 10 4. Page 18, line 30, by striking the word "may" and
- 11 inserting in lieu thereof the word "shall".

On motion of Senator Potgeter, division 1 of the amendment was adopted.

Senator Potgeter moved the adoption of division 2 of the amendment.

The Chair called for a division.

Division 2 of the amendment was adopted.

On motion of Senator Potgeter, division 3 of the amendment was adopted.

The Chair ruled division 4 of the amendment out of order.

Senator Van Drie offered the following amendment and moved its adoption:

- 1 Amend House File 574 as passed and reprinted by the
- 2 House as follows:
- 3 Page 24, by inserting after line 10 the following new
- 4 paragraph.
- 5 "A city governed by the mayor-council form composed of
- 6 a mayor and a council consisting of two councilmen elected
- 7 at large, and one councilman from each of four wards, may
- 8 continue until the form of government is changed as provided
- 9 in section forty-five (45) or section fifty-two (52) of this
- 10 Act. While a city is thus operating with an even number of
- 11 councilmen, the mayor may vote to break a tie vote on motions."

The amendment was adopted.

Senator Potgeter withdrew the following amendment filed by him on June 8, 1971:

- 1 Amend House File 574, page 32, line 17, by adding after the
- 2 word "election." the following:
- 3 "When a change in compensation is adopted, it shall be
- 4 clearly stated in the condensed statement of the proceedings of
- 5 the council and shall be published within fourteen days in a
- 6 newspaper of general circulation in the city."

Senator Hill offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended and passed by
- 2 the House, as follows:
- 3 Page 33, line 14, by striking the words "All applicable",
- 4 and by striking all of lines 15, 16, and 17.

The amendment was adopted.

(House File 574 pending.)

INTRODUCTION OF BILLS

Senate File 1020, by Senators Graham, Van Gilst, Stephens, Balloun, Smith and Nicholson (Winkelman, Tieden, Strothman, Kruse, Pierson, Mendenhall, Radl, Priebe and Nielsen), a bill for an act to free property owners and others from civil liability in case of injury to trespassers.

Read first time and passed on file.

Senate File 1021, by Senator Neu, a bill for an act to provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission.

Read first time and passed on file.

Senate File 1022, by Senator Glenn, a bill for an act relating to computation of tax on personal and corporate income.

Read first time and passed on file.

Senate File 1023, by committee on county government (committee on county government), a bill for an act relating to county motor vehicle registration fees.

Read first time and placed on the calendar.

Senate File 1024, by committee on county government (committee on county government), a bill for an act relating to the employment of county relief recipients on government owned properties, parks, and recreation centers in payment for and as a condition of granting relief.

Read first time and placed on calendar.

Senate File 1025, by Senator Thordsen, a bill for an act relating to fees of real estate brokers and licensees.

Read first time and passed on file.

Senate File 1026, by Senator Arbuckle (Fisher of Greene), a bill for an act relating to actions arising out of injuries or damages caused by the operation of a motor boat.

Read first time and passed on file.

ANNOUNCEMENT OF INVESTIGATING COMMITTEES

President Jepsen, in accordance with section 2.32, Code 1971, announced the appointment of the following Senators to investigating committees:

As Director of the Liquor Department:

Rolland A. Gallagher of Des Moines, Polk County, Iowa, to serve at the pleasure of the Iowa Beer and Liquor Control Council.

Senator Carlson, Chairman

Senator Coleman

Senator Griffin

Senator Potter

Senator Thordsen

As Commerce Counsel:

Don C. Uthus of Des Moines, Polk County, Iowa, for the term ending June 30, 1975.

Senator Mowry, Chairman
 Senator Briles
 Senator Palmer
 Senator Rabedeaux
 Senator Thordsen

REPORTS OF COMMITTEES

Senator DeKoster submitted the following report:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate Concurrent Resolution 102**, a resolution urging the President to call upon the Soviet Union to permit the free exercise of religion, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Thordsen submitted the following report:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **Senate File 356**, a bill for an act relating to permits to carry concealed weapons, and to provide punishment for those persons who violate the act, begs leave to report it has had the same under consideration and recommends the same **do pass**.

HAROLD A. THORSEN, Chairman

Ordered passed on file.

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 412**, a bill for an act relating to administrative rules of department of the state, begs to leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1019, page 2, by striking lines 18 through
- 2 22 and inserting the following:
- 3 "Sec. 2. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publica-
- 5 tion in The Sioux County Index-Reporter, a newspaper published
- 6 in Hull, Iowa, and in The Marion Sentinel, a newspaper published
- 7 in Marion, Iowa."

LUCAS J. DeKOSTER
 TOM RILEY

1 Amend House File 289, as passed by the House, by
2 striking line seven (7) and inserting in lieu thereof
3 the words "for the relief of prisoners who are *on work*
4 *release, parole, or who have been discharged from their*
5 *sentence and are in distress*".

RALPH W. POTTER
R. DEAN ARBUCKLE
GENE W. GLENN
GENE V. KENNEDY
CLIFTON C. LAMBORN

1 Amend House File 1011 by striking from page 4, line 22,
2 the word "*eighteen*" and inserting in lieu thereof the word
3 "*nineteen*".

GEORGE F. MILLIGAN

1 Amend House File 1011, page 19, after line 5, by adding the
2 new sections as follows:
3 1. "Sec. The effective date of this Act shall be
4 April 17, 1972."
5 2. "Sec. This Act being deemed of immediate im-
6 portance shall be in full force and effect after its final
7 approval and publication in the Waterloo Daily Courier, a
8 newspaper published in Waterloo, Iowa, and in The Record,
9 a newspaper published in Cedar Falls, Iowa."

W. CHARLENE CONKLIN

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Tuesday, January 18, 1972.

JOURNAL OF THE SENATE

NINTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, JANUARY 18, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend H. I. Thomas, pastor of the Union Baptist Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, January 17, 1972, was approved.

PETITIONS

The following petitions were presented and placed on file:

By Senator Potgeter, from twenty-two residents of Hardin County, favoring studded tires for emergency vehicles in Iowa.

By Senator Stephens, from twenty-five residents of Keokuk and Jefferson Counties, opposing lowering the legal age in Iowa from twenty-one to eighteen.

RESOLUTIONS

The following resolutions were presented and placed on file:

By Senator Walsh, from the Dubuque County Board of Education, Dubuque, Iowa, opposing the abolishment of the present county and joint county school systems in Iowa unless the system is replaced with a state-wide system of sixteen (16) educational service units authorized to provide services to local schools.

By Senator Potter, from the Iowa Jaycees, favoring a reduction to age eighteen as the uniform legal age of majority.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Larson, Harlan, Iowa.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the Senate is asked:

House File 495, a bill for an act relating to aid to dependent children.
WILLIAM R. KENDRICK, Chief Clerk

SUPPLEMENTAL REPORT OF
COMMITTEE ON SENATE SECRETARIES

Senator Davis submitted the following supplemental report and moved its adoption:

MR. PRESIDENT: Your committee appointed to determine the standing and qualifications of the candidates for Senate secretaries begs leave to report that it has made investigation and examinations and finds the following persons competent as stenographers for the positions to which they have been appointed. Assignments have been made as follows:

Senator Anderson	Sue Reavely
Senator Briles	Mary Wilcox
Senator Gross	Carol E. Golding
Senator Keith	Peggy Thomson
Senator Laverty	Janice Ver Hoef
Senator Riley	Nancy Stanley
Senator Tapscott	Shirley White
Senator Van Gilst	Marilyn Osborn

WILSON L. DAVIS
R. DEAN ARBUCKLE
JAMES F. SCHABEN

The motion prevailed and the report was adopted.

HOUSE MESSAGE CONSIDERED

House File 495, a bill for an act relating to aid to dependent children and providing penalties for violations.

Read first time and passed on file.

UNFINISHED BUSINESS

SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574, a bill for an act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen

(15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

Senator Balloun offered the following amendment filed by him:

- 1 Amend House File 574, as passed and reprinted by the House as
- 2 follows:
- 3 1. Page 42, by striking lines 15 through 35 inclusive, and page
- 4 43, by striking lines 1 through 8, inclusive.
- 5 2. By renumbering the following sections accordingly.

Senator Balloun moved the adoption of the amendment and called for a division.

The amendment lost.

Senator Messerly offered the following amendment filed by Senators Balloun and Messerly and moved its adoption:

- 1 Amend House File 574, as passed and reprinted by the House, as
- 2 follows:
- 3 1. Page 42, by striking all of lines 21 through 27, inclusive.
- 4 2. Page 42, line 28, by striking the first "the" and inserting
- 5 in lieu thereof the word "The".

The amendment was adopted.

Senator Potgeter withdrew the following amendment filed by him on June 8, 1971:

- 1 Amend House File 574, page 46, line 33, by adding after
- 2 the word "Code" the words ", subject to the provisions of
- 3 subsection two (2) of this section".

Senator Arbuckle withdrew the amendment filed by him on June 4, 1971, and found on pages 1681-1685, inclusive, of the 1971 Senate Journal.

Senator Potgeter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574 as follows:
- 2 1. Page 48, line 1, by striking all after the word "select"
- 3 and striking lines 2 and 3 and inserting in lieu thereof the
- 4 words "and appoint, with the approval of two-thirds of the members
- 5 of the senate, the city officials."
- 6 2. Page 48, line 5, by striking the words "by the governor"
- 7 and inserting in lieu thereof the words "and appointed by the
- 8 governor, with the approval of two-thirds of the members of the
- 9 senate".

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, page 48, line 18, by inserting after
- 2 the word "reappointment" the words ", but no member shall be
- 3 appointed to serve more than two complete terms".

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, page 48, line 26, by striking the
- 2 word "forty" and inserting in lieu thereof the word "thirty".

The amendment was adopted.

Senator Hill offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended, passed and reprinted by
- 2 the House, as follows:
- 3 1. Page 57, insert after line 22 the following new para-
- 4 graphs:
- 5 "..... The equipping of fire, police, sanitation, street,
- 6 and civil defense departments."
- 7 "..... The acquisition and improvement of real estate for
- 8 cemeteries, and the construction, reconstruction, and repair of
- 9 receiving vaults, mausoleums, and other cemetery facilities."
- 10 "..... The acquisition of ambulances and ambulance equipment."
- 11 2. Page 58, strike lines 7 through 12 inclusive and reletter
- 12 the remaining paragraphs.

The amendment was adopted.

Senator Hill offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 60, strike lines 6 through 35, and strike
- 4 lines 1 through 7 on page 61, and insert in lieu thereof
- 5 the following:
- 6 "2. Before the council may institute proceedings for
- 7 the issuance of bonds for a general corporate purpose,
- 8 it shall call a special city election to vote upon the
- 9 question of issuing the bonds. At the election the propo-
- 10 sition must be submitted in the following form:".
- 11 2. Renumber remaining subsections of section 104.
- 12 3. Page 62, line 19, strike the words "petitions
- 13 and".

The amendment was adopted.

Senator Messerly withdrew the following amendment filed by him on January 11:

- 1 Amend House File 574 as amended, passed and reprinted by the
House
2 by striking from page 60, line 31 the word "qualified".

Senator Potgeter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, page 73, line 11, by striking the
2 word "ten" and inserting in lieu thereof the word "fifteen".

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and called for a division of the amendment:

Division 1

- 1 Amend House File 574 as follows:
2 1. Page 78, by striking lines 24 and 25 and inserting in
3 lieu thereof the words "pay assessments from funds appropriated
4 by the state legislature."

Division 2

- 5 2. Page 78, line 33, by inserting after the word "owned"
6 the words "with funds appropriated by the state legislature".

Senator Potgeter withdrew division 1 of the amendment.

Action on division 2 was temporarily deferred.

Senator Gaudineer offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574 as amended, passed, and reprinted by
2 the House as follows:
3 Page 78, lines 24 and 25, by striking the words "from any
4 funds of the state not otherwise appropriated" and inserting
5 in lieu thereof the words "as provided in section three hundred
6 seven point ten (307.10) of the Code".

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and called for a division of the amendment:

Division 1

- 1 Amend House File 574 as follows:
2 1. Page 82, line 6, by inserting after the word "council"
3 the words ", except that the assessment for lots of more than
4 ten acres used for agricultural or horticultural purposes shall
5 not exceed ten percent of the value of the lot".

Division 2

- 6 2. Page 82, line 11, by inserting after the word "apply"
7 the words "except for lots of more than ten acres used for
8 agricultural or horticultural purposes".

President pro tempore Kyhl took the chair at 11:20 a.m.

Senator Potgeter moved the adoption of division 1 of the amendment.

The Chair called for a division.

Division 1 of the amendment lost.

On motion of Senator Potgeter, division 2 of the amendment was adopted.

Senator Griffin withdrew the following amendment filed by him on January 11, 1972:

1 Amend House File 574, as amended and passed by the House
2 as follows: Page 82, by striking all of lines 20 through 27
3 and inserting in lieu thereof the following:
4 "Sec. 142. The right-of-way of a railway company is
5 subject to special assessment for public improvements but
6 payment of such assessment shall be suspended, without in-
7 terest, so long as said right-of-way is used exclusively as
8 an operating right-of-way. The entire amount of any such
9 assessment is due and payable in full within one year of the
10 abandonment of right-of-way service or commencement of the
11 use of said right-of-way for a purpose other than railroad
12 transportation. Such assessment shall constitute a lien upon
13 the right-of-way property and shall be payable by the titled
14 owner thereof."

Senator Potgeter offered the following amendment filed by him:

1 Amend House File 574, page 89, line 2, by inserting
2 after the word "correction" the words "if the ownership of
3 the property has not changed".

Action on the amendment was temporarily deferred.

Senator Carlson offered the following amendment filed by him:

1 Amend House File 574, page 108, by inserting after line 35
2 the following:
3 "In cities having more than one hundred fifty thousand population
4 the utility board shall each month prepare in pamphlet form the
5 statement herein required for the preceding month, and furnish
6 copies to the state library, the city library, the daily newspapers
7 of the city, the city clerk, and to persons who apply at the office
8 of the secretary, and the pamphlet shall constitute publication as
9 required.

Senator Carlson offered the following amendment to the amendment and moved its adoption:

1 Amend the Carlson amendment filed June 4, 1971, to page 108,
2 House File 574, as passed and reprinted by the House as follows:
3 line 6, by striking the words "the state library,".

The amendment to the amendment was adopted.

On motion of Senator Carlson, the amendment as amended was adopted.

Senator Carlson offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 574, as passed by the House,
- 2 as follows:
- 3 Page 109, by striking all after the word
- 4 "franchise" in line 24 and all of line 25, and insert-
- 5 ing in lieu thereof a period.

The amendment was adopted.

Senator Gross withdrew the following amendment filed by him on June 7, 1971:

- 1 Amend House File 574 as follows:
- 2 1. Page 110, line 32, strike the words "library
- 3 board of trustees or a city".
- 4 2. Page 111, line 1, strike the words "the boards"
- 5 and insert in lieu thereof the words "a board".
- 6 3. Page 111, line 5, strike the words "library or".
- 7 4. Page 111, lines 6 and 7, strike the words
- 8 "library or".
- 9 5. Page 111, line 13, strike the words "library or".

Senator Messerly offered the following amendment filed by him:

- 1 Amend House File 574 as amended, passed and reprinted by
- 2 the House as follows:
- 3 1. Page 110, line 32, by striking the words "or a city".
- 4 2. Page 110, line 33, by striking the words "hospital
- 5 board of trustees".
- 6 3. Page 111, line 1, by striking the word "boards"
- 7 and inserting in lieu thereof the word "board".
- 8 4. Page 111, line 5, by striking the words "or hos-
- 9 pital".
- 10 5. Page 111, line 7, by striking the words "or hospital".
- 11 6. Page 111, by striking lines 8, 9, 10 and 11.
- 12 7. Page 111, line 13, by striking the words "or hospital".
- 13 8. Page 112, line 21, by striking the following: "three
- 14 hundred eighty (380)".

Action on the amendment was temporarily deferred.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1015, a bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 102, urging the President of the United States to call upon the Government of the Soviet Union to permit free exercise of religion by all its citizens in accordance with Soviet Constitution.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 102

By Lipsky, Den Herder, Kennedy of Chickasaw,
Campbell, Lawson, Christensen, Priebe, and Camp

Whereas, in the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, the Government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

Whereas, the right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

Whereas, these infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly urges that the President of the United States of America call upon the Government of the Soviet Union to permit the free exercise of religion by all of its citizens in accordance with the Soviet Constitution, to end discrimination against religious minorities, and to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights.

HOUSE MESSAGE CONSIDERED

House File 1015, a bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 1027, by Senator Glenn, a bill for an act relating to election expenses.

Read first time and passed on file.

Senate File 1028, by committee on judiciary (committee on judiciary), a bill for an act relating to antitrust fees for prosecutors.

Read first time and placed on calendar.

SPECIAL ORDER CONTINUED

House File 574

The Senate resumed consideration of House File 574.

Senator Potgeter asked and received unanimous consent to withdraw division 2 of the amendment to page 78, line 33, temporarily deferred.

Senator Potgeter offered the following amendment by Senators Potgeter and Gaudineer and moved its adoption:

- 1 Amend House File 574, as amended, passed, and
- 2 reprinted by the House, by inserting on page 78, line
- 3 32, after the word "pay" the words ", as provided in
- 4 section three hundred seven point ten (307.10) of the
- 5 Code,".

The amendment was adopted.

Senator Gaudineer offered the amendment filed by him on January 14, 1972, and called for a division of the amendment as follows:

Division 1—Sections 1 through 5

- 1 Amend House File 574 as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 3, line 23, by striking the words "which
- 4 is" and by inserting in lieu thereof the words "any
- 5 of which are".
- 6 2. Page 5, line 24, by inserting after the word
- 7 "employee" the words "or the spouse or immediate family
- 8 of such officer or employee".
- 9 3. Page 13, insert after line 12 the following new
- 10 section:
- 11 "Sec. If a city has established the grade of
- 12 a street or alley, and any person has made improvements
- 13 on lots abutting the street or alley according to the
- 14 established grade, and afterward the grade is altered
- 15 in a manner to damage, injure, or diminish the value
- 16 of the improved property, the city shall pay to the

17 owner of the property the amount of such damage or
18 injury.

19 If a city has opened a street or alley, and any per-
20 son has made improvements on lots abutting the street
21 or alley or uses such street or alley for ingress or
22 egress, and afterward the street or alley is vacated
23 causing damage or injury or loss of access, or dimin-
24 ishing the value of the improved property, the city
25 shall pay to the owner of the property the amount of

Page 2

1 such damage or injury.”
2 4. Page 15, line 9, insert after the period the
3 following sentence:
4 “Territory comprising railroad right-of-way may be
5 included in the application without the consent of the
6 railroad if a copy of the application is mailed by cer-
7 tified mail to the owner of the right-of-way, at least
8 ten days prior to the filing of the application with
9 the city council.”
10 5. Page 15, line 24, by striking the words “advice
11 and consent” and by inserting in lieu thereof the words
12 “approval of two-thirds vote”.

Division 2—Sections 6 through 9

13 6. Page 38, line 5, by striking the word “, veto,”.
14 7. Page 38, line 6, by striking the words “ordinance,
15 amendment, or resolution” and inserting in lieu thereof
16 the words “amendment or resolution”.
17 8. Page 38, line 6, by adding after the period the
18 following sentence:
19 “The mayor may only veto an ordinance passed by the
20 council and only if he is not a voting member of the
21 council.”
22 9. Page 38, by striking lines 13 through 22, inclu-
23 sive, and inserting in lieu thereof the following:
24 “2. If the mayor vetoes the ordinance, he shall
25 explain his reasons for the veto in a message to the

Page 3

1 council at the time of the veto. Within thirty days
2 after the mayor’s veto, the council may pass the or-
3 dinance again by a vote of not less than two-thirds
4 of the council members. If the mayor vetoes an ordinance
5 and the council repasses the ordinance after the mayor’s
6 veto, a repassage of an ordinance becomes a law when
7 published, unless a subsequent effective date is pro-
8 vided within the ordinance.”

Division 3—Sections 10, 11 and 12

9 10. Page 48, line 1, by striking the word “from”
10 and by inserting in lieu thereof a period.
11 11. Page 48, by striking lines 2 and 3, inclusive,
12 and by inserting in lieu thereof the following:
13 “The league of Iowa municipalities may recommend
14 to the governor, city officials for each such position.”

15 12. Page 51, line 6, by inserting after the word
 16 "budget" the words "and provide a reasonable number
 17 of copies of such budget for public inspection".

Division 4—Sections 13 through 17

18 13. Page 66, line 1, by inserting after the word
 19 "part" the words "if such lots bear common improve-
 20 ments".

21 14. Page 66, line 32, by striking all after the
 22 word "streets" and all of line 33 and by inserting in
 23 lieu thereof a period."

24 15. Page 72, line 18, by inserting after the word
 25 "objections" the words "pertaining to the regularity

Page 4

1 of the proceeding and the legality of using the special
 2 assessment procedure".

3 16. Page 76, line 13, by striking the words "within
 4 seven days" and by inserting in lieu thereof the words
 5 "as soon as practical".

6 17. Page 76, line 19, by striking all after the
 7 word "be" and all of lines 20 through 22, inclusive,
 8 and by inserting in lieu thereof the words "taken as
 9 in other equity cases."

Division 5—Sections 18 and 19

10 18. Page 80, line 34, by inserting after the word
 11 "of" the word "annual".

12 19. Page 82, line 6, by inserting after the word
 13 "council" the words "or as reduced by the court".

Division 6—Sections 20, 21 and 22

14 20. Page 83, line 33, by inserting after the word
 15 "proceedings" the words "or legality of the assessment
 16 procedure".

17 21. Page 84, line 8, by striking all after the word
 18 "located" and all of lines 9 and 10 and by inserting
 19 in lieu thereof the words "but such appeal is only to".

20 22. Page 84, line 11, by striking the word "and"
 21 and by inserting in lieu thereof the following:
 22 " , unless such person filed objections with the
 23 council prior to the adoption of the resolution of ne-
 24 cessity, they shall also be considered; however, such
 25 appeal".

Division 7—Section 23

Page 5

1 23. Page 104, lines 10 and 11, by striking the words
 2 "five percent, but may not exceed".

Division 8—Sections 24 and 25

3 24. Page 105, line 5, by inserting after the word
 4 "damages" the words "or cashed and held in escrow to
 5 apply against the actual damages sustained for such
 6 breach of contract".

7 25. Page 105, line 12, by inserting after the word
 8 "damages" the words "or retained and held in escrow

9 to apply against the actual damages sustained for such
10 breach of contract”.

Division 9—Sections 26 through 32

11 26. Page 106, line 12, by striking the words “,
12 construction, or reconstruction”.
13 27. Page 120, line 30, by striking the words “or
14 town,” and inserting the words “[or town,]”.
15 28. Page 121, line 5, by striking the words “, city
16 or town,” and by inserting in lieu thereof the words
17 “[city or town] or city”.
18 29. Page 122, line 33, by striking the word “five”
19 and by inserting in lieu thereof the word “three”.
20 30. Page 123, line 31, by adding thereafter the
21 following new subsection:
22 “..... *All such election precincts shall be*
23 *established within the boundaries of a representative*
24 *district as established by law.*”
25 31. Page 139, line 2, by striking the words “the

Page 6

1 drug and narcotic laws” and inserting in lieu thereof
2 the words “[the drug and narcotic laws] *Senate File 1,*
3 *Acts of the Sixty-fourth General Assembly, First Session,*
4 *and other laws relating to controlled substances*”.
5 32. Page 166, line 32, by adding thereafter the
6 following new sentence:
7 “However, any interest derived from bonds issued
8 by the authority shall be subject to taxation.”

Senator Gaudineer withdrew division 3 of the amendment.

On motion of Senator Gaudineer, division 1 of the amendment was adopted.

Senator Gaudineer moved the adoption of division 2 of the amendment.

The Chair called for a division.

Division 2 of the amendment lost.

On motion of Senator Gaudineer, division 4 of the amendment was adopted.

On motion of Senator Gaudineer, division 5 of the amendment was adopted.

Action on division 6 of the amendment was temporarily deferred.

Senator Gaudineer withdrew division 7 of the amendment.

Senator Gaudineer asked and received unanimous consent to defer further action on division 8 of the amendment.

On motion of Senator Gaudineer, division 9 of the amendment was adopted.

Senator Gaudineer withdrew the amendment filed by him on June 8, 1971, and found on page 1728 of the 1971 Senate Journal.

Senator Gaudineer withdrew the amendment filed by him on June 4, 1971, and found on pages 1678-1681, inclusive, of the 1971 Senate Journal.

The Senate resumed consideration of the Messerly amendment of January 14, 1972, to pages 110, 111 and 112, and temporarily deferred.

Senator Messerly offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Messerly amendment to House File 574 as
- 2 amended, passed, and reprinted by the House, filed
- 3 January 14, 1972, by striking lines 13 and 14 and in-
- 4 serting in lieu thereof the following:
- 5 "8. Page 111, after line 28, by adding the follow-
- 6 ing new section:
- 7 If a hospital or health care facility is established
- 8 by a city, the city shall by ordinance provide for the
- 9 election, at a general, city, or special election, of
- 10 three trustees, whose terms of office shall be six
- 11 years; but at the first election, three shall be elected
- 12 and hold their office, respectively, for two, four,
- 13 and six years, and they shall by lot determine their
- 14 respective terms. A board of trustees elected pursuant
- 15 to this section shall serve as the sole and only board
- 16 of trustees for any and all institutions established
- 17 by a city as provided for in this section.
- 18 Cities maintaining an institution as provided for
- 19 in this section which have a board of trustees consisting
- 20 of three members may by ordinance increase the number
- 21 of members to five and provide for the appointment of
- 22 one of the additional members until the next succeeding
- 23 general or city election, and for the appointment of
- 24 the other additional member until the second succeeding
- 25 general or city election. Thereafter, the terms of

Page 2

- 1 office of such additional members shall be six years.
- 2 The trustees shall within ten days after their elec-
- 3 tion qualify by taking the oath of office, and organize
- 4 as a board by the election of one of their number as
- 5 chairman and one as secretary, but no bond shall be
- 6 required of them.
- 7 The official serving as treasurer of the city shall
- 8 be the treasurer of the board of trustees, and shall
- 9 receive and disburse all funds under the control of
- 10 the board as ordered by it, but shall receive no ad-
- 11 ditional compensation for his services. The treasurer

12 shall give bond in a form and amount as determined by
13 the board in its discretion.

14 No trustee shall receive any compensation for his
15 services performed, but he may receive reimbursement
16 for any cash expenses actually made for personal ex-
17 penses incurred as trustee, but an itemized statement
18 of all expenses and moneys paid out shall be made under
19 oath by each of the trustees and filed with the secretary
20 and allowed only by the affirmative vote of the full
21 board.

22 The board of trustees shall be vested with authority
23 to provide for the management, control, and government
24 of the city hospital or health care facility established
25 as permitted by this section, and shall provide all

Page 3

1 needed rules and regulations for the economic conduct
2 thereof and shall annually prepare a condensed statement
3 of the total receipts and expenditures for the hospital
4 or health care facility and cause the same to be
5 published in a newspaper of general circulation in the
6 city in which the hospital or health care facility is
7 located. In the management of the hospital or health
8 care facility no discrimination shall be made against
9 practitioners of any school of medicine recognized by
10 the laws of the state.

11 As a part of the board's authority it may accept
12 property by gift, devise, bequest or otherwise; and,
13 if the board deems it advisable, may, at public sale,
14 sell or exchange any property so accepted upon a
15 concurring vote of a majority of all members of the
16 board of trustees, and apply the proceeds thereof, or
17 property received in exchange therefor, to any legitimate
18 hospital or health care facility purpose.

19 The trustees may in their discretion establish a
20 fund for depreciation as a separate fund. Said funds
21 may be invested in United States government bonds and
22 when so invested the accumulation of interest on the
23 bonds so purchased shall be used for the purposes of
24 the depreciation fund; an investment when so made shall
25 remain in United States government bonds until such

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1 time as in the judgment of the board of trustees it
2 is deemed to use the funds for hospital or
3 health care facility purposes.

4 Boards of trustees of institutions provided for in
5 this section are granted all of the powers and duties
6 necessary for the management, control and government
7 of the institutions, specifically including but not
8 limited to any applicable powers and duties granted
9 boards of trustees under other provisions of the Code
10 relating to hospitals, nursing homes, and custodial
11 homes irrespective of the chapter of the Code under
12 which such institutions are established, organized,
13 operated or maintained."

The amendment to the amendment was adopted.

On motion of Senator Messerly, the amendment as amended was adopted.

Senator Potgeter moved to reconsider the vote by which division 2 of his amendment filed June 8, 1971, to page 82, line 11, was adopted by the Senate, which motion prevailed.

Senator Potgeter asked and received unanimous consent to withdraw division 2 of the amendment.

Senator Potgeter offered the following amendment by Senators Potgeter and Gaudineer and moved its adoption:

- 1 Amend House File 574 as amended and passed by the House
- 2 and reprinted as follows:
- 3 1. Page 82, by striking in line 7 the following:
- 4 "However, special" and by inserting in lieu thereof the
- 5 word, "Special".
- 6 2. Page 82, by striking in line 11 the word, "not".

The amendment was adopted.

Senator Hill withdrew the following amendment filed by him on January 11, 1972:

- 1 Amend House File 574 as amended, passed and reprinted
- 2 by the House as follows:
- 3 Page 111, line 10, by striking the comma and words
- 4 " , without the approval" and by striking line 11 and
- 5 inserting in lieu thereof a period.

Senator Mowry withdrew the following amendment filed by him on January 11, 1972:

- 1 Amend House File 574 as amended, passed, and reprinted
- 2 by the House, page 113, after line 5, by adding a new
- 3 section as follows:
- 4 "Sec. Chapter three hundred sixty-eight (368), Code 1971, is
- 5 repealed except for section three hundred sixty-eight point
- 6 two (368.2).

Senator Mowry offered the following amendment filed by him on January 14, 1972:

- 1 Amend House File 574 as amended and passed by the House
- 2 as follows:
- 3 1. Page 112, line 12 by striking the words and numbers
- 4 "three hundred sixty-eight A (368A),".
- 5 2. Page 113, by adding the following new section after
- 6 line 5:
- 7 "Sec. All of chapter three hundred sixty-eight A (368A),
- 8 Code 1971, except three hundred sixty-eight A point twelve
- 9 (368A.12), Code 1971, shall be repealed."

President Jepsen took the chair at 3:20 p.m.

Senator Mowry moved the adoption of his amendment.

Division was called for.

The amendment lost.

Senator Mowry offered the following amendment filed by him on January 13, 1972:

- 1 Amend House File 574 as amended, passed and reprinted by
 2 the House as follows:
 3 1. Page 114, by striking all after the period in line 17
 4 through the period in line 27 and inserting in lieu thereof
 5 the following: "[If the] A city or town, merged area or school
 6 district *may* elect, *by resolution of the governing body* to
 7 have the audit made by certified or registered public [accountants,
 8 they must so notify the auditor of state] *accountant*, within
 9 sixty (60) days after the close of the fiscal year to be [examined
 10 and towns electing to have their audit made by a certified public
 11 accountant must so notify the state auditor by resolution of the
 12 council designating the name of the person or firm to be
 13 employed at least ninety days prior to the end of a fiscal year]
 14 *audited. Such resolution shall designate the name of the person*
 15 *or firm to be employed to conduct such audit. The auditor of*
 16 *state shall be notified of such election by furnishing the auditor*
 17 *a certified copy of the resolution of such election. Such audit*
 18 *shall not be commenced before two weeks after acknowledgment of*
 19 *receipt of such resolution by the auditor. It shall be the duty*
 20 *of the auditor to acknowledge receipt thereof within five days*
 21 *after receipt of such certified copy of such resolution."*
 22 2. Page 116 by striking lines 21 and 22 and inserting in lieu
 23 thereof the following:
 24 "1. An annual report to the governor and general assembly
 25 of all municipal financial operations."

Senator Mowry moved the adoption of the amendment and requested a roll call.

On the question "Shall the Mowry amendment be adopted?" (H.F. 574) the vote was:

Rule 24 was invoked.

Ayes, 23:

Anderson	Conklin	Kyhl	Shaff
Arbuckle	Gilley	Lamborn	Shawver
Balloun	Glenn	Messerly	Smith
Bass	Graham	Mowry	Stephens
Briles	Hill	Nicholson	Van Drie
Coleman	Keith	Potgeter	

Nays, 25:

Brownlee	Gross	Ollenburg	Robinson
Carlson	Kennedy	Palmer	Schaben
Davis	Laverty	Potter	Tapscott
Doderer	Miller	Rabedeaux	Thordsen
Erskine	Milligan	Rhodes	Van Gilst
Gaudineer	Neu	Riley	Walsh
Griffin			

Absent or not voting, 2:

Curran DeKoster

The amendment lost.

The Senate resumed consideration of divisions 6 and 8 of the Gaudineer amendment temporarily deferred.

Senator Gaudineer called for a further division of the amendment, sections 20 and 21 to be considered as division 6 and section 22, as division 10.

On motion of Senator Gaudineer, division 6 of the amendment was adopted.

Senator Gaudineer asked and received unanimous consent to withdraw division 10 of the amendment.

Senator Gaudineer asked and received unanimous consent to withdraw division 8 of the amendment.

Senator Davis offered the following amendment and moved its adoption:

- 1 Amend House File 574 as amended, passed, and reprinted
- 2 by the House as follows:
- 3 1. Page 104, by striking line 35.
- 4 2. Page 105, by striking lines 1 through 13, inclusive.

The amendment was adopted.

Senator Hill offered the following amendment.

- 1 Amend House File 574 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 6, line 30, by striking the comma.
- 4 2. Page 6, by striking line 31.
- 5 3. Page 6, line 32, by striking the words, "to that
- 6 city".

Senator Hill moved the adoption of his amendment and called for a division.

The amendment lost.

Senator Lamborn offered the following amendment by Senators Lamborn, Potter and Gaudineer and moved its adoption:

- 1 Amend House File 574, as amended, passed, and reprinted
- 2 by the House, page 105, line 16, by striking the words,
- 3 "after the award of contract has been made." and inserting
- 4 in lieu thereof the following: "as soon as the successful
- 5 bidder is determined or within thirty days whichever is
- 6 sooner."

The amendment was adopted.

Senator Potgeter offered the following amendment and moved its adoption:

- 1 Amend House File 574, as amended, passed, and
- 2 reprinted by the House, by inserting on page 80, line
- 3 28, after the period the words "No special assessment
- 4 against any lot shall be more than ten percent in
- 5 excess of the estimated cost, as provided in the pre-
- 6 liminary schedule required under section one hundred
- 7 twenty-five (125) of this Act."

The amendment was adopted.

Senator Kennedy offered the following amendment by Senators Kennedy, et al., and moved its adoption:

- 1 Amend House File 574, as amended and passed by the
- 2 House, by striking from page 40, lines 24 and 25, the
- 3 words "one and one-fourth mills in any year" and insert-
- 4 ing in lieu thereof the words "the amount derivable from
- 5 the maximum millage which counties are permitted to levy
- 6 for road purposes on such property".

Roll call was requested.

On the question "Shall the Kennedy, et al., amendment be adopted?" (H.F. 574) the vote was:

Ayes, 14:

Carlson	Glenn	Milligan	Robinson
Conklin	Kennedy	Mowry	Tapscott
Doderer	Messerly	Palmer	Van Drie
Gaudineer	Miller		

Nays, 35:

Anderson	Erskine	Laverty	Schaben
Arbuckle	Gilley	Neu	Shaff
Balloun	Graham	Nicholson	Shawver
Bass	Griffin	Ollenburg	Smith
Briles	Gross	Potgeter	Stephens
Brownlee	Hill	Potter	Thordsen
Coleman	Keith	Rabedeaux	Van Gilst
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn	Riley	

Absent or not voting, 1:

Curran

The amendment lost.

Senator Potgeter asked and received unanimous consent to withdraw his amendment filed June 7, 1971, to page 89, line 2, and temporarily deferred.

Senator Potgeter offered the following amendment by Senators Gaudineer and Potgeter and moved its adoption:

- 1 Amend House File 574 as amended, passed and reprinted by
- 2 the House, page 89, by inserting after line 9 the following
- 3 new paragraph:
- 4 "However, if the city does not certify the assessments
- 5 within six months of final publication as required by part
- 6 four (4) of division seven (VII) of this Act, all such assess-
- 7 ments shall be null, void, and of no effect. Any bonds
- 8 issued with such void assessments as security shall be paid
- 9 by the city as they become due out of its debt service as
- 10 provided in section eighty-two (82) of this Act.

The amendment was adopted.

Senator Gaudineer offered the following amendment:

- 1 Amend House File 574, as passed and amended by the
- 2 House and reprinted, page 40, line 22, by striking the
- 3 word "ten" and inserting in lieu thereof the word
- 4 "forty."

Senator Gaudineer moved the adoption of his amendment and called for a division.

The amendment lost.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 574) the vote was:

Ayes, 46:

Anderson	Gaudineer	Miller	Robinson
Arbuckle	Glenn	Milligan	Schaben
Balloun	Graham	Neu	Shaff
Bass	Griffin	Nicholson	Shawver
Briles	Gross	Ollenburg	Smith
Brownlee	Hill	Palmer	Stephens
Carlson	Keith	Potgeter	Tapscott
Coleman	Kennedy	Potter	Thordsen
Davis	Kyhl	Rabedeaux	Van Drie
DeKoster	Lamborn	Rhodes	Van Gilst
Doderer	Laverty	Riley	Walsh
Erskine	Messerly		

Nays, 3:

Conklin	Gilley	Mowry
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Absent or not voting, 1:
Curran

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

COMMUNICATION FROM THE STATE BOARD OF REGENTS

The Ten-Year Building Program report of the State Board of Regents has been received and filed in the office of the Secretary of the Senate.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1012 Ways and means
- S. F. 1014 Judiciary
- S. F. 1016 Environmental preservation
- S. F. 1017 State government
- S. F. 1018 Judiciary
- S. F. 1020 Law enforcement
- S. F. 1021 Commerce
- S. F. 1022 Ways and means
- S. F. 1025 Commerce
- S. F. 1026 Judiciary
- H. F. 495 Social services
- H. F. 1011 State government

REPORT OF THE BUDGET AND FINANCIAL CONTROL COMMITTEE

The following report was received and placed on file with the Secretary of the Senate:

To the President of the Senate, Speaker of the House of Representatives, and Members of the Second Session of the Sixty-fourth General Assembly of the State of Iowa:

Section 2.43 of the 1971 Code of Iowa charges the Budget and Financial Control Committee with reporting to each session of the legislature their recommendations for changes which are necessary to accomplish the following:

1. To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government.
2. To increase the efficiency of the operations of the state government to the fullest extent practicable within the available revenues.
3. To group, coordinate, and consolidate judicial districts, agencies and

functions of the government, as nearly as may be according to major purposes.

4. To reduce the number of offices, agencies, boards, commissions, and departments by consolidating those having similar functions, and to abolish offices, agencies, boards, commissions and departments, or functions thereof, as may not be necessary for the efficient and economical conduct of state government.

5. To eliminate overlapping and duplication of effort on the part of such offices, agencies, boards, commissions and departments of the state government.

The record will show that the committee members have performed their duties diligently. Their attendance and participation have been excellent.

In performing their duties as set out in the Code, the committee recognizes the achievements as well as the problems of the departments and institutions. These can best be judged by on-site visits of a delegated legislative committee who can and do take the time to perform this duty. These recommendations should be utilized to the fullest extent both by the executive branch of government and the legislative branch as a cooperative unit. Time during the interim permits an indepth look at departments and institutions which is impossible during the busy legislative session.

The committee during this interim has completed visiting all but one of the Area Schools—on-site visits allow for comparison; the Regents Institutions—the committee is continuing their discussion with the Regents concerning the manner in which they present their budget requests to the General Assembly; the Social Service Institutions—there is a noticeable change in procedures and activities in our institutions; correctional, mental, and retarded. Numbers of inmates and inpatients are being reduced because of the change in techniques. This can only be recognized by on-site visits to these institutions.

In addition to the visits to the institutions, the committee has given much deliberation to anticipated problems caused by the acceptance and subsequent discontinuance of federal funding. This is discussed in detail in the report that follows.

Also, the Budget and Financial Control Committee established the policy of immediately inspecting losses which are paid under Section 19.7 of the Code to assist the Executive Council in making proper and more timely allocation of funds.

It thus becomes the duty of the interim committee and its individual members to share this information and make recommendations for changes to the General Assembly.

FEDERAL FUNDS

In the last several years the federal government has made a number of grants to the state of Iowa and otherwise furnished money to form various committees, social action groups, and other entities. These various entities have subsequently grown both in physical facilities and numbers of employees and after federal funds have stopped, funds are appropriated by the General Assembly. This is practically the only way that state government has grown in the last several years. Examples of these new departments are the Office of Economic Opportunity, the Drug Abuse Program, the Office of Planning and Programming, the Crime Commission, Higher Education Facilities Commission, quite a number of programs in the Health

Department, and an untold number of new departments and programs in the Board of Regents and the Department of Public Instruction. This is not to judge whether these programs are good or bad or their relative values but rather to point out that ultimately these programs do go off federal funding and must be funded by the state general fund. What has happened on the state level is indicative also of what has happened on the local level. Local property taxes and other local funding is going to be asked in coming years to pick up the bill for hundreds of programs currently being funded by federal funds.

Because of the limited extent of funding that will be available from the state general fund as well as local property taxes and other local funding, the Iowa General Assembly should take positive action to insure that the programs that are started by federal funds are good ones and will ultimately have the financing which will be necessary to sustain them in future years.

The Budget and Financial Control Committee recommends strongly to the General Assembly that legislation be prepared and enacted which will require that the Office of Planning and Programming review each application for federal funds as a matter of overall planning to determine whether that program is indeed one that will benefit the people of Iowa. If it is determined that a program will benefit the people, the next requirement met should be that there is funding available for future years to fund the particular program. The bill should also require that a moratorium be placed on the receipt of any federal funds until present programs can be reviewed and future funding determined.

At times the Federal Government has threatened to withhold funds for specific projects as a means of forcing states to accept new federal programs, e.g. Highway Beautification, Billboard Control, Social Welfare (nursing home administrators). The Iowa General Assembly should express extreme displeasure with this "black jack" method.

Recent events concerning federal support for higher education hint that over the next six to ten years up to 65 percent of this support, so long taken for granted by our professional educators, may come to an end. Over the past year, about one-sixth of this federal dollar support to Iowa education has been either withheld or withdrawn, thus throwing an even harsher burden upon state income and upon property taxes. Already, a bitter battle between the various classes of Iowa educational establishments is shaping up behind the scenes, a battle for state tax dollars to replace vanishing federal dollars.

The Budget and Financial Control Committee is alarmed by the red tape and administrative difficulties experienced by our state departments in coordinating the programs of the state with laws enacted by Congress.

We recommend that the General Assembly set aside one day annually for the purpose of meeting with the Congressmen representing Iowa in an effort to improve the liaison between the State and Federal governments. This could be done by a portion of the day devoted to a hearing type meeting with the House and Senate sitting as a committee of the whole. The balance of the day could be devoted to individual Congressmen meeting with standing committees. The legislature, by Resolution, will have to take the initiative in implementing this recommendation.

DRUG ABUSE

In our prisons, detention homes, correctional institutions and in our mental health centers, Social Services have mounted vast rehabilitation

programs for drug and alcohol addicts. The committee was alarmed at the lack of uniformity in programs at the various institutions, and also the lack of agreement on the severity of the drug problem in the state, or the best program for treatment.

As illustrations of the confusion that exists, the committee heard the following statements at various institutions:

While discussing heroin treatment, a professional at one institution stated that a report from a Lexington hospital stated that drug rehabilitation is achieved in less than one and one-half percent of the patients treated and the cost may run to approximately \$1,000,000 per patient so rehabilitated.

At Cherokee we were told that drug addiction in Iowa is growing rapidly and that "50 percent of Iowa teenagers are on drugs."

At Mount Pleasant we were told that they intend to expand their drug program with Crime Commission and other federal funds to provide more intensified and specialized treatment.

At Oakdale Maximum Security Hospital we were told that "there are very few drug addicts in this state. Drug and alcohol use are symptoms of a problem and not the problem."

In visiting with Commissioner Gillman, the committee came to the conclusion that there must be some central direction and purpose in our drug and alcoholism rehabilitation programs. The Budget and Financial Control Committee directs the Department of Social Services to establish and effect a uniform policy concerning drug and alcoholism rehabilitation before extensive and extemporaneous programs are developed all over the state.

EDUCATION

With three state universities, thirty-two private colleges and universities, fifteen area vocational schools and/or community colleges, over four hundred public school systems, nine joint county school systems, and a burgeoning educational TV network, Iowans are supporting an astonishingly huge structure in education.

To support this tremendous enterprise requires:

- (a) Just over $\frac{1}{2}$ of the total annual income of the state of Iowa, PLUS
- (b) 60.7 percent of the total sum of property taxes paid by all Iowans each year, PLUS
- (c) an annual multi-million dollar contribution from the federal government.

Iowans should be commended for supporting a tremendous enterprise in education but the people as well as the educators must be made aware of the tremendous drain this makes on tax dollars and serious efforts must be made to sort out priorities in education.

Area Schools

The Budget and Financial Control Committee assumed the responsibility a year ago of visiting the area schools. This was continued during the past interim. The following observations were made:

No yardstick exists by which liberal arts programs can be truly evaluated, so we must assume that such programs in our area schools are running at par for the course (whatever that is). Attention is called to the fact that the liberal arts and career programs in many of our area schools operate for only nine months of the year—with instructors, space and equipment languishing for the remaining months.

In the vocational arts all of our area schools show much initiative and drive. The committee was impressed with their overall performance and specific courses that caught the committee's attention were:

- Area IV at Sheldon offers a course for electrical linemen. Job offers from utility companies far exceed the supply of graduates.
- Area V at Fort Dodge offers a course in driver training for school bus operators. It is the only such course offered in the United States.
- Area XII at Sioux City has courses in band instrument repair and in the tuning and repair of pianos. So far as the latter course is concerned, the state of Iowa was allowed to teach it only after permission was granted by the National Piano Tuning Association.
- Area XV in Ottumwa operates an excellent cooking school, with graduates sought by hotels and restaurants.
- Area XV also has a unique program in air frame rebuilding, air traffic control and aircraft power plant mechanics.
- Area IX at Davenport has overflow classes in motorcycle repair and frame rebuilding. The school has an agreement with local cycle dealers, who ship their new machines from foreign manufacturers to the school for assembly by the students.
- Area IV and Area I have their carpentry-drafting students building homes, which are then sold to the public. It appears to many committee members that pressures exerted by organized labor prevent similar courses from being offered in area schools located close to metropolitan centers.
- Area I at Calmar has an experimental program whereby a student may at the end of the third quarter decide if she wants to be a Licensed Practical Nurse and complete her course in one year or transfer to the two-year Associate Degree Nursing Program. At the completion of the Associate Degree Program a student may sit for the State Board to become a Registered Nurse. While the committee was visiting the Area School at Calmar, they were told that only one graduate of their two-year program had failed to become a Registered Nurse.

In many of the area schools there is an abundance of very expensive equipment lying about which is never used; tape controlled jig borers, shapers, Elox machines, brakes, shears, turret lathes, automatic screw machines, etc.

Some area school administrators, it seems to the committee, are rather free with tax dollars:

- Southeastern Community College (Burlington) operates in rented facilities that cost \$76,000 per year. One-half to two-thirds of this amount would seem to be more reasonable.
- Already mentioned are the area schools which operate for nine months, with many staff salaries nevertheless running for the full twelve months.
- The staff at Area I (Calmar) spent \$34,000 for travel and meetings in the 1970-71 school year, and have budgeted \$52,500 for gadding about in 1971-72.
- Funds are provided in Section 19.7, Code of Iowa, 1971, as follows: . . . for repairing, rebuilding, or restoring . . . property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause The committee recognizes that the buildings owned by the fifteen area schools are not covered by this section of the Iowa Code.

Seven of the area schools visited this year pay a total annual insurance premium on their establishments of \$111,457. The Budget and Financial Control Committee recommends legislation which would establish a sinking fund within the Office of the State Treasurer for purposes of protection for the area schools with each school assessed a proportionate share in lieu of the costly commercial insurance now being purchased. Said sinking fund shall be limited to an accumulated fund of \$2,000,000.

While visiting Hawkeye Tech in Waterloo, the committee was told that insurance premiums have increased sharply because many companies now hesitate to bid on school insurance.

—Too many of our area schools are monuments to a firm of architects, rather than efficiency and economy. The Area XIV school at Creston is an example but by no means the only one. At Creston drainage problems peculiar to that part of the state (problems which should have been recognized before design was begun) were ignored, and now new mortar and cement are beginning to crumble. The roof configurations no doubt thrill art lovers, but they will leak into infinity. Air flow in the otherwise lovely library was so badly calculated that now much additional and costly work must be done to balance this section. Monolithic seat legs in the auditorium, designed to support small bundles of chicken feathers, cannot support healthy students and, as a result, are now being torn from their mounts.

There was considerable variance in school structures and consequently there was considerable variance in cost of construction of buildings viewed by the committee on the various campuses of the area schools. There is need for state direction in architectural planning and awarding of contracts for construction of all buildings funded by tax dollars.

The Budget and Financial Control Committee recommends that a position of State Architect be established in the Office of the General Services Administration. Said architect would review and approve the plans for all buildings constructed on public lands.

By law the State Department of Public Instruction is charged with the control, supervision and development of our area schools. It is apparent from the above that the department has not provided the proper control and guidance over these area schools.

If further evidence of this lack of direction is required, consider Area X. The area school law expressly forbids duplication of educational facilities and offerings. Nevertheless, Area X, the hub of a closely knit cluster of liberal arts colleges (Coe, Mt. Mercy, Grinnell, Cornell, and the University of Iowa) is well on the way to becoming yet another liberal arts college in this cluster, while the Department of Public Instruction looks on helplessly.

Because of the lobbying efforts of partisan professional educators in Washington, federal aid to liberal arts colleges is far more generous than it is to vocational schools. For example, in the 1969-70 school year, Area X Community College (strongly liberal arts oriented) received over \$800,000 in federal aid. In that same year the Hawkeye Institute of Technology (strongly vocational arts oriented) received only \$80,000 in federal aid.

Action is being taken, due to the efforts of some citizens, the approval of North Central Association and the partisanship of the Department of Public Instruction, to convert as many of our area schools as possible from vocational schools to liberal arts colleges. Also, because of lack of direction

on the part of the Department of Public Instruction, many students are not able to transfer credits from area schools to other institutions.

It is absolutely essential that the Iowa General Assembly provide firm guidelines on the future development of our area schools. Shall they become liberal arts colleges or should they be allowed to develop into true vocational schools? At this moment the future status of these area schools is unclear. Some of these schools are pushing for liberal arts status. A liberal arts school costs much less to operate than a vocational school. Therefore, shifting emphasis from vocational arts to liberal arts, without in any way diminishing dollars presently received (both by tax levy and by legislative appropriation), means that there will be more available dollars for salary increases, for additional staff, and probably for both.

Perhaps some of our area schools should become bona fide liberal arts colleges while others, already surrounded by state and private liberal arts schools, should concentrate on vocational arts only. In any case, this situation must be sorted out quickly by the legislature.

Regents Universities

There should be little doubt that the prevailing interests and trends in our democratic, highly computerized age have played havoc with traditional concepts and practices in education. Great changes, as well as enormously difficult tasks and decisions, lie ahead for our university managers.

—Disappearing federal dollars, as well as shrinking state and private support, require a realignment of structures and curricula. Bearing in mind that the majority of Iowa taxpayers (who, after all, make our universities possible) have no college education, nor will their children, how can we more equitably finance our universities?

—Anyone who has been in education, either as a student or as an instructor, knows that GOOD teachers and educational executives are readily identifiable. It takes some courage, however, to do the labeling. The managers of our universities must nevertheless find this courage.

—In a democracy there are always a number of violent crusades raging through the land. In recent years institutions of higher learning have been asked, and sometimes forced, to choose sides in these controversies. Iowa is indeed fortunate that only a tiny segment of our university officials and staff feel impelled to join in these tumults. **THIS IS NOT THE TASK OF THOSE INTERESTED IN PROMOTING EDUCATION.**

While others are wrangling over the unreal issues that today take their toll of life and property and tomorrow are forgotten, it is the responsibility of educators to keep the lights of civilization burning, to humanize their own behavior with reasonableness and good taste, and to preserve for students an area of calm where serious scholarship can be both felt and practiced. Neither students nor faculty can be very scholarly or very objective in the middle of a battlefield. The point being stressed here is that an intelligent and learned existence does not lose its value at the mere suggestion that man mind his own business—and, in the case of those who manage our universities, that business is EDUCATION.

—While some university competition with private industry is inevitable, (housing, food service, transportation, computer services, consulting, community services, etc.) its extent in Iowa has so far been uncontrolled. Firm policy, not professional gibberish, must be developed on this matter.

—There is much duplication of programs in our universities. At Ames we have CIRAS—Center of Industrial Research and Service. This rather feeble organization duplicates the efforts of the Iowa Development Commission, the Office of Planning and Programming, our university extension services, the Department of Agriculture, and thirty or so active Chambers of Commerce in this state. At Cedar Falls, we have the Education Clinic and the UNI Laboratory, both covering the same ground. This duplication of effort is particularly serious because students, faculty, department heads, etc. have taken sides in support of one or the other of these efforts. Such conflict is hardly conducive to the learning process.

—The ultimate sinecure in the academic community is to have a senior faculty position, but with no classes to teach. Over the '50's and '60's it became the practice to give "time off from teaching duties" at the drop of a research proposal. Shrinking dollar support requires a reappraisal of research vs. teaching—of graduate scholarship vs. undergraduate study.

In this same area we have witnessed a proliferation of educational executives and specialists in our university system who have no contact whatever with the classroom. The usefulness of these people must also be reassessed.

The above should serve to indicate the truly difficult decisions facing our university managers. Prerogatives and excesses, outcropping of two lush decades, must be rooted out—never an easy or pleasant task.

The public is discussing, with increasing vigor, the role of higher education in our society. The managers of our universities would do well to listen to this discussion.

It was brought to the attention of the committee that the Price Laboratory School at Cedar Falls is operated by state funds except for \$100 per pupil from the local district and yet the local district receives state aid. This negotiation was made a number of years ago. Because of the changes in school funding, this policy should be revalued and the contract renegotiated.

It is recommended that the local school district more nearly pay the cost of educating the children from the district on a tuition basis.

One of the objectives of a budget study initiated by the Budget and Financial Control Committee in 1969 was to make a uniform report on budget possible from the Board of Regents. Some of this has been accomplished.

At a recent meeting of the Budget and Financial Control Committee at Iowa State University, a report was presented to the committee on current spending and categories of spending which would be short of funds during the next biennium. The question was raised as to why this report was not consistent with the appropriation request as far as categories were concerned. The answer was "It is spent in this manner and not in the particular categorical manner in which it was requested." The committee points out to the General Assembly, that this was the exact reason for establishing a new budget method. Mr. Baxter, who was retained by the Budget and Financial Control Committee in 1969 to carry on that study, said that the Regents asked for money in one manner and spent it in another. It would appear that this tactic is still being used.

The Budget and Financial Control Committee admonishes the Board of Regents to use a consistent method of reporting and asking so that the members of the General Assembly can compare the two.

SOCIAL SERVICES

As mentioned earlier in this report, the committee members in their visits to the Social Services institutions saw noticeable changes in procedures and activities. The patient and resident numbers continue to reduce because of these changes. New philosophy and reforms in our correctional and penal systems placing greater emphasis on counselling, work release and other forms of rehabilitation have reduced the resident population in the five correctional institutions. Improved community mental health services throughout the state are effecting a radical reduction in the inpatient population of the state's six mental health and retardation institutions. (For more information on this trend see the report on mental health programs in the Mental Health and Juvenile Institutions Study Committee Report.) Greater utilization of foster homes and changed programs have reduced the enrollment of the two state schools for juveniles.

Prior to the mid 1930's concerned persons in our society operated mostly from the restricted confines of organized churches or private philanthropies. By 1950 these well-meaning people discovered the power and the unlimited extent of the public purse, and have since infiltrated most agencies of government. Nowhere are they more thickly sown than in the Iowa Department of Social Services. Here, in their frantic efforts to bring their notions of peace and comfort to all, tax dollars have not always been wisely utilized.

Committee members as lay persons find it difficult to accept the need for the great numbers of expensive professionals and administrative staff throughout the department and institutions. The possibility of centralized accounting and job consolidations were discussed with the commissioner. The committee feels that some professional salary increases were accomplished by reducing staff numbers in the lower categories.

Social Services is saturated with high priced professionals who hold up a facade of great and wonderful accomplishments in therapy and rehabilitation. That this is a facade is illustrated by the following candid remarks, made by these professionals in unguarded moments.

Eldora—"This is a kind of high school in crime, and graduates from here go on to colleges like Anamosa and Fort Madison."

Oakdale—"Thank God for recidivism. Without it most of us would be without jobs."

Anamosa—"There is no way to measure the effectiveness of professional counselors."

Davenport—"Costs have gone up sharply because of professionalism."

Much excess space was found at some of the institutions, therefore, the committee can see no need for expansion of building programs.

For instance, at Glenwood, the superintendent is asking that the institutional buildings be demolished and cottages erected. He stated that the mentally retarded youngsters at Glenwood "must learn to live in real surroundings." Yet the patients at Glenwood are there because they have not been able to live in 'real' surroundings, and many will be institutionalized for life.

Specific comment on some of the Social Services Institutions follows:

IOWA STATE SOLDIERS' HOME—MARSHALLTOWN

During the first session of the Sixty-fourth General Assembly, the Iowa Soldiers' Home received an appropriation for the biennium which exceeded their previous biennial budget by 10 percent. Even though this increase in

appropriation was more than most of the other social service institution budgets percentagewise, the Commandant started in May of 1971 to close a 35-bed ward at the Soldiers' Home. This 35-bed ward was in the intensive care area of the home. It was determined that this would be the particular spot that the institution could save the most money the quickest. It seemed incredible that the Commissioner of Social Services would allow this fine facility to be closed when the funds appropriated were projected to be sufficient until the latter part of the biennium.

James Gillman, Commissioner of Social Services, met with the chairmen of the Appropriations Committee and the chairmen of the Appropriations Subcommittee on Social Services on November 15, 1971 to discuss the closing of the 35-bed ward at the Iowa Soldiers' Home. According to the minutes of that meeting, it was recommended to the Commissioner by a majority of the legislators attending the meeting, that the department start training personnel at once with the intention of reopening the ward shortly after January 1, 1972. The minutes also indicate that legislation will be proposed to the General Assembly whereby the additional funds which will be generated by reopening the 35-bed ward will be made available to the Iowa Soldiers' Home. The proposed legislation shall apply to the Sixty-fourth biennium only.

The Budget and Financial Control Committee recommends that the practice of paying residents for doing housekeeping chores be reviewed. The committee feels that the residents should consider it a privilege to live in these fine facilities and should be willing to perform simple household chores without pay. The policy of paying residents for performing these chores is inconsistent with the practice at some of the other institutions.

IOWA STATE PENITENTIARY—FORT MADISON

During the committee's visit to the penitentiary the warden stated that his appropriation was not sufficient to carry on all the programs that were currently in effect at the penitentiary. He indicated that he felt that the programs had been cut as far as possible and still be effective, so it would be necessary to trim the budget in the area of the guard payroll. The Budget and Financial Control Committee recommends to the Commissioner of Social Services that a full complement of guards at the penitentiary be maintained and programs of marginal value be eliminated.

The Budget and Financial Control Committee recommends that the farm be used more extensively in the rehabilitation of prisoners.

PRISON INDUSTRIES

The Budget and Financial Control Committee has inspected the physical facility of the industries at both Anamosa and Fort Madison during their visits. The committee has been impressed with the operation of these industries and commends the administration of the Department of Social Services for their operation.

In their visits to area schools, other state institutions, and in private conversations with public school officials the committee finds that very seldom are the industries even asked for a price quotation. The committee has found that the architects of many public buildings have not recommended industries furniture and, in fact, have designed furniture that could not be built by industries.

In an effort to help the Iowa State Industries maintain an adequate work load for the gainful employment of persons incarcerated, the committee makes the following recommendations to the Commissioner of the Department of Social Services:

1. A reorganization of the management of the industries. At the present time the industries at Anamosa and the industries at Fort Madison have separate managers. Under individual management separate purchasing and separate payrolls are maintained. This is done in spite of the fact that in accordance with Section 246.26, of the Code of Iowa, 1971, a single revolving fund is maintained in the Office of the Treasurer. A reorganization of the management would serve to combine completely all operations of the two industries.
2. The committee recommends a commission system for paying the four salesmen of industry products. At the present time the salesmen are paid a flat salary with the quantity of sales having no bearing on their remuneration.
3. The committee recommends a new approach to marketing the products of the industries. The equipment used by the industries and the designs of furniture and other products are continually being updated. The marketing process must be also changed to meet today's competition.

The committee feels that if the above recommendations are adopted, the industries will have adequate orders for production and the inmates who wish to work will no longer languish in inactivity.

WOODWARD-GLENWOOD

The hospital-schools at Woodward and Glenwood have had similar budgets for a number of years. They serve a geographic area and therefore collect approximately the same kind of patients. This seems to be where the similarity ends. From a lay point of view and one that is admittedly not professional, it seems incredible that the programs at Glenwood and Woodward should be so dissimilar. It would appear that when a program is working and is accomplishing its objective in training the mentally and physically retarded it should be adopted immediately at the other hospital-school. Apparently, the superintendents have for years been experimenting with new methods of training the mentally and physically retarded. This approach is all right except that when a program has proven itself it should be adopted at the other institution, rather than the other institution continuing to experiment to obtain a similar objective.

The Budget and Financial Control Committee hereby admonishes the leadership of the Department of Social Services for not putting this kind of policy into effect. It would appear that the Director of Mental Retardation in the Department of Social Services is exerting no leadership whatsoever toward establishing a uniform policy to be followed by both hospital-schools. If he cannot accomplish this objective, he should be replaced.

The Budget and Financial Control Committee further recommends to the Commissioner of Social Services that consideration be given to combining the Bureau of Mental Retardation and the Bureau of Mental Health and placing them under one director.

MENTAL HEALTH INSTITUTE—CHEROKEE

It would seem that some confusion exists over the interpretation of our laws, as evidenced by the techniques employed by some social services personnel in rehabilitation. At Cherokee a panel of four young men, alcoholics at about age twelve and hard drug addicts by age nineteen, stated, with the enthusiastic approval of the professional social services personnel present, that they had been driven to this condition by a 'cruel and inhuman society.'

MENTAL HEALTH INSTITUTE—INDEPENDENCE

While visiting the Mental Health Institute at Independence, the Budget and Financial Control Committee was pleased to learn that the length of inpatient stay at the hospital has been reduced considerably. While the daily cost has risen, the cut in length of stay has reduced the overall per patient cost as indicated by the following statistics:

Year	Length of Stay	Cost Per Stay
1960	413 days	\$2,557
1965	181 days	2,553
1970	68 days	2,044

While the above figures were obtained from the Mental Health Institute at Independence, they are indicative of a trend established over the past few years at all four of the mental health institutes.

JUVENILE SCHOOLS—DAVENPORT AND TOLEDO

The committee found the programs at these schools somewhat at variance with Code authority (especially at Annie Wittenmyer Home) and very costly to maintain. While the children admitted to these facilities are dependent and neglected, these institutions appear to be essentially special education schools. It would seem more fitting to offer these programs at local community levels or perhaps the educational programs at these schools should be provided on a tuition basis by the local public schools.

YOUTH TRAINING SCHOOLS—ELDORA AND MITCHELLVILLE

Hearings by the Budget and Financial Control Committee have convinced us the needs of predelinquent and delinquent youth can for the most part be better served on the local level.

Testimony before the committee shows that those counties which have utilized community resources—volunteer workers, and have expanded their probation office personnel can more rapidly rehabilitate delinquent youth in a home atmosphere at a fraction of institutional costs.

Therefore, we recommend legislation that will reward counties who reduce commitments to our girls and boys training schools.

In visiting the Boys Training School at Eldora it was brought to the committee's attention that if the age of responsibility is lowered, the age of commitment to correctional institutions should be changed to correspond with the age of legal responsibility. Superintendent O'Neil stated that he would be in a position to make recommendations for legislation in this area.

GENERAL COMMENTS

The committee feels there is strong need for better coordination and cross pollination between institutions both on an interdepartmental and intra-departmental basis. As an example, the committee was impressed by the school programs of the School for the Deaf at Council Bluffs (under the Board of Regents) and the Children's Unit at Independence (under the Department of Social Services). It is felt that interdepartmental and intradepartmental staff visits could be helpful and the committee recommends to the departments that they make every effort to utilize the strengths of some institutions so as to help other institutions overcome existing weaknesses.

The Budget and Financial Control Committee feels that the department

of Social Services employs great numbers of people whose services are questionable. Commissioner Gillman has stated that one administrative staff member is needed for each eight employees. The committee feels that in several institutions the number of administrative positions is excessive.

SCHOOL FOR THE DEAF

The Budget and Financial Control Committee specifically commends Dr. Giangreco, Superintendent, for the type of program, the enthusiastic response of the children, the quality and dedication of staff and the general operation of the School for the Deaf at Council Bluffs.

IOWA STATE HIGHWAY COMMISSION

Overhead costs are a sound measure of operating efficiency. If engineering and maintenance are regarded as pure overhead, and this overhead is calculated as a percentage of contractor dollars paid out each year for roads built or under construction, we find the following percentages:

Year	Overhead
1955	3%
1961	7.5%
1966	11.1%

After 1966 this overhead figure becomes obscure. The proliferation of departments in the Highway Commission (13 in 1956; 38 in 1971) and the consequent changes in bookkeeping procedures are responsible.

The Budget and Financial Control Committee is alarmed that the overhead costs in the Highway Commission have risen so rapidly in the past few years. While it is recognized that federal demands have raised costs to the commission, contractors costs have likewise risen, therefore, the percentage of overhead should have remained fairly stable.

CONSERVATION COMMISSION

Visits to state parks leave one with the strong impression that the Conservation Commission is far more talented at promoting public relations programs than it is in planning and managing parks. It also appears that the commission is far more adept at diverting appropriations into land purchase, "Word Banks" and executive salaries than into much needed landscaping and necessary working park personnel.

Wapsipinicon State Park—Anamosa

Just over 200 acres of lovely park, and one lone ranger is expected to keep it mowed, inspected, clean and policed. How he does all of this, and he does it well, is a mystery. Occasionally, Anamosa trustees are available for work details, but supervision of them by one ranger requires more effort and worry than their work is worth.

Prairie Rose Lake—Harlan

This place has been in existence for about nine years, but it remains pretty much a barren plain. The waters are meandering and attractive but few trees and shrubs have been planted anywhere. It seems that after land acquisition there is little money spent either on landscaping or on adequate maintenance staff. Somehow the parks are expected to fend for themselves.

Lake Manawa—Council Bluffs

Another example of shabby Conservation Commission planning and maintenance. The bathhouse has been neglected for so long that it is decrepit.

Concessionaires, rather than the commission, are expected to provide the needed maintenance.

Green Valley State Park—Creston

Yet another park that looks neglected. Too small a staff to handle the crowds who do use this place in season. No shrubs or trees worth mentioning, except for walnuts. All other plantings are quickly burned out by the strong prevailing winds.

This lake, like Prairie Rose, is a somewhat flat plain, and without trees and shrubs this means considerable erosion. Already there are problems here with silting. It takes a strange and obtuse talent to:

(a) erect parks in such unsuitable places,

(b) and, then to pointedly neglect them.

The Budget and Financial Control Committee feels there is a definite need for improvement in the park system. This will take funding. It is therefore recommended that legislation be enacted to establish a park user fee with said funds to be used for park improvement.

REMODELING OF CAPITOL BUILDING

The Budget and Financial Control Committee recognizes that the state capitol building should be utilized to its fullest potential. However, the committee believes that careful planning of alterations and repairs would result in preservation of the aesthetic value of this beautiful building for future generations. It is, therefore, recommended that legislation be enacted which would require that any major alterations or repairs to the capitol building be approved by a qualified citizens committee.

* * * * *

Some of the statements in this report are not necessarily the unanimous opinion of the members of the Budget and Financial Control Committee. The members of the Budget and Financial Control Committee express their thanks to all state departments, commissions, agencies and institutions for their cooperation during the committee's visit.

ELMER H. DEN HERDER, Chairman
 FRANCIS L. MESSERLY, Vice Chairman
 KEITH H. DUNTON, Secretary
 QUENTIN V. ANDERSON
 CHARLES F. BALLOUN
 C. JOSEPH COLEMAN
 BASS VAN GILST
 EDGAR H. HOLDEN
 ALFRED NIELSEN
 RICHARD M. RADL

AMENDMENTS FILED

- 1 Amend Senate File 410, page 4, after line 20, by
- 2 adding the following new section:
- 3 1. "Sec. Section four hundred twenty-eight A
- 4 point eight (428A.8), Code 1971, is amended by striking
- 5 the section and inserting in lieu thereof:
- 6 428A.8 DISTRIBUTION OF PROCEEDS. On or before the
- 7 tenth day of each month the county recorder shall determine
- 8 and pay to the treasurer of state seventy-five percent

9 of the receipts from the sale of documentary stamps during
10 the preceding month and the treasurer of state shall
11 deposit such receipts in the state treasury to the credit
12 of the general fund.

13 The county recorder shall deposit the remaining twenty-
14 five percent of the receipts to the credit of the county
15 general fund.

16 The county recorder shall keep such records and make
17 such reports with respect to the documentary stamps
18 entrusted to his custody and with respect to the sale of
19 such stamps as the director of revenue shall prescribe."

20 2. Renumber the remaining sections accordingly.

JAMES E. BRILES

1 Amend Senate File 1002 as follows:

2 1. Line 7, by adding after the word "bond" the
3 following: ", certified check or cash".

JAMES E. BRILES

1 Amend Senate File 1028, page 2, by striking lines 3 through
2 7 and inserting the following:

3 "Sec. 2. This Act, being deemed of immediate importance,
4 shall take effect and be in force from and after its publica-
5 tion in The Lyon County Reporter, a newspaper published in
6 Rock Rapids, Iowa, and in The Glidden Graphic, a newspaper
7 published in Glidden, Iowa."

LUCAS J. DeKOSTER
ARTHUR A. NEU

1 Amend House File 1011, page 19, after line 5, by adding the
2 new section as follows:

3 "Sec.

4 1. Section two hundred eighty point eight (280.8), Code
5 1971, is amended to read as follows:

6 (280.8) AMERICAN HISTORY AND GOVERNMENT, ETC. All
7 schools offering instruction in grades nine through twelve
8 shall offer, and all students shall be required to take,
9 a minimum of two semesters of American history which shall
10 include the history and contributions of minority racial
11 and ethnic groups, and one semester of the governments of
12 Iowa and the United States, *which shall include the rights
13 and responsibilities incident to the attainment of majority,*
14 as part of the requirement for graduation. In addition,
15 such schools shall offer, as an elective course, at least
16 one semester in social problems or economics, or a combina-
17 tion thereof.

18 2. The effective date of subsection one (1) shall be July 1, 1974."

COMMITTEE ON SCHOOLS
W. CHARLENE CONKLIN, Chairman

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Wednesday, January 19, 1972.

JOURNAL OF THE SENATE

TENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, JANUARY 19, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend M. O. Smith, pastor of the United Methodist Church, Washington, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, January 18, 1972, was approved.

PRESENTATION OF VISITORS

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

Twenty-seven fifth-grade students from Watrous Elementary School, Des Moines, Iowa, accompanied by Miss Condit. Senator Tapscott.

Thirty-two students from Earlham High School, Earlham, Iowa, accompanied by Ronald Myers. Senator Rhodes.

PETITION

The following petition was presented and placed on file:

By Senator Messerly, from one hundred sixteen students of the University of Northern Iowa, Cedar Falls, Iowa, favoring majority rights to eighteen-year-old citizens.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lawrence Larson, Harlan, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 629, a bill for an act relating to temporary restrictions on weight and load of motor vehicles.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1012, a bill for an act requiring posting of bond in conjunction with petition to establish a rural water district.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1029, by Senator Hill, a bill for an act relating to advertisement of motion pictures and providing a penalty.

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

Senate File 1030, by committee on county government (committee on county government), a bill for an act requiring the council of social services to prepare a list of all deaf, blind and severely handicapped persons within the state.

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

Senate File 1031, by committee on county government (committee on county government), a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.

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

HOUSE MESSAGES CONSIDERED

House File 629, a bill for an act relating to temporary restrictions on weight and load of motor vehicles, and to provide penalties for violation of temporary restriction.

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

House File 1012, a bill for an act requiring posting a bond in conjunction with petition to establish a rural water district.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 695

Senator Messerly called up for consideration House File 695, a bill for an act to appropriate from the motor vehicle fuel tax fund for the biennium beginning July 1, 1971, and ending June 30, 1973, to the state comptroller, amended by the Senate and further amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend the Senate amendment to House File 695, dated
 2 June 19, 1971, as follows:
 3 1. By striking the word "public" in line 7.
 4 2. By inserting after the word "application" in line
 5 7 the following: "while the general assembly is in
 6 session".

On motion of Senator Messerly, the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 695) the vote was:

Ayes, 49:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shaff
Brownlee	Griffin	Neu	Shawver
Carlson	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rabedeaux	Walsh
Doderer			

Nays, none.

Absent or not voting, 1:

Thordsen

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

SENATE FILES DEFERRED

Senator Lamborn asked and received unanimous consent that action on **Senate File 1002** be deferred and that the bill retain its place on the **calendar**.

Senator Lamborn asked and received unanimous consent that action on **Section File 1003** be deferred and that the bill retain its place on the **calendar**.

Senator Lamborn asked and received unanimous consent that action on **Senate File 1004** be deferred and that the bill retain its place on the **calendar**.

CONSIDERATION OF BILLS

Senate File 1005

On motion of Senator Miller, Senate File 1005, a bill for an act relating to the military records of veterans, was taken up and considered.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1005) the vote was:

Ayes, 40:

Anderson	Gilley	Miller	Riley
Arbuckle	Glenn	Milligan	Robinson
Briles	Graham	Mowry	Schaben
Brownlee	Griffin	Neu	Shaff
Carlson	Gross	Nicholson	Shawver
Coleman	Hill	Ollenburg	Smith
Davis	Keith	Palmer	Tapscott
Doderer	Kennedy	Potter	Van Drie
Erskine	Kyhl	Rabedeaux	Van Gilst
Gaudineer	Laverty	Rhodes	Walsh

Nays, 9:

Balloun	Curran	Lamborn	Potgeter
Bass	DeKoster	Messenger	Stephens
Conklin			

Absent or not voting, 1:

Thordsen

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

Senate File 1007

On motion of Senator Miller, Senate File 1007, a bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses, was taken up and considered.

Senator Miller asked and received unanimous consent that House File 1015 be substituted for Senate File 1007.

House File 1015

On motion of Senator Miller, House File 1015, a bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses, was taken up and considered.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1015) the vote was:

Ayes, 47:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shaff
Brownlee	Griffin	Neu	Shawver
Carlson	Gross	Nicholson	Smith
Conklin	Hill	Ollenburg	Stephens
Curran	Keith	Palmer	Tapscott
Davis	Kennedy	Potgeter	Van Drie
DeKoster	Kyhl	Potter	Van Gilst
Doderer	Lamborn	Rabedeaux	Walsh
Erskine	Laverty	Rhodes	

Nays, none.

Absent or not voting, 3:

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

SENATE FILE WITHDRAWN

Senator Miller asked and received unanimous consent that **Senate File 1007** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senate File 333

On motion of Senator Kennedy, Senate File 333, a bill for an act relating to the revocation or suspension of operators' or chauffeurs' licenses, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Neu offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 333 as follows:
- 2 1. Page 1, lines 24 and 25 by striking the
- 3 words "*the attorney general consents to, or*".
- 4 2. Page 1, line 25, by striking the comma ","
- 5 after the word "orders".

The amendment was adopted.

RE-REFERRED TO COMMITTEE

On motion of Senator Kyhl, **Senate File 333** was re-referred to the committee on law enforcement for further study.

CONSIDERATION OF BILLS

Senate File 334

On motion of Senator Shawver, **Senate File 334**, a bill for an act relating to the vending of foods and beverages and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

SENATE FILE DEFERRED

Senator Potgeter asked and received unanimous consent that further action on **Senate File 334** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senate File 360

On motion of Senator Riley, **Senate File 360**, a bill for an act relating to penalties for the operation of coin machines by false means, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Riley offered the following amendment filed by Senator Thordsen:

- 1 Amend Senate File 360 as follows:
- 2 1. Page 2, line 26, by striking the words
- 3 "*penitentiary or*".
- 4 2. Page 2, line 30, by striking the word "*five*"
- 5 and inserting in lieu thereof the word "*two*".
- 6 3. Page 3, line 17, by striking the words
- 7 "*penitentiary or*".
- 8 4. Page 3, line 21, by striking the word "*five*"
- 9 and inserting in lieu thereof the word "*two*".

SENATE FILE DEFERRED

Senator Doderer moved that **Senate File 360** be referred to the committee on judiciary for further study.

Senator Lamborn moved as a substitute motion that further action on **Senate File 360** be deferred and that the bill be placed on the calendar under **unfinished business**, which motion prevailed.

CONSIDERATION OF BILLS

Senate File 1013

On motion of Senator Rabedeaux, Senate File 1013, a bill for an act relating to the rate of interest on public utility refunds to customers, was taken up and considered.

Senator Mowry asked and received unanimous consent that the following amendment by the committee on commerce be withdrawn:

- 1 Amend Senate File 1013, line 18 after the period by
- 2 adding the following: "Such rate shall not exceed nine
- 3 cents on the hundred by the year."

Senator Rabedeaux offered the following amendment:

- 1 Amend Senate File 1013, line 18 after the period by adding
- 2 the following: "Such rate of interest shall be not less
- 3 than five percent per annum, nor more than nine percent per
- 4 annum."

(Senate File 1013 pending.)

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1014, a bill for an act relating to disposition of obsolete instruments in county recorder's office.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1016, a bill for an act relating to the use of fees and funds received by the Iowa soldiers home.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1032, by Senator Milligan (Kreamer), a bill for an act relating to grounds for refusal to register motor vehicles.

Read first time and passed on file.

Senate File 1033, by Senator Van Drie, a bill for an act relating to state employees' benefits.

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

Senate File 1034, by Senator Potgeter, a bill for an act relating to facilities required of class "B" beer permit holders.

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

Senate File 1035, by Senator Potter, a bill for an act relating to requirements for a financing statement under Article Nine of the Uniform Commercial Code.

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

Senate File 1036, by Senator Anderson, a bill for an act relating to the branding of livestock, providing for rules and regulations, providing for fees and providing a penalty for violations.

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

Senate File 1037, by Senator Anderson, a bill for an act relating to special deer-hunting licenses.

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

Senate File 1038, by Senator Van Gilst, a bill for an act relating to eminent domain.

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

Senate File 1039, by Senators Messerly and Conklin, a bill for an act relating to juvenile court probation services; authorizing the commissioner of social services to make payments of state funds to counties for special juvenile court probation supervision programs, providing procedures and requirements for county participation, formulas for payments to counties, promulgation of rules and making an appropriation.

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

HOUSE MESSAGES CONSIDERED

House File 1014, a bill for an act relating to disposition of obsolete instruments in the county recorder's office.

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

House File 1016, a bill for an act relating to the use of fees and funds received by the Iowa soldiers home.

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

REPORT OF COMMITTEE

Senator Griffin submitted the following report:

MR. PRESIDENT: Your committee on human and industrial relations, to which was referred **Senate File 566**, a bill for an act relating to private employment agency fees and appeals from decisions of the labor commissioner, begs leave to report it has had the same under consideration and recommends the bill be amended in accordance with the DeKoster amendment filed June 10, 1971, and found on page 1758 of the 1971 Senate Journal, and when so amended the bill do pass.

JAMES W. GRIFFIN, SR., Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 334 as follows:
 2 Page 4, line 7, by inserting after the period the
 3 following:
 4 "Any person whose license is revoked, or who is
 5 ordered to discontinue the operation of any vending
 6 machine or commissary, may appeal such decision to the
 7 secretary. The secretary or his designee shall schedule
 8 and hold a hearing upon the appeal not later than thirty
 9 days from the time of revocation or the order of dis-
 10 continuance, and shall issue his decision immediately
 11 following the hearing. Any person aggrieved by the
 12 decision of the secretary or his designee may appeal
 13 such decision to the district court."

JAMES A. POTGETER

1 Amend Senate File 356 as follows:
 2 1. Page 2, by striking lines 25 through 32, inclusive,
 3 and by inserting in lieu thereof the following:
 4 "fee of five (5) dollars shall be paid for each initial
 5 permit and two (2) dollars for each renewed permit to carry
 6 a concealed weapon. It shall be paid when application is
 7 made and shall not be refunded if the application is denied.
 8 The sheriff shall remit two (2) dollars of the initial per-
 9 mit fee to the county treasurer for deposit in the county
 10 general fund and remit the balance to the treasurer of state
 11 for deposit in the state general fund on January first and
 12 July first of each year. All of the two (2) dollars fee for
 13 renewed permits shall be remitted by the sheriff to the
 14 county treasurer for deposit in the county general fund. A
 15 permit fee shall not be charged for the issuance of a".

LEE H. GAUDINEER, JR.
 LEIGH R. CURRAN

1 Amend Senate File 379 as follows:
 2 1. Page 4, by inserting after line 22 the following
 3 new section:
 4 "Sec. 9. Section three hundred twenty-one point
 5 twenty-three (321.23), Code 1971, as amended by chapter
 6 one hundred seventy-six (176), section two (2), Acts of

- 7 the Sixty-fourth General Assembly, First Session, is
 8 amended by adding the following new subsection:
 9 Any vehicle which does not meet the equipment require-
 10 ments of this chapter due to the particular use for which
 11 it is designed or intended, may be registered and titled
 12 by the department upon payment of appropriate fees and
 13 after inspection and certification by the department that
 14 the vehicle is not in an unsafe condition and will not
 15 endanger any person. If the department's inspection
 16 reveals that that vehicle may be safely operated only
 17 under certain conditions or on certain types of roadways,
 18 the department may restrict the registration to limit
 19 operation of the vehicle to the appropriate conditions
 20 or roadways.”
 21 2. Page 4, line 23, by striking the number “9” and
 22 inserting in lieu thereof the number “10”.
 23 3. Page 4, line 31, by striking the number “10” and
 24 inserting in lieu thereof the number “11”.
 25 4. Amend the title on page 1, line 1, by striking

Page 2

- 1 the word “on” and inserting in lieu thereof the words
 2 “requirements on specially-designed” and on line 2, by
 3 striking the words “used by railroad companies”.

TOM RILEY

- 1 Amend Senate File 1013, as follows:
 2 1. Line 5, by striking the word “amended” and inserting
 3 in lieu thereof the words “hereby repealed.”
 4 2. By striking all on lines 6 through 18.

GENE W. GLENN

- 1 Amend Senate File 1023 by adding after line 20 the
 2 following new section:
 3 “Sec. 2. Section three hundred twenty-one point
 4 one hundred seventeen (321.117), Code 1971 is amended to
 5 read as follows:
 6 321.117 MOTORCYCLE AND HEARSE FEES. For all motor-
 7 cycles the annual fee shall be [five] *ten* dollars. When
 8 said motorcycle has been registered five times, the annual
 9 registration fee shall be one-half the rate when new.
 10 The annual registration fee for hearses shall be thirty
 11 dollars. Passenger car plates shall be issued for hearses.”

RUDY VAN DRIE

- 1 Amend House File 412 by inserting after line 8 the following
 2 new section:
 3 “Sec. 2. Section seventeen A point one (17A.1), sub-
 4 section three (3), Code 1971, is amended by striking the sub-
 5 section and inserting in lieu thereof the following:
 6 3. ‘Rule’ means any rule, regulation, order or standard
 7 of general application that implements, interprets, or pre-
 8 scribes law or policy, or describes the organization, pro-
 9 cedure, or practice requirements of an agency or the amendment,
 10 supplement, repeal, rescission, or revision of any rule,

11 regulation, order, or standard of general application.
12 'Rule' does not include any statement concerning only the
13 internal management of an agency and not affecting the rights
14 or procedures available to the public. 'Rule' does not include
15 rules adopted relating to the management, discipline, or release
16 of any person committed to any state institution, nor rules of an
17 agency which may be necessary during emergencies such as floods,
18 epidemics, invasion, or other disasters."

JOHN L. MOWRY

JAMES A. POTGETER

1 Amend Senate File 1024, line 18, by inserting
2 after the word "hour":
3 "*but not below the federal minimum wage law*".

JOHN E. TAPSCOTT

1 Amend Senate File 1024, line 23, by striking
2 the period and inserting the following:
3 "*, except social security.*"

JOHN E. TAPSCOTT

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Thursday, January 20, 1972.

JOURNAL OF THE SENATE

ELEVENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, JANUARY 20, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend C. Kent Wever, pastor of the Grace United Methodist Church, New Albin, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, January 19, 1972, was approved.

PRESENTATION OF VISITORS

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

Fifty-two students from Merrill Junior High School, Des Moines, Iowa, accompanied by Mrs. F. Johnson and Mr. B. Linthicum. Senator Milligan.

One hundred sixteen students from Lincoln High School, Des Moines, Iowa, accompanied by Mrs. Carol Brown. Senator Tapscott.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Waterbury, Waterloo, Iowa.

INTRODUCTION OF BILLS

Senate Joint Resolution 1001, by Senator Mowry, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the seat of government.

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

Senate File 1040, by committee on transportation (committee on transportation), a bill for an act to create a state department of transportation and to make an appropriation therefor.

Read first time and referred to committee on **appropriations** (under rule 37).

SUPPLEMENTAL REPORT OF
COMMITTEE ON MEMORIAL RESOLUTIONS

Senator Stephens submitted the following supplemental report and moved its adoption:

MR. PRESIDENT: Your committee on memorial resolutions begs leave to report that a committee should be appointed to prepare a suitable memorial resolution for the following deceased member of the Senate:

John N. Calhoun, Van Buren and Jefferson Counties

RICHARD L. STEPHENS, Chairman
RUDY VAN DRIE
CHARLES P. MILLER

The motion prevailed and the report was adopted.

ANNOUNCEMENT BY PRESIDENT OF THE SENATE

President Jepsen announced the appointment of the following memorial resolution committee on John N. Calhoun:

Senator Miller, Chairman
Senator Davis
Senator Stephens

HOUSE AMENDMENTS CONSIDERED

Senate File 392

Senator Stephens called up for consideration Senate File 392, a bill for an act relating to the eradication of hog cholera and the control and eradication of the swine diseases, amended by the House as follows:

- 1 Amend Senate File 392, as amended, passed, and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 4A, line 1, by inserting after the word "moved"
- 4 the words " , except native Iowa swine raised from birth that
- 5 are purchased at any market for resale as slaughter animals
- 6 or for the production of biological products, and except
- 7 native Iowa swine purchased for any purpose at an Iowa
- 8 auction market operating under a valid Iowa permit,".
- 9 2. Page 4A, by inserting after line 19 the following:
- 10 "All such movements of swine shall be completed within
- 11 seventy-two hours unless an extension of time for movement
- 12 is granted by the department."
- 13 3. Page 4A, line 26, by inserting after the word
- 14 "department" the words "and all native Iowa swine sold
- 15 which are moved directly from farm to farm".
- 16 4. Page 5A, lines 5 and 6, by striking the words
- 17 " , involving not more than two markets,".

Senator Stephens moved that the Senate refuse to concur in the House amendment and requested a roll call.

On the question "Shall the Senate refuse to concur in the House amendment?" (S.F. 392) the vote was:

Ayes, 37:

Arbuckle	Erskine	Kyhl	Rhodes
Balloun	Gaudineer	Lamborn	Riley
Bass	Gilley	Messerly	Shaff
Brownlee	Glenn	Milligan	Shawver
Carlson	Graham	Mowry	Smith
Conklin	Griffin	Neu	Stephens
Curran	Gross	Nicholson	Thordsen
Davis	Hill	Ollenburg	Van Gilst
DeKoster	Keith	Potter	Walsh
Doderer			

Nays, 11:

Anderson	Kennedy	Potgeter	Tapscott
Briles	Miller	Robinson	Van Drie
Coleman	Palmer	Schaben	

Absent or not voting, 2:

Laverty	Rabedeaux
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The motion prevailed and the Senate refused to concur in the House amendment.

UNFINISHED BUSINESS**Senate File 334**

On motion of Senator Shawver, Senate File 334, a bill for an act relating to the vending of foods and beverages and providing a penalty, was taken up for further consideration.

Senator Potgeter offered the following amendment filed by him:

- 1 Amend Senate File 334 as follows:
- 2 Page 4, line 7, by inserting after the period the
- 3 following:
- 4 "Any person whose license is revoked, or who is
- 5 ordered to discontinue the operation of any vending
- 6 machine or commissary, may appeal such decision to the
- 7 secretary. The secretary or his designee shall schedule
- 8 and hold a hearing upon the appeal not later than thirty
- 9 days from the time of revocation or the order of dis-
- 10 continuance, and shall issue his decision immediately
- 11 following the hearing. Any person aggrieved by the
- 12 decision of the secretary or his designee may appeal
- 13 such decision to the district court."

Senator Potgeter offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Potgeter amendment to Senate File 334,
- 2 filed January 19, 1972, by striking from line 2 the

3 number "7" and inserting in lieu thereof the number
4 "29".

The amendment to the amendment was adopted.

On motion of Senator Potgeter, the amendment as amended was adopted.

Senator Shawver moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 334) the vote was:

Ayes, 43:

Balloun	Gilley	Milligan	Schaben
Bass	Glenn	Mowry	Shaff
Briles	Graham	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rhodes	Van Gilst
Erskine	Messerly	Riley	Walsh
Gaudineer	Miller	Robinson	

Nays, 1:

Anderson

Voting present, 1:

Arbuckle

Absent or not voting, 5:

Conklin	Griffin	Laverty	Rabedeaux
Davis			

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

CONSIDERATION OF BILLS

Senate File 1002

On motion of Senator Briles, Senate File 1002, a bill for an act requiring posting of bond in conjunction with petitioning to establish a rural water district, was taken up and considered.

Senator Briles asked and received unanimous consent that House File 1012 be substituted for Senate File 1002.

House File 1012

On motion of Senator Briles, House File 1012, a bill for an act requiring posting a bond in conjunction with petition to establish a rural water district, was taken up and considered.

Senator Briles offered the following amendment and moved its adoption:

- 1 Amend House File 1012 as follows:
- 2 Line 7, by adding after the word "bond" the
- 3 following: ", certified check or cash".

The amendment was adopted.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1033, a bill for an act relating to the regulation of liquid transport carriers.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1041, by Senators Glenn, Kennedy, Lamborn, and Potter (Doyle, Kelly, McCormick, Schwieger, and Christensen), a bill for an act relating to furloughs and work release programs for inmates.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1033, a bill for an act relating to the regulation of liquid transport carriers.

Read first time and passed on file.

The Chair requested a roll call to determine whether or not a quorum was present.

Roll call revealed a quorum was present.

CONSIDERATION OF BILLS

House File 1012

The Senate resumed consideration of House File 1012.

President Jepsen took the chair at 2:12 p.m.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1012) the vote was:

Rule 24 was invoked.

Ayes, 22:

Anderson	Conklin	Messerly	Shaff
Arbuckle	Gilley	Nicholson	Shawver
Balloun	Griffin	Ollenburg	Stephens
Bass	Gross	Potter	Thordsen
Briles	Kyhl	Schaben	Van Gilst
Carlson	Lamborn		

Nays, 23:

Brownlee	Gaudineer	Mowry	Robinson
Curran	Glenn	Neu	Smith
Davis	Hill	Palmer	Tapscott
DeKoster	Kennedy	Potgeter	Van Drie
Doderer	Laverty	Rhodes	Walsh
Erskine	Milligan	Riley	

Absent or not voting, 5:

Coleman	Keith	Miller	Rabedeaux
Graham			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

SENATE FILE WITHDRAWN

Senator Briles asked and received unanimous consent that **Senate File 1002** be withdrawn from further consideration of the Senate.

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 1003** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1004

On motion of Senator Briles, Senate File 1004, a bill for an act relating to the valuation of certain public utilities, was taken up and considered.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S. F. 1004) the vote was:

Ayes, 41:

Anderson	Gilley	Mowry	Schaben
Arbuckle	Glenn	Neu	Shaff
Briles	Griffin	Nicholson	Shawver
Brownlee	Gross	Ollenburg	Smith
Carlson	Hill	Palmer	Stephens
Conklin	Kyhl	Potgeter	Tapscott
Curran	Lamborn	Potter	Thordsen
DeKoster	Laverty	Rhodes	Van Drie
Doderer	Messerly	Riley	Van Gilst
Erskine	Milligan	Robinson	Walsh
Gaudineer			

Nays, 2:

Balloun Bass

Absent or not voting, 7:

Coleman	Graham	Kennedy	Rabedeaux
Davis	Keith	Miller	

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

Senate File 1006

On motion of Senator Briles, Senate File 1006, a bill for an act relating to disposition of obsolete instruments in the county recorder's office, was taken up and considered.

Senator Briles asked and received unanimous consent that House File 1014 be substituted for Senate File 1006.

House File 1014

On motion of Senator Briles, House File 1014, a bill for an act relating to disposition of obsolete instruments in the county recorder's office, was taken up and considered.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1014) the vote was:

Ayes, 42:

Anderson	Erskine	Milligan	Robinson
Arbuckle	Gaudineer	Mowry	Schaben
Balloun	Gilley	Neu	Shaff
Bass	Glenn	Nicholson	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Gross	Palmer	Stephens
Carlson	Hill	Potgeter	Tapscott
Conklin	Kyhl	Potter	Van Drie
Curran	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh
Doderer	Messerly		

Nays, none.

Absent or not voting, 8:

Coleman	Graham	Kennedy	Rabedeaux
Davis	Keith	Miller	Thordsen

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

SENATE FILE WITHDRAWN

Senator Briles asked and received unanimous consent that Senate File 1006 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

House File 677

On motion of Senator Anderson, House File 677, a bill for an act relating to corrective amendments to the statute on self-liquidating improvements, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Anderson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 677) the vote was:

Ayes, 43:

Anderson	Erskine	Milligan	Schaben
Arbuckle	Gaudineer	Mowry	Shaff
Balloun	Gilley	Neu	Shawver
Bass	Glenn	Nicholson	Smith
Briles	Griffin	Ollenburg	Stephens
Brownlee	Gross	Palmer	Tapscott
Carlson	Hill	Potgeter	Thordsen
Conklin	Kyhl	Potter	Van Drie
Curran	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh
Doderer	Messerly	Robinson	

Nays, none.

Absent or not voting, 7:

Coleman	Graham	Kennedy	Rabedeaux
Davis	Keith	Miller	

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

Senate File 1015

On motion of Senator Brownlee, Senate File 1015, a bill for an act relating to expert witness fees, was taken up and considered.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1015) the vote was:

Rule 24 was invoked.

Ayes, 33:

Anderson	Gaudineer	Laverty	Robinson
Briles	Glenn	Milligan	Shaff
Brownlee	Griffin	Mowry	Stephens
Carlson	Gross	Neu	Tapscott
Conklin	Hill	Nicholson	Thordsen
Curran	Kennedy	Palmer	Van Drie
DeKoster	Kyhl	Potgeter	Van Gilst
Doderer	Lamborn	Riley	Walsh
Erskine			

Nays, 10:

Arbuckle	Messerly	Rhodes	Shawver
Balloun	Ollenburg	Schaben	Smith
Gilley	Potter		

Absent or not voting, 7:

Bass	Davis	Keith	Rabedeaux
Coleman	Graham	Miller	

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

ADOPTION OF CONCURRENT RESOLUTION

Senator Riley called up for consideration **Senate Concurrent Resolution 102**, found on page 37 of the Senate Journal, and moved adoption of the report of the judiciary committee recommending passage.

The motion prevailed and the committee report was adopted.

Senator Riley asked and received unanimous consent that **House Concurrent Resolution 102** be substituted for **Senate Concurrent Resolution 102**.

On motion of Senator Riley, **House Concurrent Resolution 102** was adopted.

Senator Riley asked and received unanimous consent that **Senate Concurrent Resolution 102** be withdrawn from further consideration of the Senate.

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 356** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 412

On motion of Senator Potgeter, House File 412, a bill for an act relating to administrative rules of departments of the state, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry offered the following amendment filed by Senators Mowry and Potgeter:

- 1 Amend House File 412 by inserting after line 8 the following
- 2 new section:
- 3 "Sec. 2. Section seventeen A point one (17A.1), sub-
- 4 section three (3), Code 1971, is amended by striking the sub-
- 5 section and inserting in lieu thereof the following:
- 6 3. 'Rule' means any rule, regulation, order or standard
- 7 of general application that implements, interprets, or pre-
- 8 scribes law or policy, or describes the organization, pro-
- 9 cedure, or practice requirements of an agency or the amendment,
- 10 supplement, repeal, rescission, or revision of any rule,
- 11 regulation, order, or standard of general application.
- 12 'Rule' does not include any statement concerning only the
- 13 internal management of an agency and not affecting the rights
- 14 or procedures available to the public. 'Rule' does not include
- 15 rules adopted relating to the management, discipline, or release
- 16 of any person committed to any state institution, nor rules of an
- 17 agency which may be necessary during emergencies such as floods,
- 18 epidemics, invasion, or other disasters."

(House File 412 pending.)

COMMUNICATION

The following communication was presented:

OFFICE OF THE GOVERNOR

August 14, 1971

The Honorable Roger W. Jepsen
Lieutenant Governor of Iowa
State Capitol
Local

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Howard Bell of Ames, Story County, Iowa for appointment as a member of the Iowa State Commerce Commission, under the provisions of Section 474.2 of the 1971 Code of Iowa for the unexpired portion of a term ending June 30, 1975.

Sincerely,

ROBERT D. RAY
Governor

ANNOUNCEMENT OF INVESTIGATING COMMITTEES

President Jepsen, in accordance with section 2.32, Code 1971, announced the appointment of the following Senators to investigating committees:

As State Superintendent of Public Instruction:

Dr. Robert D. Benton of Council Bluffs, Pottawattamie County, Iowa, for the term ending January 1, 1975.

Senator Griffin, Chairman
Senator Conklin
Senator Davis
Senator Kennedy
Senator Stephens

As a member of the Iowa State Commerce Commission:

Howard Bell of Ames, Story County, Iowa, for the unexpired portion of a term ending June 30, 1975.

Senator Van Drie, Chairman
Senator Mowry
Senator Coleman
Senator Kyhl
Senator Rabedeaux

EXPLANATION OF VOTE

My vote against Senate File 334 was not in opposition to the intent of the bill, but was in rejection to an inadequate description in the title, in my opinion. It stated, "An Act relating to the vending of foods and beverages and providing a penalty". It should have stated, "beverages other than pre-bottled or canned soft drinks", which was removed from the subject matter of the bill.

QUENTIN V. ANDERSON

BILLS ASSIGNED TO COMMITTEE

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

- S.J.R. 1001 Constitutional amendments and reapportionment
- S. F. 1027 State government
- S. F. 1029 Judiciary
- S. F. 1032 Law enforcement
- S. F. 1033 State government
- S. F. 1034 Law enforcement
- S. F. 1035 Judiciary
- S. F. 1036 Agriculture
- S. F. 1037 Conservation and recreation
- S. F. 1038 Judiciary
- S. F. 1039 Social services
- H. F. 629 Transportation
- H. F. 1016 Appropriations

REPORT OF COMMITTEE

Senator Stephens submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred **House File 391**, a bill for an act relating to the bonding of operators of slaughterhouses buying cattle, hogs or sheep, and the bonding of agents, dealers, or brokers of such operators, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the agriculture committee amendment filed May 3, 1971, found on page 1095 of the 1971 Senate Journal and further amended in accordance with the following amendment; and when so amended the bill do pass:**

- 1 Amend House File 391 as passed by the House as follows:
 - 2 1. Page 4, line 4, by striking the word "fifty" and
 - 3 inserting in lieu thereof the words "two hundred".
 - 4 2. Page 4, line 5, by striking the word "fifty" and
 - 5 inserting in lieu thereof the words "two hundred".
 - 6 3. Page 4, line 6, by striking the word "fifty" and
 - 7 inserting in lieu thereof the words "two hundred".

RICHARD L. STEPHENS, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the Gaudineer-Curran amendment to Senate File
- 2 356, filed January 19, 1972, as follows:
 - 3 1. Line 5, by inserting after the word "renewed"
 - 4 the words "or duplicate".
 - 5 2. Line 13, by inserting after the word "renewed"
 - 6 the words "or duplicate".

LEE H. GAUDINEER, JR.

1 Amend Senate File 1003 by striking all of lines 9
2 and 10 as follows:
3 "certify a default to the court which [may] *shall*, on
4 its own motion, proceed as provided in section 598.23.",
5 and insert in lieu thereof the following:
6 "[certify a default to the court which may on its own
7 motion, proceed as provided in section 598.23.] *certify*
8 *a default to the court and to the county attorney of*
9 *that county. The county attorney shall ascertain from*
10 *the county board of social welfare if the person to whom*
11 *support payments have been awarded is a recipient of*
12 *public assistance, and shall notify the court of any such*
13 *public assistance. If said person is a recipient of*
14 *public assistance through the county board of social welfare,*
15 *the county attorney shall apply to the court for proceedings*
16 *in contempt as provided in section five hundred ninety-eight*
17 *point twenty-three (598.23) of the Code. In cases where*
18 *public assistance is not involved the court may proceed*
19 *as provided in section five hundred ninety-eight point*
20 *twenty-three (598.23) of the Code".*

MINNETTE F. DODERER

1 Amend Senate File 1024, page 1, line 16, by inserting
2 after the word "person" the words "*, except women with*
3 *children under the age of fourteen years,*".

MINNETTE F. DODERER

1 Amend Senate File 1024, page 1, line 22, by inserting
2 after the word "highways" the words "*, except that no*
3 *person shall be employed to displace a person who is*
4 *employed by the county*".

MINNETTE F. DODERER

1 Amend House File 577, as passed by the House, page 2,
2 line 21, by striking "five" and inserting in lieu thereof
3 "three".

ALDEN J. ERSKINE

1 Amend House File 1011, page 19, after line 5, by adding the
2 new section as follows:
3 "Sec. This Act shall take effect and be in force on
4 April 17, 1972 after its publication in the Waterloo Daily
5 Courier, a newspaper published in Waterloo, Iowa, and in The
6 Record, a newspaper published in Cedar Falls, Iowa."

W. CHARLENE CONKLIN

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Friday, January 21, 1972.

JOURNAL OF THE SENATE

TWELFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, JANUARY 21, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Richard Bentzinger, pastor of the St. John's United Methodist Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, January 20, 1972, was approved.

PRESENTATION OF VISITORS

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

Two hundred students, members of Girl Scout Troops from Anamosa, Cedar Rapids, Marion, Palo and Shellsburg, Iowa, accompanied by twenty-one adult leaders. Senator Riley.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. V. L. Schlaser, Des Moines, Iowa.

INTRODUCTION OF BILLS

Senate File 1042, by Senators Lamborn, Potter, Glenn and Kennedy (McCormick, Schwieger, Christensen, Doyle and Kelly), a bill for an act relating to employees and representatives of the board of parole.

Read first time and passed on file.

Senate File 1043, by Senator Briles (Pellett), a bill for an act relating to the tax levy for flood and erosion control.

Read first time and passed on file.

SENATE FILES DEFERRED

Senator DeKoster asked and received unanimous consent that further action on **Senate File 360** be deferred and that the bill retain its place on the **calendar**.

Senator DeKoster asked and received unanimous consent that further action on **Senate File 1013** be deferred and that the bill retain its place on the **calendar**.

UNFINISHED BUSINESS

House File 412

On motion of Senator Potgeter, House File 412, a bill for an act relating to administrative rules of departments of the state, was taken up for further consideration.

The Senate resumed consideration of the following amendment by Senators Mowry and Potgeter:

- 1 Amend House File 412 by inserting after line 8 the following
- 2 new section:
- 3 "Sec. 2. Section seventeen A point one (17A.1), sub-
- 4 section three (3), Code 1971, is amended by striking the sub-
- 5 section and inserting in lieu thereof the following:
- 6 3. 'Rule' means any rule, regulation, order or standard
- 7 of general application that implements, interprets, or pre-
- 8 scribes law or policy, or describes the organization, proce-
- 9 dure, or practice requirements of an agency or the amendment,
- 10 supplement, repeal, rescission, or revision of any rule,
- 11 regulation, order, or standard of general application.
- 12 'Rule' does not include any statement concerning only the
- 13 internal management of an agency and not affecting the rights
- 14 or procedures available to the public. 'Rule' does not include
- 15 rules adopted relating to the management, discipline, or release
- 16 of any person committed to any state institution, nor rules of an
- 17 agency which may be necessary during emergencies such as floods,
- 18 epidemics, invasion, or other disasters."

Action on the Mowry-Potgeter amendment was deferred temporarily for the consideration of the following amendment offered by Senator Hill:

- 1 Amend House File 412 as amended and passed by the
- 2 House by striking all after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section seventeen A point one (17A.1),
- 5 subsection three (3), Code 1971, is amended by striking
- 6 the subsection and inserting in lieu thereof the following:
- 7 3. 'Rule' means any rule, regulation, order or standard
- 8 of general application that implements, interprets, or
- 9 prescribes law or policy, or describes the organization,
- 10 procedure, or practice requirements of an agency or the
- 11 amendment, supplement, repeal, rescission, or revision of

12 any rule, regulation, order, or standard of general
 13 application.
 14 'Rule' does not include any statement concerning only
 15 the internal management of an agency and not affecting
 16 the rights or procedures available to the public. 'Rule'
 17 does not include rules adopted relating to the management,
 18 discipline, or release of any person committed to any
 19 state institution, nor rules of an agency which may be
 20 necessary during emergencies such as floods, epidemics,
 21 invasion, or other disasters."

Senator Glenn moved that House File 412 be re-referred to the committee on state government.

The motion lost.

Senator Hill moved the adoption of his amendment and called for a division.

The amendment was adopted.

The Chair ruled the Mowry-Potgeter amendment improper with the adoption of the Hill amendment.

Senator Schaben offered the following amendment and moved its adoption:

1 Amend House File 412, as amended and passed by the
 2 House, by adding the following new section after line 8:
 3 "Sec. The rules review committee may upon its
 4 own motion require that a department meet with it to
 5 discuss and review rules already promulgated and in
 6 force and thereafter render to such department an advisory
 7 opinion requesting that such rules be amended or revised."

The amendment was adopted.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 412) the vote was:

Ayes, 38:

Anderson	Doderer	Laverty	Schaben
Arbuckle	Erskine	Messerly	Shaff
Balloun	Gilley	Milligan	Shawver
Bass	Graham	Mowry	Smith
Brownlee	Griffin	Neu	Stephens
Carlson	Hill	Nicholson	Thordsen
Coleman	Keith	Potgeter	Van Drie
Conklin	Kennedy	Potter	Van Gilst
Curran	Kyhl	Robinson	Walsh
DeKoster	Lamborn		

Nays, 5:

Gaudineer Glenn	Gross	Palmer	Tapscott
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Absent or not voting, 7:

Briles Davis	Miller Ollenburg	Rabedeaux Rhodes	Riley
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

INTRODUCTION OF BILLS

Senate File 1044, by Senator Riley, a bill for an act to provide an alternate method for determining the taxable values of the inventories of certain types of merchants and manufacturers.

Read first time and passed on file.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1012 failed to pass the Senate.

JOHN L. MOWRY

COMMUNICATION FROM THE SECRETARY OF THE SENATE
REPORT OF THE SUPREME COURT
IN THE MATTER OF THE
RULES OF CIVIL PROCEDURE

To the Second Regular Session of the Sixty-fourth General Assembly of the State of Iowa:

Pursuant to Sections 684.18, 684.19 and 684.21, Code 1971, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in the existing Rules of Civil Procedure as follows:

Rules 377. Duties and powers of chief judges.

Rule 377, Code 1971, is amended:

1. By inserting after the semi-colon (;) in line eleven (11) a phrase and semi-colon (;) as follows: "they may call meetings of the municipal judges in their district for the purpose of considering mutual problems;"

2. By adding thereto a paragraph as follows:

"The chief judge of a judicial district may appoint from the other judges an assistant or assistants to serve on a judicial district-wide basis and at his pleasure. When so acting, such an assistant shall have those powers and duties given to the chief judge by statute or rule of court which are specified in the order of his appointment. Such appointment shall by general order be made a matter of record in each county in the judicial district."

Respectfully submitted,

THE SUPREME COURT OF IOWA
C. EDWIN MOORE, Chief Justice

Des Moines, Iowa
January 21, 1972

ACKNOWLEDGMENT

I, Carroll A. Lane, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the 21st day of January, 1972 of the foregoing report of the Supreme Court of Iowa pertaining to Rules of Civil Procedure.

CARROLL A. LANE
Secretary of the Senate, Second
Regular Session of the Sixty-fourth
General Assembly of the State of Iowa

ANNOUNCEMENT BY PRESIDENT OF THE SENATE

President Jepsen announced the appointment of Senator Vernon H. Kyhl to the committee on constitutional amendments and reapportionment.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1041 Social services
- S. F. 1042 State government
- S. F. 1043 Ways and means
- S. F. 1044 Ways and means

REPORT OF COMMITTEE

Senator Smith submitted the following report:

MR. PRESIDENT: Your committee on constitutional amendments and reapportionment to which was referred **House Joint Resolution 2**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the appropriation of fines as provided by law, begs leave to report it has had the same under consideration and recommends the same **do pass**.

MARVIN W. SMITH, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1030, page 2, line 5, by striking the period
- 2 and adding the following: "and cause to be published the names
- 3 of all welfare recipients involving state funds."

CHARLES F. BALLOUN

- 1 Amend House File 734, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 4, after the word "Beautification"
- 4 insert the words "and Billboard".
- 5 2. Page 1, line 11, after the word "junkyards"
- 6 insert the words "and to control outdoor advertising".

7 3. By striking everything found on pages 2 through
8 4, inclusive, and inserting in lieu thereof the
9 following:

10 Section 1. DEFINITIONS. For the purposes of sections
11 one (1) through nine (9), inclusive, of this Act, unless
12 the context otherwise requires:

13 1. "Junk" means old or scrap copper, brass, rope,
14 rags, batteries, paper, trash, rubber debris, waste,
15 or junked, dismantled, or wrecked automobiles, or parts
16 of automobiles, or iron, steel, or other old or scrap
17 ferrous or nonferrous material.

18 2. "Junkyard" means an establishment or place of
19 business which is maintained, operated, or used primarily
20 for storing, keeping, buying, or selling junk; and the
21 term includes garbage dumps, sanitary fills, and
22 automobile graveyards.

23 3. "Interstate highway" includes "interstate road"
24 and "interstate system" and means any highway of the
25 primary system at any time officially designated as

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1 a part of the national system of interstate and defense
2 highways by the commission and approved by the
3 appropriate authority of the federal government.

4 4. "Primary highway" includes the federal aid primary
5 system and means that portion of connected main highways
6 which are currently or subsequently officially designated
7 as primary highways by the commission and approved by
8 the appropriate authority of the federal government.

9 5. "Commission" means the state highway commis-
10 sion.

11 Sec. 2. JUNKYARDS PROHIBITED—EXCEPTIONS. A person
12 shall not establish, operate, or maintain a junkyard,
13 any portion of which is within one thousand feet of
14 the nearest edge of the right-of-way of any interstate
15 or primary highway, except:

16 1. Those which are screened by natural objects,
17 plantings, fences, or other appropriate means obscuring
18 them from view from the main-traveled portion of the
19 highway.

20 2. Those located within areas which are zoned for
21 industrial use under authority of law.

22 3. Those located within unzoned industrial areas
23 which areas shall be determined from actual land uses
24 and defined by regulations to be promulgated by the
25 commission under the provisions of chapter seventeen

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1 A (17A) of the Code in accordance with the standards,
2 criteria, and rules and regulations promulgated under
3 authority of Title twenty-three (23), United States
4 Code.

5 4. Those which are not visible from the main-traveled
6 portion of the highway.

7 Sec. 3. JUNKYARDS LAWFULLY IN EXISTENCE. Any

8 junkyard located outside a zoned or unzoned industrial
 9 area lawfully in existence on the effective date of
 10 this Act which is within one thousand feet of the nearest
 11 edge of the right-of-way and visible from the main-
 12 traveled portion of any highway on the interstate or
 13 primary system shall be screened, if feasible, by the
 14 commission or the owner under rules and direction of
 15 the commission, at locations on the highway right-of-
 16 way or in areas acquired for such purposes outside the
 17 right-of-way in order to obscure the junkyard from the
 18 main-traveled way of such highways.

19 Sec. 4. REQUIREMENTS AS TO SCREENING. The commission
 20 may adopt rules and regulations pursuant to chapter
 21 seventeen A (17A) of the Code governing the location,
 22 planting, construction, and maintenance of screening
 23 or fencing required by this Act including materials
 24 to be used. However, such rules and regulations shall
 25 be in accordance with the standards, criteria, rules,

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1 and regulations promulgated under authority of Title
 2 twenty-three (23), United States Code.

3 Sec. 5. ACQUISITION OF LAND FOR SCREENING OR RE-
 MOVAL.

4 When the commission determines that it is in the best
 5 interests of the state, it may acquire by gift, purchase,
 6 exchange, or condemnation, as provided by law, such
 7 property or rights or interests in property as may be
 8 necessary to provide adequate screening for junkyards.
 9 When the commission determines that the topography of
 10 the land adjoining the highway will not permit adequate
 11 screening, or screening would not be economically
 12 feasible, the commission may acquire such property or
 13 rights or interests in property as may be necessary
 14 to secure the relocation, removal, or disposal of the
 15 junkyard, and shall pay the cost of such relocation,
 16 removal, or disposal, with or without federal
 17 participation. However, no plan for relocation, removal,
 18 or disposal which qualifies for federal participation
 19 shall be undertaken unless the commission has received
 20 notification from the federal government that the federal
 21 share to be paid is immediately available for that
 22 purpose.

23 Sec. 6. NUISANCE—INJUNCTION. Any junkyard which
 24 does not conform to the requirements of sections one
 25 (1) through nine (9), inclusive, of this Act, and which

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1 is not excepted under sections two (2) or three (3)
 2 of this Act, is a public nuisance. The commission may
 3 apply for an injunction to abate any nuisance arising
 4 from a violation of the provisions of sections one (1)
 5 through nine (9), inclusive, of this Act, or rules and
 6 regulations adopted pursuant to sections one (1) through
 7 nine (9), inclusive, of this Act.

8 Sec. 7. INTERPRETATION. Nothing in this Act shall
9 be construed to abrogate or affect the provisions of
10 any lawful ordinance, regulation, or resolution, which
11 are more restrictive than the provisions of sections
12 one (1) through nine (9), inclusive, of this Act.

13 Sec. 8. AGREEMENTS WITH THE UNITED STATES AU-
THORIZED.

14 The commission may enter into agreements with the United
15 States secretary of transportation as provided by Title
16 twenty-three (23), United States Code, relating to
17 control of junkyards in areas adjacent to the interstate
18 and primary systems, and take action in the name of
19 the state to comply with the terms of such agreements.

20 Sec. 9. Nothing in sections one (1) through nine
21 (9), inclusive, of this Act shall be construed as
22 permitting the taking of private property or the
23 restriction of the reasonable and existing uses of such
24 property without just compensation and in accordance
25 with the provisions of chapter four hundred seventy-

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1 two (472) of the Code and Title twenty-three (23),
2 United States Code.

3 Sec. 10. DEFINITIONS. For the purposes of sections
4 ten (10) through twenty-two (22), inclusive, of this
5 Act, unless the context otherwise requires:

6 1. "Commission" means the state highway commission
7 of the state of Iowa.

8 2. "Interstate highway" includes "interstate road"
9 and "interstate system" and means any highway of the
10 primary system at any time officially designated as
11 a part of the national system of interstate and defense
12 highways by the commission and approved by the
13 appropriate authority of the federal government.

14 3. "Bonus interstate highways" includes all
15 interstate highways except those interstate highways
16 adjacent to areas excepted from control under chapter
17 three hundred six B (306B) by authority of section three
18 hundred six B point two (306B.2), subsection five (5)
19 of the Code.

20 4. "Primary highways" includes the entire primary
21 system as officially designated, or as may hereafter
22 be so designated, by the commission.

23 5. "Freeway primary highway" means those primary
24 highways which have been constructed as a fully
25 controlled access facility with no access to the facility

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1 except at established interchanges.

2 6. "Main-traveled way" means the portion of the
3 roadway for movement of vehicles on which through traffic
4 is carried exclusive of shoulders and auxiliary lanes.

5 In the case of a divided highway, the main-traveled
6 way includes each of the separated roadways for traffic
7 in opposite directions, exclusive of frontage roads,

8 turning roadways, or parking areas.

9 7. "Advertising device" includes any outdoor sign,
10 display, device, figure, painting, drawing, message,
11 placard, poster, billboard, or any other device designed,
12 intended, or used to advertise or give information in
13 the nature of advertising, and having the capacity of
14 being visible from the traveled portion of any interstate
15 or primary highway.

16 8. "Structure" means any sign supporting device
17 including but not limited to buildings.

18 9. "Erect" means to construct, reconstruct, build,
19 raise, assemble, place, affix, attach, create, paint,
20 draw, or in any other way bring into being or establish;
21 however, it shall not include any of the foregoing
22 activities when performed incidental to the customary
23 maintenance of a sign.

24 10. "Maintain" means to cause to remain in a state
25 of good repair but does not include reconstruction.

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1 11. "Reconstruction" means any repair to the extent
2 of sixty percent or more of the replacement cost of
3 the structure, excluding buildings.

4 12. "Visible" means capable of being read or
5 comprehended without visual aid by a person of normal
6 visual acuity.

7 13. "Adjacent area" means an area which is contiguous
8 to and within six hundred and sixty feet of the nearest
9 edge of the right-of-way of any interstate, freeway
10 primary, or primary highway.

11 14. "Right-of-way" means land area dedicated to
12 public use for the highway and its maintenance, and
13 includes land acquired in fee simple or by permanent
14 easement for highway purposes, but does not include
15 temporary easements or rights for supplementary highway
16 appurtenances.

17 15. "Information center" means a site, either with
18 or without structures or buildings, established and
19 maintained at a rest area for the purpose of providing
20 "information of specific interest to the traveling
21 public", as that phrase is defined in section eleven
22 (11), subsection five (5) of this Act.

23 16. "Rest area" means an area or site established
24 and maintained under authority of section three hundred
25 thirteen point sixty-seven (313.67) of the Code within

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1 the right-of-way of an interstate, freeway primary,
2 or primary highway under supervision and control of
3 the commission for the safety, recreation, and
4 convenience of the traveling public.

5 17. "Commercial or industrial zone" means those
6 areas zoned commercial or industrial under authority
7 of a law, regulation, or ordinance of this state, its
8 subdivisions, or a municipality.

9 18. "Commercial or industrial activities" means
10 those activities generally recognized as commercial
11 or industrial by zoning authorities in this state,
12 except that none of the following activities shall be
13 considered commercial or industrial:
14 a. Outdoor advertising structures.
15 b. Agricultural, forestry, grazing, farming, and
16 related activities, including, but not limited to,
17 wayside fresh produce.
18 c. Activities in operation less than three months
19 per year.
20 d. Activities conducted in a building principally
21 used as a residence.
22 e. Railroad tracks and minor spurs.
23 f. Activities outside of adjacent areas, as defined
24 by sections ten (10) through twenty-two (22), inclusive,
25 of this Act.

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1 g. Activities which have been used in defining and
2 delineating an unzoned area but which have since been
3 discontinued or abandoned.
4 h. Residential housing developments.
5 i. Mobile home parks.
6 j. Institutions of learning.
7 k. State, county and charitable institutions.
8 l. State and county conservation and recreation
9 areas, public parks, forests, playgrounds, or other
10 areas of historic interest or areas designated as scenic
11 beautification areas under section three hundred thirteen
12 point sixty-seven (313.67) of the Code.
13 19. "Unzoned commercial or industrial area" means
14 those areas not zoned by state or local law, regulation,
15 or ordinance, which are occupied by one or more
16 commercial or industrial activities, and the land along
17 the interstate, freeway primary, and primary highways
18 for a distance of seven hundred fifty feet immediately
19 adjacent to the activities. All measurements shall
20 be from the outer edge of the regularly used buildings,
21 parking lots, storage, or processing areas of the
22 activities and shall be parallel to the edge of pavement
23 of the highway. Measurements shall not be from the
24 property line of the activities unless that property
25 line coincides with the limits of the activities.

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1 Unzoned commercial or industrial areas shall not include
2 land on the opposite side of the highway from the
3 commercial or industrial activities.
4 Sec. 11. Subject to the provision made in section
5 twelve (12) of this Act regarding control of bonus
6 interstate highways, no advertising device shall be
7 erected or maintained within any adjacent area as defined
8 in section ten (10) of this Act, except the following:
9 1. Signs, displays, and devices advertising the

10 sale or lease of property upon which they are located.

11 2. Signs, displays, and devices advertising
12 activities conducted on the property on which they are
13 located. Such advertising activities shall not be
14 construed to mean activities which are merely ancillary
15 to the primary advertised activities; neither shall
16 the property upon which they are located be construed
17 to mean located upon any contiguous area having
18 inconsistent use, size, shape, or ownership.

19 3. Signs adjacent to such highways located in
20 commercial or industrial zones or in unzoned commercial
21 or industrial areas in compliance with the regulatory
22 standards of sections ten (10) through twenty-two (22),
23 inclusive, of this Act and rules and regulations
24 promulgated by the commission.

25 4. Signs upon or along such highways which are

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1 directional or other official traffic control devices
2 and notices which signs and notices shall include, but
3 not be limited to signs and notices pertaining to natural
4 wonders, scenic and historic attractions which are
5 required or authorized by law which shall conform with
6 rules and regulations promulgated by the commission,
7 provided that such rules shall be consistent with
8 national standards promulgated from time to time by
9 the appropriate authority of the federal government,
10 pursuant to Title twenty-three (23), section one hundred
11 thirty-one (131), paragraph c of the United State Code.

12 5. Signs, displays, and devices giving specific
13 information of interest to the traveling public, may
14 be erected and maintained within the right-of-way in
15 such areas, and at appropriate distances from
16 interchanges on the interstate system as shall conform
17 with the rules and regulations promulgated by the
18 commission. Such rules shall be consistent with national
19 standards promulgated from time to time by the
20 appropriate authority of the federal government pursuant
21 to Title twenty-three (23), section one hundred thirty-
22 one (131), paragraph f of the United States Code. For
23 purposes of sections ten (10) through twenty-two (22),
24 inclusive, of this Act, "specific information of interest
25 to the traveling public", means only information about

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1 public places for outdoor recreation, camping, lodging,
2 eating, and vehicle service and repair, including trade
3 names only if it identifies such places as such.

4 Sec. 12. The commission shall control the erection
5 and maintenance of signs authorized by section eleven
6 (11), subsection three (3) of this Act in accord with
7 the following criteria, except that in the case of bonus
8 interstate highways the commission shall maintain the
9 controls required under chapter three hundred six B
10 (306B) of the Code or the controls required by sections

11 ten (10) through twenty-two (22) of this Act, whichever
12 controls are stricter:

13 1. Interstate highway and freeway primary highways
14 signs shall not be erected or maintained in any place
15 where they are not obscured from the main-traveled way
16 of said highways and closer to another sign facing in
17 the same direction than five hundred feet outside of
18 cities and towns, and within two hundred fifty feet
19 if inside of cities and towns. A sign may not be located
20 within two hundred fifty feet of an interchange, or
21 rest area. The measurement shall be from the nearest
22 widening constructed for the purpose of acceleration
23 or deceleration of traffic movement to or from the main-
24 traveled way to the sign.

25 2. Signs adjacent to primary highways shall not

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1 be erected or maintained closer to another sign facing
2 in the same direction than one hundred feet if inside
3 the corporate limits of a municipality. No sign, other
4 than as excepted or permitted by subsection four (4),
5 five (5), or six (6) of this section, shall be located
6 within the triangular area formed by the line connecting
7 two points each fifty feet back from the point where
8 the street right-of-way lines of the main-traveled way
9 in the intersecting street meet, or would meet, if
10 extended.

11 3. Signs adjacent to primary highways shall not
12 be erected or maintained closer to another sign facing
13 in the same direction than three hundred feet if outside
14 the corporate limits of a municipality. No sign, other
15 than those excepted or permitted by subsections four
16 (4), five (5), or six (6) of this section, shall be
17 located within the triangular area formed by a line
18 connecting two points each one hundred feet back from
19 the point where the street right-of-way lines of the
20 main-traveled way and the intersecting street meet,
21 or would meet, if extended.

22 4. The distance spacing measurements fixed by
23 subsections two (2) and three (3) of this section shall
24 not apply to signs which are separated by a building
25 in such a manner that only one sign located within the

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1 minimum spacing distance is visible from the highway
2 at any one time.

3 5. Within a triangular area, as defined by
4 subsections two (2) and three (3) of this section,
5 occupied by a building or structure, no sign shall be
6 erected or maintained closer to the intersection than
7 the building or structure itself, except that a wall
8 sign may be attached to said building or structure not
9 to protrude more than twelve inches.

10 6. Official signs and signs advertising the sale
11 or lease of the property or activities conducted upon

12 the property as specified in Title twenty-three (23),
13 section one hundred thirty-one (131), paragraph c of
14 the United States Code, shall not be taken into
15 consideration in determining compliance with spacing
16 requirements.

17 7. The minimum distance between two signs facing
18 the same direction shall apply without regard to the
19 side of the highway on which the signs may be located
20 and shall be measured along the center line of the
21 highway between points directly opposite the signs.

22 8. Advertising devices shall not be erected,
23 maintained, or illuminated:

24 a. In a manner to obscure or otherwise physically
25 interfere with an official traffic sign, signal, or

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1 device, or to obstruct or physically interfere with
2 any driver's view of approaching, merging, or
3 intersecting traffic.

4 b. Unless effectively shielded to prevent light
5 from being directed at any portion of the traveled
6 highway with such intensity or brilliance as to cause
7 glare or to impair the vision of the driver of any motor
8 vehicle.

9 c. Which contain, include, or are illuminated by
10 any flashing, intermittent, or moving light or lights,
11 except those giving public service information such
12 as, but not limited to time, date, temperature, weather,
13 news and similar information.

14 d. Which imitate or resemble an official sign or
15 signal or device or which are erected or maintained
16 within or closer than three hundred feet from scenic
17 areas, as defined and determined by the commission,
18 or which are located or maintained upon trees, or painted
19 or drawn upon rocks or natural features, or which are
20 structurally unsafe or in substantial disrepair.

21 e. Which exceed one thousand two hundred square
22 feet in area or in the case of a back-to-back or V-type
23 sign seven hundred fifty square feet in area for each
24 of two facings, including border and trim but excluding
25 base or apron, support, and other structural members.

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1 f. Which do not comply with all applicable state
2 or local laws, regulations and ordinances, including
3 but not limited to zoning, building, and sign codes
4 as locally interpreted and applied and enforced, or
5 which violate chapter three hundred nineteen (319) of
6 the Code; however, nothing in sections ten (10) through
7 twenty-two (22), inclusive, of this Act shall prevent
8 or restrict county or local zoning authorities from
9 making a determination of customary use concerning size,
10 lighting, and spacing of signs in zoned commercial or
11 industrial adjacent areas, and such determinations will
12 be accepted in lieu of the standards of sections ten

13 (10) through twenty-two (22), inclusive, of this Act.
14 The provisions of sections ten (10) through twenty-two
15 (22), inclusive, of this Act shall not prevent or
16 restrict county or local zoning authorities within their
17 respective jurisdictions from establishing standards
18 imposing controls stricter than those required by
19 sections ten (10) through twenty-two (22), inclusive,
20 of this Act.
21 g. The standards contained in this section pertaining
22 to size, lighting, and spacing shall not apply to signs
23 erected or maintained within six hundred sixty feet
24 of the right-of-way of those portions of the interstate
25 highway system exempted from control under chapter three

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1 hundred six B (306B) of the Code by authority of section
2 three hundred six B point two (306B.2), subsection five
3 (5) of the Code, nor to signs erected and maintained
4 within adjacent areas along primary highways within
5 zoned and unzoned commercial and industrial areas,
6 unless said signs were erected subsequent to the
7 effective date of sections ten (10) through twenty-two
8 (22), inclusive, of this Act.

9 Sec. 13. Any sign lawfully in existence in an
10 adjacent area on the effective date of sections ten
11 (10) through twenty-two (22), inclusive, of this Act,
12 which does not conform with the provisions of sections
13 ten (10) through twenty-two (22), inclusive, of this
14 Act, shall be required to be brought into conformity
15 or removed within six years after the effective date
16 of sections ten (10) through twenty-two (22), inclusive,
17 of this Act. Any sign lawfully erected after the
18 effective date of sections ten (10) through twenty-two
19 (22), inclusive, of this Act which subsequently becomes
20 nonconforming, shall be required to be brought into
21 conformity or removed within five years after the date
22 the nonconformity occurs. However, no sign shall be
23 acquired or be required to be removed pursuant to
24 sections ten (10) through twenty-two (22), inclusive,
25 of this Act unless the commission has received

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1 notification from the federal government that the federal
2 share of "just compensation" to be paid is immediately
3 available to contribute to the cost of acquisition or
4 removal. This section shall not apply to the acquisition
5 or removal of signs for which no federal share is
6 payable.

7 Sec. 14. The commission shall acquire by purchase,
8 gift, or condemnation, and shall pay "just compensation"
9 upon the removal of any of the following signs which
10 are not in conformity with the provisions of sections
11 ten (10) through twenty-two (22), inclusive, of this
12 Act:

13 1. Signs lawfully in existence on the effective
14 date of sections ten (10) through twenty-two (22),

15 inclusive, of this Act.

16 2. Signs lawfully in existence on land adjoining
17 any highway made an interstate, freeway primary, or
18 primary highways after the effective date of sections
19 ten (10) through twenty-two (22), inclusive, of this
20 Act.

21 3. Signs lawfully erected on or after the effective
22 date of sections ten (10) through twenty-two (22),
23 inclusive, of this Act, but which subsequently become
24 nonconforming.

25 4. Any sign erected on the mistaken or negligent

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1 advice of any official or employee of the state of Iowa
2 as to the interpretation, effect, or operation of
3 sections ten (10) through twenty-two (22), inclusive,
4 of this Act, chapter three hundred six B (306B) of the
5 Code, or rules and regulations promulgated by the
6 commission.

7 Sec. 15. Compensation required by section fourteen
8 (14) of this Act shall be paid for the following:

9 1. The taking from the owner of such sign, display,
10 or device of all right, title, leasehold, and interest
11 in such sign, display or device.

12 2. The taking from the owner of real property on
13 which a sign, display, or device is located, of the
14 right to erect and maintain such signs, displays, and
15 devices upon that real property.

16 Sec. 16. The provisions of chapters four hundred
17 seventy-one (471) and four hundred seventy-two (472)
18 of the Code shall be applicable to any such condemnation
19 commenced pursuant to sections ten (10) through twenty-
20 two (22), inclusive, of this Act, and the commission
21 may take immediate possession of and remove such signs
22 under the procedures of section four hundred seventy-
23 two point twenty-five (472.25) of the Code.

24 Sec. 17. On every sign regulated by the provisions
25 of sections ten (10) through twenty-two (22), inclusive,

Page 21

1 of this Act, or on the structure on which the sign is
2 displayed, shall be affixed the name and address of
3 the owner of the display and the date of its erection.
4 However, if the address of the owner is on file with
5 the commission it need not be stated on the display.
6 No sign permitted by section twelve (12) of this Act
7 may be erected without first obtaining a permit from
8 the commission. The application for a permit shall
9 be on a form provided by the commission and shall contain
10 such information as the commission may deem necessary.
11 Upon receipt of an application containing all required
12 information in due form and properly executed, together
13 with a permit fee as provided in this section, the
14 commission shall issue a permit to the applicant for
15 the erection of the sign if the sign will not violate
16 any provision of sections ten (10) through twenty-two

17 (22), inclusive, of this Act, or of chapter three hundred
18 six B (306B) of the Code, or any rule or regulation
19 promulgated by the commission.

20 The annual fee for a permit shall be:

21 1. Two dollars, if the advertising area of the
22 advertising device does not exceed fifty square feet.

23 2. Five dollars, if the advertising area of the
24 advertising device exceeds fifty square feet, but does
25 not exceed three hundred square feet.

Page 22

1 3. Ten dollars, if the advertising area of the
2 advertising device exceeds three hundred square feet.
3 Sec. 18. Any sign erected in an adjacent area after
4 the effective date of sections ten (10) through twenty-
5 two (22), inclusive, of this Act, in violation of
6 sections ten (10) through twenty-two (22), inclusive,
7 of this Act, or any sign erected in violation of chapter
8 three hundred six B (306B) of the Code, or the rules
9 and regulations promulgated by the commission, is a
10 public nuisance and may be removed by the commission
11 upon thirty days' notice, by certified mail, to the
12 owner of the device and to the owner of the land on
13 which the sign is located. The notice shall require
14 such owners to remove the sign if it is prohibited, or
15 to cause it to conform to sections ten (10) through
16 twenty-two (22), inclusive, of this Act or rules and
17 regulations promulgated by the commission if it is not
18 prohibited.

19 1. If the landowner or owner of the sign fails to
20 act within thirty days as required in the notice, the
21 commission may enter upon the land and remove the sign.
22 Such entry after notice, shall not be deemed a trespass
23 and the commission may be aided by injunction to abate
24 the nuisance and to insure peaceful entry.

25 2. The cost of removal, including any fees and costs

Page 23

1 or expenses as may arise out of any action brought by
2 the commission to insure peaceful entry and removal,
3 shall be assessed against the owner of the sign. Should
4 the owner of the sign fail to promptly pay such fees,
5 costs, or expenses, the commission shall proceed to
6 advertise and sell the sign for purposes of collecting
7 the same. Any balance from the total receipts of the
8 sale after deducting all fees, costs, and expenses,
9 including those of the sale, shall be paid to the owner
10 of the sign; however, if in the opinion of the commission
11 the proceeds of the sale will not be sufficient to
12 justify the expense involved, the sign may be used,
13 scrapped, dismantled, or otherwise destroyed or dis-
14 posed of by the commission as it sees fit.

15 Sec. 19. Whoever erects a sign in violation of
16 sections ten (10) through twenty-two (22), inclusive,
17 of this Act or chapter three hundred six B (306B) of
18 the Code or the rules and regulations promulgated by

19 the commission shall be guilty of a misdemeanor and
 20 upon conviction be fined not less than twenty-five
 21 dollars nor more than one hundred dollars.

22 Sec. 20. The commission shall enter into agreements
 23 with the duly constituted federal authorities in order
 24 to secure for the state all bonus federal funds allotted
 25 and appropriations to the state and to avoid loss or

Page 24

1 reduction, under Title twenty-three (23), section one
 2 hundred thirty-one (131), of the United States Code,
 3 of federal aid funds apportioned or to be apportioned
 4 to the state under Title twenty-three (23), section
 5 one hundred four (104) of the United States Code. The
 6 commission may accept funds from whatever source,
 7 including any allotment of funds by the United States,
 8 or any of its departments or agencies, appropriated
 9 to carry out the purposes of Title twenty-three (23),
 10 section one hundred thirty-one (131) of the United
 11 States Code. The commission shall take such steps as
 12 may be necessary to obtain from the United States or
 13 any of its departments or agencies, funds allotted and
 14 appropriated for the purpose of paying the federal share
 15 of just compensation to be paid to sign owners and
 16 owners of the real property under the terms of this
 17 Act and Title twenty-three (23), section one hundred
 18 thirty-one (131), paragraph g of the United States Code.

19 Sec. 21. The commission may establish or enter into
 20 agreements with private persons, firms, or corporations
 21 for the establishment of information centers in rest
 22 areas on the interstate, freeway primary, and primary
 23 highways, subject to the approval of the appropriate
 24 authority of the federal government.

25 Sec. 22. Section three hundred six B point five

Page 25

1 (306B.5), Code 1971, is amended to read as follows:
 2 306B.5 NUISANCE DECLARED. Any advertising device
 3 erected adjacent to any interstate system after May
 4 21, 1965, which violates the provisions of this chapter
 5 or fails to comply with the rules and regulations
 6 promulgated by the state highway commission is a public
 7 nuisance. The state highway commission shall give
 8 thirty days' notice, by certified mail, to the owner
 9 of the device and to the owner of the land on which
 10 said device is located to remove such advertising device
 11 if it is a prohibited device or cause it to conform
 12 to rules and regulations if it is an authorized device.
 13 [If the landowner or owner of the device fails to act
 14 within thirty days as required in the notice, the state
 15 highway commission may file a petition in the district
 16 court of the county where such advertising device is
 17 located to abate the nuisance. If the court finds that
 18 a violation exists as alleged in the petition, the court
 19 shall enter an order of abatement against the person

20 or persons erecting or maintaining such advertising
21 device and against the person or persons owning the
22 land on which such advertising device is located.] *If*
23 *the landowner or owner of the sign fails to act within*
24 *thirty days as required in the notice, the state highway*
25 *commission may enter upon the land and remove the sign.*

Page 26

1 *Such entry after notice, shall not be deemed a trespass*
2 *and the commission may be aided by injunction to abate*
3 *the nuisance and to insure peaceful entry. The cost*
4 *of removal, including any fees and costs or expenses*
5 *as may arise out of any action brought by the commission*
6 *to insure peaceful entry and removal, shall be assessed*
7 *against the owner of the sign. Should the owner of*
8 *the sign fail to promptly pay such fees, costs or*
9 *expenses, the commission shall proceed to advertise*
10 *and sell the sign for purposes of collecting the same.*
11 *Any balance from the total receipts of the sale after*
12 *deducting the fees, costs and expenses, including those*
13 *of the sale, shall be paid to the owner of the sign;*
14 *however, if in the opinion of the commission, the*
15 *proceeds of the sale will not be sufficient to justify*
16 *the expense involved, the sign may be used, scrapped,*
17 *dismantled, or otherwise destroyed or disposed of by*
18 *the commission as it sees fit.*

19 4. Page 1, lines 1 and 2, by striking everything
20 after the word "to" and inserting in lieu thereof the
21 words "the state's compliance with the federal Highway
22 Beautification Act regarding junkyard and billboard
23 standards, and providing penalties."

COMMITTEE ON TRANSPORTATION
JOHN M. WALSH, Chairman

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Monday, January 24, 1972.

JOURNAL OF THE SENATE

FIFTEENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, JANUARY 24, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Most Reverend Maurice J. Dingman, bishop of the Des Moines Diocese, St. Ambrose Rectory, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, January 21, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Riley for the day on request of Senator Smith; Senator Miller for the day on request of Senator Griffin.

PRESENTATION OF VISITORS

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

Twenty students, members of Girl Scout Troop 291 from Urbandale Junior High School, Urbandale, Iowa, accompanied by Mrs. L. Couch and Mrs. T. Lewis. Senator Carlson.

PETITIONS

The following petitions were presented and placed on file:

By Senator Arbuckle, from thirty-three residents of Boone, Greene and Guthrie Counties favoring state aid to public libraries.

By Senator Stephens, from eight residents of Jefferson County in opposition to lowering the legal age to eighteen.

By Senator Potgeter, from forty-four residents of Hamilton County in opposition to lowering the legal age to eighteen.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Loomis, Waterloo, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1006, a bill for an act relating to the breaking and entering of vending machines.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1037, a bill for an act relating to antitrust fees for prosecutors.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1006, a bill for an act relating to the breaking and entering of vending machines, and providing a penalty.

Read first time and passed on file.

House File 1037, a bill for an act relating to antitrust fees for prosecutors.

Read first time and passed on file.

COMMUNICATION

The following communication was presented:

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

January 21, 1972

The Honorable Roger W. Jepsen
Lieutenant Governor of Iowa
State Capitol
Local

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Fred Moore of Spencer, Clay County, Iowa, for appointment as a member of the Iowa State Commerce Commission, under the provisions of Section 474.2 of the 1971 Code of Iowa for the unexpired portion of a term ending June 30, 1973.

Sincerely,
ROBERT D. RAY
Governor

ANNOUNCEMENT OF INVESTIGATING COMMITTEE

President Jepsen, in accordance with section 2.32, Code 1971, announced the appointment of the following Senators to an investigating committee:

As a member of the Iowa State Commerce Commission:
 Fred Moore of Spencer, Clay County, Iowa, for the unexpired portion of a term ending June 30, 1973.
 Senator Smith, Chairman
 Senator Coleman
 Senator Brownlee
 Senator DeKoster
 Senator Keith

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 1003** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 356

On motion of Senator Gaudineer, Senate File 356, a bill for an act relating to permits to carry concealed weapons, and to provide punishment for those persons who violate the act, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Curran asked and received unanimous consent to withdraw the amendment filed by Senators Gaudineer and Curran on January 19 and found on page 124 of the Senate Journal.

Senator Gaudineer offered the following amendment filed by him on April 8, 1971, and moved its adoption:

- 1 Amend Senate File 356 as follows:
- 2 1. Page 3, line 19, by inserting after the word
- 3 "weapon" the following:
- 4 "*; or to a person who by his prior record of convic-*
- 5 *tions for misdemeanors has demonstrated a flagrant disrespect*
- 6 *for the law, unless a period of five years has expired from*
- 7 *the date of his last conviction*".
- 8 2. Page 3, line 23, by striking the words "GENERAL
- 9 PERMITS FOR CERTAIN COMPANIES." and inserting in lieu
- 10 thereof the words "PERMIT REVOKED AFTER FELONY CON-
- 11 VICTION."
- 12 3. Page 4, line 15, by striking the word "prima-facie"
- 13 and inserting in lieu thereof the word "[prima-facie] *compe-*
- 14 *tent*".

The amendment was adopted.

Senator Kennedy offered the following amendment filed by Senators Kennedy and Thordsen and moved its adoption:

- 1 Amend Senate File 356, page 2, by striking lines 1 and 2,
- 2 and inserting in lieu thereof the following:
- 3 Section 1. Section six hundred ninety-five point two
- 4 (695.2), unnumbered paragraph 2, Code 1971, is amended as
- 5 follows:
- 6 "However, it shall be lawful to carry one or more un-
- 7 loaded pistols or revolvers for the purpose of or in connection
- 8 with lawful target practice, lawful hunting, lawful sale or
- 9 attempted sale, lawful exhibit or showing, or other lawful use,
- 10 if such unloaded weapon or weapons are carried [either (1)] in
- 11 the trunk compartment of a vehicle. [or (2) in a closed con-
- 12 tainer which is too large to be effectively concealed on the
- 13 person or within the clothing of an individual, and such con-
- 14 tainer may be carried in a vehicle or in any other manner; and
- 15 no permit shall be required therefor.]"

Action on the amendment was temporarily deferred.

Senator Thordsen offered the following amendment filed by Senators Thordsen and Briles and moved its adoption:

- 1 Amend Senate File 356, page 2, line 25, by striking
- 2 the word "ten" and inserting the word "two".

President pro tempore Kyhl took the chair at 11:10 a.m.

Division was called for.

The amendment was adopted.

Senator Graham withdrew the amendment filed by him on May 3, 1971, and found on page 1096 of the 1971 Senate Journal.

Senator Kennedy asked and received unanimous consent to withdraw the amendment filed by Senators Kennedy and Thordsen on May 27, 1971, and found on page 1547 of the 1971 Senate Journal.

Senator Thordsen offered the following amendment and moved its adoption:

Division 1

- 1 Amend Senate File 536 as follows:
- 2 1. Page 3, line 25, strike the word "revoked" and insert in
- 3 lieu thereof the word "suspended".

Division 2

- 4 2. Page 3, line 27, strike the words "he may reapply for a
- 5 permit" and insert in lieu thereof the words "his permit will
- 6 be reinstated".

Division 1

- 7 3. Page 3, line 30, strike the word "revoked" and insert in
- 8 lieu thereof the word "suspended".

9 4. Page 3, line 32, strike the word "revoked" and insert in
10 lieu thereof the word "suspended".

Senator Gaudineer called for a division of the amendment, sections 1, 3 and 4 to be considered as division 1, and section 2, as division 2.

Senator Thordsen moved the adoption of division 1 of the amendment.

Division was called for.

Division 1 of the amendment lost.

On motion of Senator Thordsen, division 2 of the amendment was adopted.

Senator Gaudineer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 356) the vote was:

Ayes, 47:

Anderson	Erskine	Lavery	Robinson
Arbuckle	Gaudineer	Messerly	Schaben
Balloun	Gilley	Milligan	Shaff
Bass	Glenn	Mowry	Shawver
Briles	Graham	Neu	Smith
Carlson	Griffin	Nicholson	Stephens
Coleman	Gross	Ollenburg	Tapscott
Conklin	Hill	Palmer	Thordsen
Curran	Keith	Potgeter	Van Drie
Davis	Kennedy	Potter	Van Gilst
DeKoster	Kyhl	Rabedeaux	Walsh
Doderer	Lamborn	Rhodes	

Nays, none.

Absent or not voting, 3
Brownlee Miller

Riley

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 597, a bill for an act relating to the management of state records.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1052, a bill for an act relating to the deposit and use of fees collected by the Iowa state commerce commission.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 597, a bill for an act relating to the management of state records.

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

House File 1052, a bill for an act relating to the deposit and use of fees collected by the Iowa state commerce commission.

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

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 356 passed the Senate.

C. JOSEPH COLEMAN

REPORTS OF COMMITTEE

Senator Walsh submitted the following reports:

MR. PRESIDENT: Your committee on transportation, to which was referred **Senate File 471**, a bill for an act relating to the annual registration fee for urban transit company vehicles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation, to which was referred **Senate File 472**, a bill for an act to exempt the sales of tangible personal property to an urban transit company from the sales and use tax, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation, to which was referred **House File 48**, a bill for an act relating to the movement of oversized mobile homes and vehicles, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend the committee on transportation amendment of January
 2 21, 1972, to House File 734, as passed by the House, on page 2,
 3 line 17, by placing a period after the word "means" and
 4 striking the word "obscuring" and striking lines 18 and 19
 5 inclusive.

ALDEN J. ERSKINE

1 Amend the committee on transportation amendment, filed
 2 January 21, 1972 to House File 734 as follows:
 3 1. Page 11, by striking all after the period on
 4 line 13 and lines 14 through 18 inclusive.
 5 2. Page 13, by striking lines 13 through 16 and in-
 6 serting in lieu thereof the following: "1. Signs adjacent
 7 to interstate highways and freeway primary highways shall
 8 not be erected or maintained closer to another sign fac-
 9 ing in".
 10 3. Page 14, line 9, by striking the word "in" and
 11 inserting in lieu thereof the word "and".
 12 4. Page 16, line 23, by inserting after the word
 13 "sign" the words ", with a maximum of two facings per sign,".
 14 5. Page 16, line 23, by striking the words "for
 15 each".
 16 6. Page 16, line 24, by striking the words "of two
 17 facings".
 18 7. Page 19, line 4, by striking the period and in-
 19 serting in lieu thereof a semicolon.
 20 8. Page 19, line 4, by striking the words "This
 21 section" and inserting in lieu thereof the words "this re-
 22 quirement".
 23 9. Page 21, line 20, by striking the word
 24 "annual".

JOHN M. WALSH

1 Amend House File 1011 as amended and passed by the
 2 House as follows:
 3 1. Page 4, by striking all of lines 18 through 23.
 4 2. By renumbering the subsequent sections.

EUGENE M. HILL

On motion of Senator DeKoster, the Senate adjourned until
 10:00 a.m., Tuesday, January 25, 1972.

JOURNAL OF THE SENATE

SIXTEENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, JANUARY 25, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Harold E. Butz, associate secretary, Iowa Council of Churches, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, January 24, 1972, was approved.

PRESENTATION OF VISITORS

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

One hundred twenty-five students from Pella Community School, Pella, Iowa, accompanied by their instructor, A. Hockstra. Senator Laverty.

Thirty students from Wright Elementary School, Des Moines, Iowa, accompanied by Mrs. Myers.

PETITIONS

The following petitions were presented and placed on file:

By Senator Hill, from forty-two members of the Montezuma United Methodist Church, Montezuma, Iowa, opposing the sale of alcoholic beverages to eighteen-year-olds.

By Senator Bass, from thirteen elementary teachers from Fremont-Mills Community School District, opposing the recommendation of the interim committee on schools that media centers be placed on a contractual basis with local schools.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Loomis, Waterloo, Iowa.

IOWA HEART PRINCESS PRESENTED

President Jepsen presented to the Senate ten-year-old Julia Bengston, the Iowa Heart Princess, who has undergone seven heart operations and pacemaker implants. Julia was accompanied by her parents, Mr. and Mrs. Larry Bengston, Clinton, Iowa, who were present in the Senate gallery.

SPECIAL ORDER OF BUSINESS

House File 734

The hour having arrived, the Chair announced the special order of business for the consideration of House File 734.

On motion of Senator Walsh, House File 734, a bill for an act relating to junkyards along interstate and federal aid primary highways, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Walsh asked and received unanimous consent to withdraw the two amendments filed by Senators Walsh and DeKoster on June 17, 1971, and found on pages 1969-1980, inclusive, of the 1971 Senate Journal.

Senator Walsh offered the amendment filed by the committee on transportation on January 21, 1972, and found on pages 144-157, inclusive, of the Senate Journal.

Senator Walsh offered the following amendment to the amendment filed by him on January 24, 1972, and called for a division of the amendment into three divisions; section 1 to be considered as division 1, sections 2 through 8, as division 2, and section 9, as division 3:

- 1 Amend the committee on transportation amendment, filed
- 2 January 21, 1972 to House File 734 as follows:

Division 1

- 3 1. Page 11, by striking all after the period on
- 4 line 13 and lines 14 through 18 inclusive.

Division 2

- 5 2. Page 13, by striking lines 13 through 16 and in-
- 6 serting in lieu thereof the following: "1. Signs adjacent
- 7 to interstate highways and freeway primary highways shall
- 8 not be erected or maintained closer to another sign fac-
- 9 ing in".
- 10 3. Page 14, line 9, by striking the word "in" and
- 11 inserting in lieu thereof the word "and".
- 12 4. Page 16, line 23, by inserting after the word
- 13 "sign" the words ", with a maximum of two facings per sign,".
- 14 5. Page 16, line 23, by striking the words "for

15 each”.

16 6. Page 16, line 24, by striking the words “of two
17 facings”.

18 7. Page 19, line 4, by striking the period and in-
19 serting in lieu thereof a semicolon.

20 8. Page 19, line 4, by striking the words “This
21 section” and inserting in lieu thereof the words “this re-
22 quirement”.

Division 3

23 9. Page 21, line 20, by striking the word
24 “annual”.

Action on division 1 of the amendment to the amendment was temporarily deferred.

On motion of Senator Walsh, division 2 of his amendment to the amendment was adopted.

Senator Walsh asked and received unanimous consent to withdraw division 1 of the amendment to the amendment.

Senator Mowry took the chair at 11:07 a.m.

Senator Walsh moved the adoption of division 3 of the amendment to the amendment and requested a roll call.

On the question “Shall division 3 of the amendment to the amendment be adopted?” (H.F. 734) the vote was:

Ayes, 26:

Anderson	Doderer	Kyhl	Rhodes
Arbuckle	Erskine	Milligan	Schaben
Balloun	Gilley	Mowry	Shaff
Bass	Glenn	Potgeter	Shawver
Briles	Graham	Potter	Van Gilst
Coleman	Griffin	Rabedeaux	Walsh
Curran	Gross		

Nays, 20:

Brownlee	Hill	Miller	Riley
Carlson	Keith	Neu	Robinson
Conklin	Lamborn	Nicholson	Smith
Davis	Laverty	Ollenburg	Stephens
Gaudineer	Messerly	Palmer	Van Drie

Absent or not voting, 4:

DeKoster	Kennedy	Tapscott	Thordsen
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Division 3 of the amendment to the amendment was adopted.

Senator Walsh offered the following amendment to the amendment and moved its adoption:

- 1 Amend the committee on transportation amendment,
- 2 filed January 21, 1972 to House File 734 as follows:
- 3 1. Page 11, by striking all after the period on

4 line 13 and lines 14 through 15 inclusive, and insert-
5 ing in lieu thereof "Neither shall".

The amendment to the amendment was adopted.

Senator Walsh offered the following amendment to the amend-
ment and moved its adoption:

- 1 Amend the committee on transportation amendment, filed
- 2 January 21, 1972 to House File 734 as follows:
- 3 1. Page 22, line 3, after the word "erected" insert the
- 4 words "or maintained".
- 5 2. Page 22, line 7, after the word "erected" insert the
- 6 words "or maintained".

President Jepsen took the chair at 11:50 a.m.

The amendment to the amendment was adopted.

Senator Erskine offered the following amendment to the
amendment and moved its adoption:

- 1 Amend the committee on transportation amendment of January
- 2 21, 1972, to House File 734, as passed by the House, on page 2,
- 3 line 17, by placing a period after the word "means" and
- 4 striking the word "obscuring" and striking lines 18 and 19
- 5 inclusive.

Senator Erskine moved the adoption of his amendment to the
amendment and called for a division.

The amendment to the amendment lost.

Senator Lamborn offered the following amendment to the
amendment and called for a division of the amendment into two
divisions, section 1 to be considered as division 1, and sections 2,
3 and 4 as division 2:

- 1 Amend the committee on transportation amendment, filed
- 2 January 21, 1972, to House File 734 as follows:

Division 1

- 3 1. Page 21, line 20, by striking the word "annual".

Division 2

- 4 2. Page 21, line 21, by inserting after the word "dollars"
- 5 the following: "for the initial permit and fifty cents for
- 6 each annual renewal thereof".
- 7 3. Page 21, line 23, by inserting after the word "dollars"
- 8 the following: "for the initial permit and one dollar for
- 9 each annual renewal thereof".
- 10 4. Page 22, line 1, by inserting after the word "dollars"
- 11 the following: "for the initial permit and two dollars for
- 12 each annual renewal thereof".

Senator Lamborn withdrew division 1 of the amendment to
the amendment.

Senator Walsh raised a point of order on division 2 of the amendment to the amendment for the reason that the same subject matter had been considered and defeated by the Senate.

The Chair ruled the point not well taken and the amendment in order.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1036, a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1045, by Senator Shawver, a bill for an act relating to trout fishing.

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

Senate File 1046, by Senator Potgeter (Welden), a bill for an act permitting the commissioner of social services to grant water and sewage easement to the municipal corporation of Eldora.

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

Senate File 1047, by Senators Van Gilst, Riley, Rhodes, Gaudineer, Palmer, Briles, Neu, Walsh, Kennedy, Tapscott, Glenn, Gross, Schaben and Carlson (Stokes, Dougherty, Strand, Dunton, Trowbridge, Menefee, Doyle, Mendenhall, Husak, Grassley, McCormick, Norpel, Curtis, McElroy and Andersen), a bill for an act relating to identification cards for persons sixty years of age or older.

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

Senate File 1048, by Senator Messerly, a bill for an act relating to student activity fees at the state universities.

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

Senate File 1049, by Senators Riley and Balloun (Sorg and Tieden), a bill for an act permitting the sale of mobile homes on Sundays.

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

Senate File 1050, by Senator Riley, a bill for an act relating to polling places used in school elections.

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

Senate File 1051, by Senator Riley, a bill for an act providing each judge in Iowa with an additional copy of the Code of Iowa and other documents.

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

Senate File 1052, by Senators Doderer, Conklin and Walsh, a bill for an act relating to protective eyeglass lenses.

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

Senate File 1053, by Senator Lamborn, a bill for an act relating to the compensation of school district treasurers.

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

Senate File 1054, by Senator Lamborn, a bill for an act relating to compensation for election judges in school elections.

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

HOUSE MESSAGE CONSIDERED

House File 1036, a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Milligan from the afternoon session on request of Senator Lamborn.

SPECIAL ORDER CONTINUED

House File 734

The Senate resumed consideration of House File 734 and division 2 of the Lamborn amendment to the amendment.

On request of Senator Walsh, the Chair directed the Secretary to call the roll to determine that a quorum was present.

Senator Lamborn moved the adoption of division 2 of his amendment to the amendment.

Roll call was requested by Senator Walsh.

On the question "Shall division 2 of the Lamborn amendment to the amendment be adopted?" (H.F. 734) the vote was:

Rule 24 was invoked.

Ayes, 26:

Balloun	Gilley	Lamborn	Robinson
Brownlee	Glenn	Messerly	Shaff
Carlson	Graham	Neu	Smith
Conklin	Hill	Nicholson	Stephens
Davis	Keith	Palmer	Tapscott
Doderer	Kennedy	Riley	Van Drie
Gaudineer	Kyhl		

Nays, 19:

Anderson	Curran	Ollenburg	Schaben
Arbuckle	Erskine	Potgeter	Shawver
Bass	Griffin	Potter	Thordsen
Briles	Gross	Rabedeaux	Walsh
Coleman	Mowry	Rhodes	

Absent or not voting, 5:

DeKoster	Miller	Milligan	Van Gilst
Laverty			

Division 2 of the amendment to the amendment was adopted.

Senator Walsh offered the following amendment to the amendment and moved its adoption:

- 1 Amend the committee on transportation amendment filed January 21,
- 2 1972 to House File 734, page 1, by striking all of lines 7 through
- 3 9, inclusive, and inserting in lieu thereof the following:
- 4 "3. By striking everything after the enacting clause and
- 5 inserting in lieu thereof the following:".

The amendment to the amendment was adopted.

President Jepsen took the chair at 2:45 p.m.

Senator Bass moved that House File 734 be referred to the committee on appropriations.

Roll call was requested.

On the question "Shall the motion to refer to the appropriations committee be adopted?" (H.F. 734) the vote was:

Ayes, 9:

Bass	Messerly	Potgeter	Shawver
Conklin	Ollenburg	Rabedeaux	Stephens
Gilley			

Nays, 36:

Anderson	Gaudineer	Lamborn	Robinson
Briles	Glenn	Laverty	Schaben
Brownlee	Graham	Mowry	Shaff
Carlson	Griffin	Neu	Smith
Coleman	Gross	Nicholson	Tapscott
Curran	Hill	Palmer	Thordsen
Davis	Keith	Potter	Van Drie
Doderer	Kennedy	Rhodes	Van Gilst
Erskine	Kyhl	Riley	Walsh

Absent or not voting, 5:

Arbuckle	DeKoster	Miller	Milligan
Balloun			

The motion lost.

On motion of Senator Walsh, the committee amendment as amended was adopted.

Senator Walsh moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 734) the vote was:

Rule 24 was invoked.

Ayes, 27:

Balloun	Gaudineer	Lamborn	Riley
Briles	Glenn	Messerly	Smith
Brownlee	Griffin	Neu	Tapscott
Carlson	Hill	Nicholson	Thordsen
Curran	Keith	Palmer	Van Drie
Davis	Kennedy	Potter	Walsh
Doderer	Kyhl	Rhodes	

Nays, 19:

Anderson	Graham	Ollenburg	Shaff
Bass	Gross	Potgeter	Shawver
Coleman	Laverty	Rabedeaux	Stephens
Erskine	Miller	Robinson	Van Gilst
Gilley	Mowry	Schaben	

Absent or not voting, 4:

Arbuckle	Conklin	DeKoster	Milligan
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Walsh moved that the vote by which **House File 734** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 734) the vote was:

Ayes, 23:

Balloun	Gaudineer	Kyhl	Riley
Bass	Graham	Lamborn	Shaff
Brownlee	Griffin	Neu	Tapscott
Carlson	Hill	Nicholson	Van Drie
Curran	Keith	Potter	Walsh
Davis	Kennedy	Rhodes	

Nays, 20:

Anderson	Gross	Ollenburg	Shawver
Coleman	Laverty	Palmer	Smith
Erskine	Messerly	Potgeter	Stephens
Gilley	Miller	Rabedeaux	Thordsen
Glenn	Mowry	Robinson	Van Gilst

Absent or not voting, 7:

Arbuckle	Conklin	Doderer	Schaben
Briles	DeKoster	Milligan	

The motion, having failed to receive a constitutional majority, failed to be adopted.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 734 passed the Senate.

JOHN M. WALSH

EXPLANATION OF VOTE

Due to having influenza, I was not in the chamber when House File 412 and Senate File 356 came to a vote on final passage. Had illness not prevented my presence, I would have voted "aye" on each of foregoing bills.

TOM RILEY

REPORT OF COMMITTEE

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 184**, a bill for an act relating to licensing and regulation of hearing aid dealers, appropriating license fees for purposes of administration, and providing penalties for a violation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

JOURNAL OF THE SENATE

SEVENTEENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, JANUARY 26, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Rabbi Irving Weingart, pastor of the Tifereth Israel Synagogue, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, January 25, 1972, was approved.

DISTINGUISHED VISITOR

Senator Gaudineer rose on a point of personal privilege and presented to the Senate the Honorable Robert D. Fulton, former Governor, Lieutenant Governor, Senator and Representative from Black Hawk County, Iowa.

PRESENTATION OF VISITORS

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

Twenty-five students from Wright Elementary School, Des Moines, Iowa, accompanied by Mrs. Foster. Senator Tapscott.

PETITION

The following petition was presented and placed on file:

By Senator Messerly, from thirty-seven municipal employees of Black Hawk county, favoring an increase in benefits to the Iowa Public Employees' Retirement System.

By Senator Van Gilst, from twenty residents of Keokuk county opposing the sale of beer and alcoholic beverages to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. P. Gallagher, Oelwein, Iowa.

INTRODUCTION OF BILL

Senate File 1055, by Senator Arbuckle (Nystrom), a bill for an act to legalize and validate proceedings of the Board of Directors of the United Community School District in the Counties of Boone and Story, State of Iowa, authorizing and providing for the sale and issuance of School Building Bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said School District.

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

UNFINISHED BUSINESS

Senate File 1013

On motion of Senator Rabedeaux, Senate File 1013, a bill for an act relating to the rate of interest on public utility refunds to customers, was taken up for further consideration.

Senator Rabedeaux withdrew the following amendment offered by him on January 19, 1972:

- 1 Amend Senate File 1013, line 18 after the period by adding
- 2 the following: "Such rate of interest shall be not less
- 3 than five percent per annum, nor more than nine percent per
- 4 annum."

Senator Rabedeaux offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1013, line 18, after the period by adding
- 2 the following:
- 3 *"Such rate of interest shall be not less than five percent*
- 4 *per annum, nor more than nine percent per annum."*

The amendment was adopted.

Senator Glenn offered the following amendment filed by him:

- 1 Amend Senate File 1013, as follows:
- 2 1. Line 5, by striking the word "amended" and inserting
- 3 in lieu thereof the words "hereby repealed."
- 4 2. By striking all on lines 6 through 18.

Senator Mowry raised a point of order on the amendment for the reason that it was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Glenn moved the adoption of the amendment and requested a roll call.

On the question "Shall the Glenn amendment be adopted?" (S.F. 1013) the vote was:

Ayes, 17:

Anderson	Glenn	Miller	Robinson
Coleman	Gross	Neu	Schaben
Conklin	Hill	Palmer	Tapscott
Doderer	Kennedy	Potgeter	Van Gilst
Gaudineer			

Nays, 30:

Arbuckle	Erskine	Messerly	Riley
Balloun	Gilley	Milligan	Shaff
Bass	Graham	Mowry	Shawver
Briles	Griffin	Nicholson	Stephens
Brownlee	Keith	Ollenburg	Thordsen
Carlson	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedaux	Walsh
Davis	Laverty		

Absent or not voting, 3:

DeKoster	Rhodes	Smith
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The amendment lost.

Senator Doderer offered the following amendment by Senators Doderer and Palmer:

- 1 Amend Senate File 1013, line 9 by striking the
- 2 word "ninety" and inserting in lieu thereof the
- 3 words "[ninety]", "*one hundred eighty*".

Senator Doderer moved the adoption of the amendment and requested a roll call.

On the question "Shall the Doderer-Palmer amendment be adopted?" (S.F. 1013) the vote was:

Ayes, 17:

Anderson	Glenn	Kennedy	Robinson
Coleman	Graham	Miller	Schaben
Conklin	Gross	Neu	Tapscott
Doderer	Hill	Palmer	Van Gilst
Gaudineer			

Nays, 28:

Balloun	Erskine	Milligan	Riley
Bass	Gilley	Mowry	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Keith	Ollenburg	Stephens
Carlson	Kyhl	Potter	Thordsen
Curran	Lamborn	Rabedaux	Van Drie
Davis	Laverty	Rhodes	Walsh

Absent or not voting, 5:

Arbuckle	Messerly	Potgeter	Shaff
DeKoster			

The amendment lost.

Senator Gaudineer offered the following amendment:

- 1 Amend Senate File 1013, line 16, by adding after the first
- 2 word, "commission." the following:
- 3 *"In the event the commission determines that the rates,*
- 4 *charges, schedules, or regulations so put into effect by a*
- 5 *public utility were unreasonable or grossly disproportionate*
- 6 *to the rates, charges, schedules, or regulations allowed,*
- 7 *the commission shall further set an additional rate of return*
- 8 *to each customer as a penalty to such public utility in*
- 9 *addition to any interest allowed."*

Senator Gaudineer moved the adoption of the amendment and requested a roll call.

On the question "Shall the Gaudineer amendment be adopted?" (S.F. 1013) the vote was:

Rule 24 was invoked.

Ayes, 20:

Anderson	Doderer	Kennedy	Potter
Carlson	Gaudineer	Miller	Robinson
Coleman	Glenn	Neu	Tapscott
Conklin	Graham	Palmer	Van Drie
Davis	Hill	Potgeter	Van Gilst

Nays, 25:

Arbuckle	Gilley	Lavery	Riley
Balloun	Griffin	Milligan	Shawver
Bass	Gross	Mowry	Smith
Briles	Keith	Nicholson	Stephens
Brownlee	Kyhl	Ollenburg	Thordsen
Curran	Lamborn	Rabedeaux	Walsh
Erskine			

Absent or not voting, 5:

DeKoster	Rhodes	Schaben	Shaff
Messerly			

The amendment lost.

Senator Gaudineer offered the following amendment:

- 1 Amend Senate File 1013, page 1, line 16, by inserting
- 2 after the period (.), the following:
- 3 *"However, prior to the expiration of such ninety (90)*
- 4 *day period, the commission shall hold a preliminary hearing*
- 5 *upon reasonable notice to all interested parties. At such*
- 6 *hearing the commission shall review the application of the*
- 7 *utility and receive all other relevant and material evidence,*
- 8 *which is then known, pertaining to the need and amount of*
- 9 *such increased rates, charges, schedules, or regulations.*
- 10 *The commission shall, by order, before the expiration of*
- 11 *such ninety (90) days, allow only that part of, or all of*
- 12 *the requested increased rates, charges, schedules, or regu-*
- 13 *lations that it, at that time, finds reasonably probable*

14 to be allowed. The commission may upon final hearing further
 15 increase or decrease the rates, charges, schedules or regula-
 16 tions allowed to go into effect upon its preliminary order."

Senator Gaudineer moved the adoption of the amendment and requested a roll call.

On the question "Shall the Gaudineer amendment be adopted?" (S.F. 1013) the vote was:

Ayes, 20:

Anderson	Davis	Hill	Potter
Bass	Doderer	Kennedy	Robinson
Carlson	Gaudineer	Miller	Schaben
Coleman	Glenn	Palmer	Tapscott
Conklin	Gross	Potgeter	Van Gilst

Nays, 24:

Arbuckle	Griffin	Milligan	Shawver
Balloun	Keith	Mowry	Smith
Brownlee	Kyhl	Neu	Stephens
Curran	Lamborn	Nicholson	Thordsen
Erskine	Laverty	Rabedeaux	Van Drie
Gilley	Messerly	Riley	Walsh

Absent or not voting, 6:

Briles	Graham	Rhodes	Shaff
DeKoster	Ollenburg		

The amendment lost.

Senator Rabedeaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1013) the vote was:

Ayes, 40:

Arbuckle	Gaudineer	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Brownlee	Griffin	Mowry	Shawver
Carlson	Gross	Neu	Smith
Coleman	Keith	Nicholson	Stephens
Conklin	Kennedy	Palmer	Tapscott
Curran	Kyhl	Potgeter	Thordsen
Davis	Lamborn	Potter	Van Drie
Doderer	Laverty	Rabedeaux	Van Gilst
Erskine	Messerly	Riley	Walsh

Nays, 3:

Anderson	Balloun	Hill
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Absent or not voting, 7:

Briles	Gilley	Ollenburg	Robinson
DeKoster	Graham	Rhodes	

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 574, a bill for an act relating to home rule for cities.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate Joint Resolution 1002, by Senators Anderson, Arbuckle, Balloun, Bass, Briles, Carlson, Coleman, Conklin, Curran, Davis, DeKoster, Erskine, Gaudineer, Gilley, Graham, Griffin, Gross, Hill, Keith, Kennedy, Kyhl, Lamborn, Laverty, Messerly, Miller, Nicholson, Palmer, Potgeater, Potter, Rabedeaux, Rhodes, Riley, Robinson, Shawver, Smith, Stephens, Thordsen, Van Gilst and Walsh, a joint resolution proposing an amendment to the Constitution of the State of Iowa which prohibits the General Assembly and any political subdivision from imposing or increasing any tax retroactively.

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

Senate File 1056, by Senators Van Drie, Tapscott, Doderer, Rhodes, Neu, Lamborn and Briles, a bill for an act relating to legal holidays for state employees.

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

Senate File 1057, by Senator Van Drie (Egenes), a bill for an act relating to exceptions to the time limits during which certain civil actions must be brought.

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

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

PROOFS OF PUBLICATION

Published copy of Senate File 1055 and verified proof of publication of said bill in the Ames Daily Tribune, a daily newspaper published at Ames, Iowa, on December 31, 1971, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1071 and verified proof of publication of

said bill in the Audubon News-Advocate, a weekly newspaper published at Audubon, Iowa, on January 13, 1972, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

CARROLL A. LANE
Secretary of the Senate

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1045 Conservation and recreation
- S. F. 1046 Judiciary
- S. F. 1047 Social services
- S. F. 1048 Higher education
- S. F. 1049 Commerce
- S. F. 1050 Schools
- S. F. 1051 State government
- S. F. 1052 Commerce
- S. F. 1053 Schools
- S. F. 1054 Schools
- S. F. 1055 Judiciary
- H. F. 597 State government
- H. F. 1006 Law enforcement
- H. F. 1033 Transportation
- H. F. 1052 Commerce

REPORT OF COMMITTEE

Senator Potter submitted the following report:

MR. PRESIDENT: Your committee on cities and towns, to which was referred **Senate File 80**, a bill for an act relating to the establishment of a municipal tax relief fund, begs leave to report it has had the same under consideration and recommends the same **do pass**.

RALPH W. POTTER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the Doderer amendment to Senate File 1003, filed
- 2 January 20, 1972, line 20, by inserting after the word "Code."
- 3 the following:
- 4 *"The board of supervisors may establish another agency*
- 5 *to collect such amounts due or bring the person in default*
- 6 *before the court for contempt proceedings. The board may*
- 7 *further direct such agency to act in behalf of individuals*

- 8 *who are not yet receiving public assistance, but, will*
9 *probably receive such assistance if such support payments*
10 *are not enforced."*

LEE H. GAUDINEER, JR.

- 1 Amend House File 1036 as amended and passed by the
2 House, page 2, line 4, by inserting after the word
3 "bond" the following: ", certified check or cash".

JAMES E. BRILES

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Thursday, January 27, 1972.

JOURNAL OF THE SENATE

EIGHTEENTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, JANUARY 27, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Right Reverend Walter Righter, Episcopal Bishop of the Diocese of Iowa, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, January 26, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Arbuckle for the morning session on request of Senator Kyhl;
Senator Milligan for the morning session on request of Senator Lamborn.

PRESENTATION OF VISITORS

Senator Kennedy rose on a point of personal privilege and presented the Honorable Leslie C. Klink, former member of the Senate from Clayton County.

Thirty-five students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Miss Glotfeldy.

A group of students from Iowa State University, Ames, Iowa, members of Arnold Air Society, Air Force ROTC, and the women's auxiliary, Angel Flight.

PETITION

The following petition was presented and placed on file:

By Senator Erskine, from twenty-three residents of Woodbury county opposing House File 1011, granting full adult rights to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. P. Gallagher, Oelwein, Iowa.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 77, a bill for an act relating to the referendum for approval of low-rent housing projects.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 77

1 Amend Senate File 77 as amended, passed and reprinted
2 by the Senate, as follows:

3 1. Page 2A, line 27, by striking everything after the
4 period and by striking lines 28 through 32, and by
5 striking from line 33 the words "consideration of the
6 situation."

7 2. Page 2B by adding after line 42 the following
8 paragraph:

9 [A municipality or a "Low-rent Housing Agency" may not
10 proceed with a housing project until a study or a report
11 and recommendation on housing available within the
12 community is made public by the municipality or agency
13 and is included in its recommendations for a housing
14 project. Such recommendations must receive majority
15 approval from the local governing body before proceeding
16 on the housing project.]

17 3. By adding thereto the following section:

18 Sec. 3. The low-rent housing agency shall not
19 undertake any low-cost housing project until such time
20 as a public hearing has been called, at which time the
21 agency shall advise the public of the name of the
22 proposed project, its location, the number of living
23 units proposed and their approximate cost. Notice of
24 the public hearing on the proposed project shall be
25 published at least once in a newspaper of general

Page 2

1 circulation within the municipality, at least fifteen
2 days prior to the date set for the hearing.

3 4. Amend the title by striking everything after
4 the word "Act" and inserting in lieu thereof the
5 following:

6 "to repeal the referendum for approval of low-
7 rent housing projects and to substitute an alternate
8 procedure therefor."

CONSIDERATION OF BILLS

Senate File 1003

On motion of Senator Briles, Senate File 1003, a bill for an act relating to support payments as the result of a dissolution of

marriage, was taken up and considered.

Senator Doderer offered the following amendment filed by her:

1 Amend Senate File 1003 by striking all of lines 9
 2 and 10 as follows:
 3 "certify a default to the court which [may] shall, on
 4 its own motion, proceed as provided in section 598.23.",
 5 and insert in lieu thereof the following:
 6 "[certify a default to the court which may on its own
 7 motion, proceed as provided in section 598.23.] certify
 8 a default to the court and to the county attorney of
 9 that county. The county attorney shall ascertain from
 10 the county board of social welfare if the person to whom
 11 support payments have been awarded is a recipient of
 12 public assistance, and shall notify the court of any such
 13 public assistance. If said person is a recipient of
 14 public assistance through the county board of social welfare,
 15 the county attorney shall apply to the court for proceedings
 16 in contempt as provided in section five hundred ninety-eight
 17 point twenty-three (598.23) of the Code. In cases where
 18 public assistance is not involved the court may proceed
 19 as provided in section five hundred ninety-eight point
 20 twenty-three (598.23) of the Code".

Senator Gaudineer offered the following amendment to the amendment filed by him and moved its adoption:

1 Amend the Doderer amendment to Senate File 1003, filed
 2 January 20, 1972, line 20, by inserting after the word "Code."
 3 the following:
 4 "*The board of supervisors may establish another agency
 5 to collect such amounts due or bring the person in default
 6 before the court for contempt proceedings. The board may
 7 further direct such agency to act in behalf of individuals
 8 who are not yet receiving public assistance, but, will
 9 probably receive such assistance if such support payments
 10 are not enforced.*"

The amendment to the amendment was adopted.

On motion of Senator Doderer, the amendment as amended was adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1003) the vote was:

Ayes, 45:

Anderson	Carlson	DeKoster	Glenn
Balloun	Coleman	Doderer	Graham
Bass	Conklin	Erskine	Griffin
Briles	Curran	Gaudineer	Gross
Brownlee	Davis	Gilley	Keith

Kennedy	Neu	Rhodes	Smith
Kyhl	Nicholson	Riley	Stephens
Lamborn	Ollenburg	Robinson	Tapscott
Laverty	Potgeter	Schaben	Van Drie
Messerly	Potter	Shaff	Van Gilst
Miller	Rabedeaux	Shawver	Walsh
Mowry			

Nays, none.

Absent or not voting, 5:

Arbuckle	Milligan	Palmer	Thordsen
Hill			

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

Senate File 1019

On motion of Senator Riley, Senate File 1019, a bill for an act making the violation of the Iowa Commercial Feed Law of 1964 a misdemeanor and providing a penalty therefor, was taken up and considered.

Senator Riley offered the following amendment filed by Senators DeKoster and Riley and moved its adoption:

- 1 Amend Senate File 1019, page 2, by striking lines 18 through
- 2 22 and inserting the following:
- 3 "Sec. 2. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publica-
- 5 tion in The Sioux County Index-Reporter, a newspaper published
- 6 in Hull, Iowa, and in The Marion Sentinel, a newspaper published
- 7 in Marion, Iowa."

The amendment was adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F.1019) the vote was:

Ayes, 46:

Anderson	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Neu	Shaff
Briles	Graham	Nicholson	Shawver
Brownlee	Griffin	Ollenburg	Smith
Carlson	Gross	Palmer	Stephens
Conklin	Hill	Potgeter	Tapscott
Curran	Keith	Potter	Thordsen
Davis	Kennedy	Rabedeaux	Van Drie
DeKoster	Kyhl	Rhodes	Van Gilst
Doderer	Lamborn	Riley	Walsh
Erskin	Laverty		

Nays, none.

Absent or not voting, 4:

Arbuckle

Coleman

Milligan

Mowry

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

Senate File 1023

On motion of Senator Kennedy, Senate File 1023, a bill for an act relating to county motor vehicle registration fees, was taken up and considered.

Senator Van Drie offered the following amendment filed by him:

- 1 Amend Senate File 1023 by adding after line 20 the
- 2 following new section:
- 3 "Sec. 2. Section three hundred twenty-one point
- 4 one hundred seventeen (321.117), Code 1971 is amended to
- 5 read as follows:
- 6 321.117 MOTORCYCLE AND HEARSE FEES. For all motor-
- 7 cycles the annual fee shall be [five] *ten* dollars. When
- 8 said motorcycle has been registered five times, the annual
- 9 registration fee shall be one-half the rate when new.
- 10 The annual registration fee for hearses shall be thirty
- 11 dollars. Passenger car plates shall be issued for hearses."

Senator Anderson raised a point of order on the amendment for the reason that it was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Kennedy moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1023) the vote was:

Ayes, 44:

Anderson	Erskine	Messerly	Robinson
Balloun	Gaudineer	Miller	Schaben
Bass	Gilley	Mowry	Shaff
Briles	Glenn	Neu	Shawver
Brownlee	Griffin	Nicholson	Smith
Carlson	Gross	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Conklin	Kennedy	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Drie
Davis	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	
Doderer			

Nays, none.

Absent or not voting, 6:

Arbuckle	Hill	Potgeter	Walsh
Graham	Milligan		

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

Senate File 1024

On motion of Senator Briles, Senate File 1024, a bill for an act relating to the employment of county relief recipients on government owned properties, parks and recreation centers in payment for and as a condition of granting relief, was taken up and considered.

Senator Doderer offered the following amendment filed by her:

- 1 Amend Senate File 1024, page 1, line 16, by inserting
- 2 after the word "person" the words "*, except women with*
- 3 *children under the age of fourteen years,*".

Action on the amendment was temporarily deferred for the preparation of a substitute amendment.

Senator Tapscott offered the following amendment:

- 1 Amend Senate File 1024, line 18, by inserting
- 2 after the word "hour":
- 3 "*but not below the federal minimum wage law*".

Senator Tapscott moved the adoption of the amendment and requested a roll call.

On the question "Shall the amendment be adopted?" (S.F. 1024) the vote was:

Ayes, 17:

Briles	Gaudineer	Miller	Robinson
Carlson	Glenn	Neu	Tapscott
Coleman	Gross	Palmer	Van Gilst
DeKoster	Kennedy	Riley	Walsh
Doderer			

Nays, 27:

Anderson	Erskine	Lavery	Rabedeaux
Balloun	Gilley	Messerly	Rhodes
Bass	Graham	Mowry	Shawver
Brownlee	Hill	Nicholson	Smith
Conklin	Keith	Ollenburg	Stephens
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn	Potter	

Absent or not voting, 6:

Arbuckle	Milligan	Shaff	Thordsen
Griffin	Schaben		

The amendment lost.

Senator Doderer asked and received unanimous consent to withdraw the amendment previously deferred.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1024, page 1, line 16, by inserting
- 2 after the word "person" the words "*, except women who*
- 3 *have the custody of any child, who is fourteen years*
- 4 *of age or younger must consent thereto,*".

Division was called for.

The amendment was adopted.

Senator Doderer offered the following amendment filed by her and moved its adoption:

- 1 Amend Senate File 1024, page 1, line 22, by inserting
- 2 after the word "highways" the words "*, except that no*
- 3 *person shall be employed to displace a person who is*
- 4 *employed by the county*".

Division was called for.

The amendment lost.

Senator Tapscott offered the following amendment:

- 1 Amend Senate File 1024, line 23, by striking
- 2 the period and inserting the following:
- 3 "*, except social security.*"

Senator Tapscott moved that Senate File 1024 be referred to the committee on social services.

Division was called for.

The motion lost.

Senator Tapscott asked and received unanimous consent to withdraw his amendment filed January 19 to line 23.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1024, page 1, by striking from lines
- 2 22 and 23, the words, "*labor performed on such work relief*
- 3 *programs shall be exempt from all forms of taxation.*", and
- 4 by inserting in lieu thereof the words, "*income received*
- 5 *therefor shall not be taxed under the provisions of Division*
- 6 *II of chapter four hundred twenty-two (422) of the Code.*"

The amendment was adopted.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1024, page 1, line 18, by inserting
 2 after the word, "hour", the words, ", for an adult,".

The amendment was adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1024) the vote was:

Ayes, 36:

Anderson	Davis	Kyhl	Rabedeaux
Balloun	DeKoster	Laverty	Rhodes
Bass	Erskine	Messerly	Riley
Briles	Gilley	Miller	Schaben
Brownlee	Glenn	Mowry	Shawver
Carlson	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Thordsen
Conklin	Keith	Potgeter	Van Gilst
Curran	Kennedy	Potter	Walsh

Nays, 6:

Gaudineer	Neu	Robinson	Tapscott
Lamborn	Palmer		

Voting present, 1:

Doderer

Absent or not voting, 7:

Arbuckle	Griffin	Shaff	Van Drie
Graham	Milligan	Stephens	

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

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 472, a bill for an act relating to local boards of health.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1058, by Senator Riley, a bill for an act authorizing school districts to provide nursery school programs for certain children.

Read first time and passed on file.

Senate File 1059, by Senator Gross (Waugh, Sargisson, Doyle, and Andersen), a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities.

Read first time and passed on file.

Senate File 1060, by Senators Van Drie, Tapscott, Doderer, Neu, Briles, and Walsh (Nystrom), a bill for an act to provide overtime pay for state highway commission employees.

Read first time and passed on file.

Senate File 1061, by Senator Riley, a bill for an act relating to the use of those funds distributed to cities and towns out of state liquor store sales.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 472, a bill for an act relating to local boards of health.

Read first time and passed on file.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

The Senate reconvened, President pro tempore Kyhl presiding.

CONSIDERATION OF BILLS

Senate File 1028

On motion of Senator DeKoster, Senate File 1028, a bill for an act relating to antitrust fees for prosecutors, was taken up and considered.

Senator DeKoster asked and received unanimous consent that House File 1037 be substituted for Senate File 1028.

House File 1037

On motion of Senator DeKoster, House File 1037, a bill for an act relating to antitrust fees for prosecutors, was taken up and considered.

Senator Griffin offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1037 as passed by the House as follows:
- 2 1. Page 2, after line 2, by adding the following new section:
- 3 "Sec. Chapter two (2), section one (1), subsection
- 4 six (6), Acts of the Sixty-fourth General Assembly, First
- 5 Session, is amended to read as follows:
- 6 6. Office of the attorney general.
- 7 Salary of the attorney general: [\$22,500.00] ~~\$28,000.00~~ [\$22,500.00]
- \$28,000.00"
- 8 2. By renumbering the following section.
- 9 3. Page 1, line 1, by striking the period and adding the following:
- 10 "and fixing the compensation of the attorney general."

Senator Glenn raised a point of order on the amendment for the reason that it was not germane to the main bill or the title of the bill.

The Chair ruled the point not well taken and the amendment in order.

President Jepsen took the chair at 2:30 p.m.

Senator Glenn moved that House File 1037 be referred to the committee on appropriations.

President pro tempore Kyhl took the chair at 3:10 p.m.

Division was called for.

The motion to refer lost.

Senator Gaudineer offered the following amendment to the amendment by Senators Gaudineer and Griffin:

- 1 Amend the Griffin amendment to House File 1037, by
- 2 striking all of line 7 and by inserting in lieu thereof
- 3 the following:
- 4 "Salary of the Attorney General \$22,500.00 [\$22,500.00]
- 5 ~~\$28,000.00~~".

President Jepsen took the chair at 3:17 p.m.

The amendment to the amendment was adopted.

Senator Doderer offered the following amendment to the amendment:

- 1 Amend the Griffin amendment filed January 25, 1972
- 2 to House File 1037 as follows:

3	1. By adding after line 7 the following:		
4	"16. District court judges.		
5	Salary for each district court judge:	\$21,500.00	[\$21,500.00]
			\$26,000.00
6	35. Iowa state traveling library		
7	Salary of the director not exceeding:	\$11,500.00	[\$11,500.00]
			\$15,000.00
8	53. Supreme court.		
9	Salaries of the supreme court judges:	\$25,000.00	[\$25,000.00]
			\$30,500.00

Senator Griffin raised a point of order on the amendment to the amendment for the reason that it was not germane to the Griffin amendment.

The Chair ruled the point well taken and the amendment to the amendment not germane.

Senator Gaudineer offered the following amendment to the amendment:

- 1 Amend the Griffin amendment to House File 1037, by
- 2 inserting after line 7 the following:
- 3 "*All reasonable expenses, court costs, and attorney*
- 4 *fees, as determined by the Supreme Court in the case*
- 5 *of Clif Larson, et al., vs. the state of Iowa, respecting*
- 6 *the 1971 Reapportionment Act of the General Assembly,*
- 7 *of both parties thereto, shall be paid out of the total*
- 8 *Appropriation to the office of Attorney General.*"

Senator Griffin raised a point of order on the amendment to the amendment for the reason that it was not germane to the Griffin amendment.

The Chair ruled the point well taken and the amendment to the amendment not germane.

Senator Griffin moved the adoption of his amendment as amended and requested a roll call.

On the question "Shall the amendment as amended be adopted?" (H.F. 1037) the vote was:

Ayes, 29:

Balloun	Gilley	Messerly	Palmer
Briles	Griffin	Miller	Rabedeaux
Brownlee	Keith	Milligan	Robinson
Carlson	Kennedy	Mowry	Smith
Coleman	Kyhl	Neu	Thordsen
Davis	Lamborn	Nicholson	Van Drie
DeKoster	Laverty	Ollenburg	Walsh
Gaudineer			

Nays, 17:

Anderson	Doderer	Potgeter	Schaben
Arbuckle	Glenn	Potter	Shawver
Bass	Gross	Rhodes	Tapscott
Conklin	Hill	Riley	Van Gilst
Curran			

Absent or not voting, 4:

Erskine	Graham	Shaff	Stephens
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The amendment as amended was adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1037) the vote was:

Ayes, 39:

Anderson	DeKoster	Messerly	Rhodes
Arbuckle	Doderer	Miller	Riley
Balloun	Gaudineer	Milligan	Robinson
Bass	Gilley	Mowry	Smith
Briles	Griffin	Neu	Stephens
Brownlee	Keith	Nicholson	Thordsen
Carlson	Kennedy	Ollenburg	Van Drie
Coleman	Kyhl	Palmer	Van Gilst
Curran	Lamborn	Potter	Walsh
Davis	Laverty	Rabedeaux	

Nays, 7:

Conklin	Gross	Potgeter	Tapscott
Glenn	Hill	Shawver	

Absent or not voting, 4:

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

SENATE FILE WITHDRAWN

Senator DeKoster asked and received unanimous consent that Senate File 1028 be withdrawn from further consideration of the Senate.

INTRODUCTION OF BILL

Senate File 1062, by Senator Griffin, a bill for an act relating to community improvement districts, and providing powers to issue bonds and levy taxes, with penalties.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 104

By Committees on Agriculture and Transportation

Whereas, disruption of any phase of the transportation system is disastrous to the national public interest and welfare; and

Whereas, the national railway act appears to be outmoded, necessitating action by congress to provide permanent guidelines for settlement of labor-management disputes in our transportation system; and

Whereas, the health and safety of the public, particularly in densely populated areas, are often threatened within hours after the beginning of a transportation strike; and

Whereas, the economic well-being of certain groups is seriously impaired within days after the beginning of a transportation strike; and

Whereas, the recent dock strike at gulf coast ports has cost the Iowa soybean and corn producers millions of dollars and permanent loss of market; and

Whereas, producers of perishable products sustained serious losses within hours after the walkout of dock workers at west coast ports; and

Whereas, a continuation or renewal of the current disruption of the flow of farm and manufactured products to foreign countries will drastically reduce income in Iowa; and

Whereas, this disruption could depress farm prices as much as twenty-five cents per bushel for soybeans and ten cents per bushel for corn (This could mean a loss of one hundred twenty-five million dollars in income to soybean farmers and one hundred twenty million dollars for corn growers); and

Whereas, the threat of an extended strike or lockout, which is incentive for serious collective bargaining in other labor-management disputes, is not effective in transportation disputes because of the dire public necessity for continuing use of transportation facilities; Now, Therefore,

Be It Resolved by the Senate, the House Concurring: That we urge the congress of the United States to take immediate action to settle the west coast dock strike and provide permanent procedures for settlement of transportation disputes including the gulf coast and east coast dock strikes; and

Be It Further Resolved: That we urge the congress of the United States to immediately adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes without permitting either lockouts or strikes by requiring compulsory arbitration based on the best final offer provisions, recognizing that such provisions offer added incentives for serious collective bargaining efforts prior to submitting a dispute to arbitration and thus result in eliminating or narrowing the difference between the parties.

Be It Further Resolved: That duly authenticated copies of this resolution be transmitted to the President, Secretary of Labor, Secretary of Transportation, and the following members of the United States Congress: Speaker of the House, House Majority and Minority Leaders, Senate Majority and Minority Leaders, Chairmen of the Senate and House Committees on Labor and Commerce, Senators Jack Miller and Harold Hughes and the members of the House of Representatives from the state of Iowa.

PROOFS OF PUBLICATION

Published copy of House File 1074 and verified proofs of publication of said bill in the Boone News-Republican, a newspaper published at Boone, Iowa, and in the Ames Daily Tribune, a daily newspaper published at Ames, Iowa, on December 31, 1971, were filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

Published copy of House File 1075 and verified proof of publication of said bill in The Stuart Herald, a weekly newspaper published at Stuart, Iowa, on January 13, 1972, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

CARROLL A. LANE
Secretary of the Senate

EXPLANATION OF VOTE

When the final vote was taken on Senate File 1023 I was attending a meeting in the House, had I been present in the chamber I would have voted "Aye".

JOHN M. WALSH

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 1002 Constitutional amendments and reapportionment
S. F. 1056 State government
S. F. 1057 Judiciary

REPORTS OF COMMITTEES

Senator Mowry submitted the following reports:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 1008**, a bill for an act relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 4, by striking lines 18 through 22, inclu-
- 3 sive, and inserting in lieu thereof the following:
- 4 "establish not more than two bank offices within
- 5 the boundaries of the municipal corporation, each of
- 6 which shall have adequate off-street parking as deter-
- 7 mined by the superintendent, and may also have facili-
- 8 ties to serve pedestrian customers. A state bank located
- 9 in a municipal corporation, or".
- 10 2. Page 4, line 35, by inserting after the word
- 11 "municipal" the words "corporation or urban".
- 12 3. Page 7, line 10, by striking the word "Act" and
- 13 inserting in lieu thereof the word "division".

14 4. Page 7, line 18, by striking the words "on January
15 1, 1971," and inserting in lieu thereof the words "was
16 on January 1, 1971 registered with the federal reserve
17 board as a bank holding company, and on that date".

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 33**, a bill for an act relating to distance requirements for pipeline regulation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 254**, a bill for an act relating to the rate of interest which may be paid by a real estate investment trust, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator DeKoster submitted the following report:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 336**, a bill for an act relating to replevin bonds, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend Senate File 336 by striking lines 11 and 12
- 2 and by inserting the words "on or before the thirtieth
- 3 day after the day fixed in the original notice,".

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1011**, a bill for an act relating to the attainment of the age of majority, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend House File 1011, as passed by the House, as
- 2 follows:
- 3 1. Page 5, by striking lines 6 through 9, inclusive
- 4 and inserting in lieu thereof the words "good moral
- 5 character[, except that women may be licensed as dental
- 6 hygienists, or men or women may be licensed as barbers,

7 or as cosmetologists, upon attaining the age of eighteen
8 years]”.

9 2. Page 5, by striking lines 28 through 35, inclu-
10 sive.

11 3. Page 6, by striking lines 1 through 24, inclu-
12 sive.

13 4. Page 11, by inserting after line 20 the following
14 new paragraph:

15 *“However, if a child is referred to the juvenile*
16 *court because of alleged delinquency by reason of the*
17 *commission of an indictable offense, the court may with-*
18 *hold an adjudication of delinquency, retain jurisdiction*
19 *of the child, and place the child on probation until*
20 *he is nineteen years of age at which time he shall be*
21 *discharged. If the terms of the probation are violated*
22 *before the person reaches the age of nineteen years,*
23 *the court may enter an order referring the alleged*
24 *commission of an indictable offense to the appropriate*
25 *prosecuting authority for the proper action under the*
26 *criminal law.”*

27 5. Page 12, by striking line 35.

28 6. Page 13, by striking lines 1 through 17, inclu-

Page 2

1 sive.

2 7. By adding the following new sections:

3 1. Sec. Section forty-three point one hundred
4 twenty (43.120), subsection four (4), Code 1971, is
5 amended to read as follows:

6 4. Willfully voting or offering to vote at a primary
7 election by one who has not been a resident of this
8 state for six months next preceding said primary
9 election, or who is not [twenty-one] *eighteen* years of
10 age, or who is not a citizen of the United States.

11 2. Sec. Section forty-nine point eighty-one
12 (49.81), unnumbered paragraph two (2), Code 1971, is
13 amended to read as follows:

14 I do solemnly swear or affirm that I am a citizen
15 of the United States, a resident of Iowa for six months,
16 a resident of this county for sixty days, and a resident
17 of this precinct for ten days next preceding this
18 election, and that I am at least [twenty-one] *eighteen*
19 years of age, and I have not voted in this election.
20 I am lawfully eligible to vote in Iowa and in this
21 county and precinct.

22 3. Sec. Section ninety-two point twenty-three
23 (92.23), Code 1971, is amended to read as follows:

24 92.23 GROUP INSURANCE. Anyone under the age of
25 [nineteen] *eighteen* and subject to this chapter employed

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1 in the street trades who sells or delivers the product
2 or service of another and who is designated in such
3 capacity as an independent contractor shall be provided
4 participation, if he desires it at group rate cost,

5 in group insurance for medical, hospital, nursing and
6 doctor expenses incurred as a result of injuries
7 sustained arising out of and in the course of selling
8 or delivering such product or service by the person,
9 firm or corporation whose product or service is so
10 delivered.

11 4. Sec. Section ninety-six point nineteen
12 (96.19), subsection seven (7), paragraph "g", subpara-
13 graph six (6), Code 1971, is amended to read as follows:

14 (6) Service performed by an individual in the employ
15 of his son, daughter, or spouse, and service performed
16 by a child under the age of [twenty-one] *eighteen* in the
17 employ of his father or mother.

18 5. Sec. Section one hundred twenty-three B
19 point fourteen (123B.14), Code 1971, is amended to read
20 as follows:

21 123B.14 COLLECTION OF LIEN POSTPONED. In the case
22 of the death of either spouse the estate of the deceased
23 shall not be settled or the homestead sold until the
24 surviving spouse shall die or cease to occupy the
25 homestead or while it is occupied by the [minor children]

Page 4

1 *the deceased alcoholic's child, as defined in section*
2 *232.2, subsection 3 [of an alcoholic].* However, no lien
3 shall be enforced against any homestead so long as it be
4 occupied by an alcoholic, his spouse or [minor children]
5 *child, as defined in section 232.2, subsection 3.*

6 6. Sec. Section two hundred nineteen point
7 fifteen (219.15), Code 1971, is amended to read as
8 follows:

9 219.15 PAYMENT TO DEPENDENTS. Each member of the
10 home who receives a pension or compensation and who
11 has a dependent wife or [minor children] *child, as defined*
12 *in section 232.2, subsection 3,* shall deposit with the
13 commandant forthwith on receipt of his pension or com-
14 pensation check one-half of the amount thereof, which
15 shall be sent at once to the wife if she be dependent
16 upon her own labor or others for support, or, if there
17 be no wife, to the guardian of the [minor children] *child,*
18 *as defined in section 232.2, subsection 3,* if dependent
19 upon others for support. The commandant, if satisfied
20 that the wife has deserted her husband, or is of bad
21 character, or is not dependent upon others for support,
22 may pay the money deposited as herein provided to the
23 guardian of the dependent [minor children] *child, as*
24 *defined in section 232.2, subsection 3.*

25 7. Sec. Section two hundred thirty point

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1 twenty-eight (230.28), Code 1971, is amended to read
2 as follows:

3 230.28 CLOSING ESTATES—HOMESTEAD. In the case
4 of the death of either the husband or wife the estate
5 of the deceased shall not be settled or the homestead
6 sold until the surviving spouse shall die or cease to

7 occupy the homestead as such or while it is occupied
 8 by the [minor children of such persons] *deceased's child*,
 9 *as defined in section 232.2, subsection 3*. Provided,
 10 however, no lien shall be enforced against any homestead
 11 so long as it be occupied by such person, his or her
 12 spouse or [minor children] *child*.

13 8. Sec. Section two hundred thirty-two point
 14 two (232.2), subsection three (3), Code 1971, is amended
 15 to read as follows:

16 3. "Child" means a person less than eighteen years
 17 of age or a person who is at least eighteen years of
 18 age but less than twenty-one years of age who is
 19 regularly attending an approved school in pursuance
 20 of a course of study leading to a high school diploma
 21 or its equivalent, or regularly attending a course of
 22 vocational or technical training either as a part of
 23 a regular school program or under special arrangements
 24 adapted to the individual person's needs.

25 9. Sec. Section two hundred thirty-two point

Page 6

1 sixty-three (232.63), Code 1971, is amended to read
 2 as follows:

3 232.63 WHEN JURISDICTION IS EXCLUSIVE. The juvenile
 4 court shall have exclusive original jurisdiction, only,
 5 in proceedings concerning any child alleged to be delin-
 6 quent, neglected or dependent, and in proceedings for
 7 termination of parental rights under sections 232.41
 8 through 232.50, and in proceedings concerning any [minor]
 9 *child* alleged to have been a delinquent prior to having
 10 become eighteen years of age except as otherwise provided
 11 by law.

12 10. Sec. Section two hundred thirty-four point
 13 one (234.1), Code 1971, is amended to read as follows:

14 234.1 DEFINITIONS. As used in this chapter: "Divi-
 15 sion" or "state division" means the division of child
 16 and family services of the department of social services;
 17 "director" or "state director" means the director of
 18 the division of child and family services of the
 19 department of social services; "county board" means
 20 the county board of social welfare. "*Child*" means a
 21 *child as defined in section 232.2, subsection 3*.

22 11. Sec. Section two hundred thirty-five point
 23 one (235.1), Code 1971, is amended to read as follows:

24 235.1 DEFINITIONS. The terms "state division",
 25 "state director", "county department", [and] "county

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1 board", and "*child*" are used in this chapter and chap-
 2 ters 236, 237, and 238 as said terms are defined in
 3 section 234.1 and section 232.2, subsection 3.

4 "Child welfare services" means social welfare services
 5 for the protection and care of children who are homeless,
 6 dependent or neglected, or in danger of becoming
 7 delinquent, including when necessary care and maintenance

8 in a foster care facility.

9 12. Sec. Section two hundred forty-four point
10 ten (244.10), Code 1971, is amended to read as follows:

11 244.10 PLACING CHILD UNDER CONTRACT. Any child
12 received in said homes, unless adopted, may, under
13 written contract approved by the state director, be
14 placed by the superintendent in the custody and care
15 of any proper person or family. Such contract shall
16 provide for the custody, care, education, maintenance,
17 and earnings of the child for a fixed time which shall
18 not extend beyond the age of majority, *except that the*
19 *time may extend beyond the child's eighteenth birthday*
20 *until he is twenty-one years of age if he is regularly*
21 *attending an approved school in pursuance of a course*
22 *of study leading to a high school diploma or its*
23 *equivalent, or regularly attending a course of vocational*
24 *technical training either as a part of a regular school*
25 *program or under special arrangements adapted to the*

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1 *individual person's needs.* Such contract shall be
2 signed by the superintendent and by the person taking
3 the child.

4 13. Sec. Section two hundred forty-nine A
5 point three (249A.3), subsection two (2), paragraph
6 "c", Code 1971, as amended by chapter one hundred fifty-
7 seven (157), section two (2), Acts of the Sixty-fourth
8 General Assembly, First Session, is amended to read
9 as follows:

10 c. Children under [twenty-one] *eighteen* years of age
11 whose incomes and resources are comparable to those
12 receiving aid to dependent children.

13 14. Sec. Section two hundred forty-nine A
14 point six (249A.6), Code 1971, is amended to read as
15 follows:

16 249A.6 CLAIMS AGAINST ESTATE. On the death of a
17 person receiving or who has received assistance under
18 this chapter, and of the survivor of a married couple,
19 either or both of whom were so assisted and during which
20 time such recipient was sixty-five years of age or
21 older, the total amount paid as assistance to either
22 shall be allowed as a claim of the sixth class against
23 the estate of such decedent or the surviving spouse.
24 Neither the homestead nor the proceeds therefrom of
25 such decedent, or the survivor, shall be exempt from

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1 the payment of such claim, any Act or statute notwith-
2 standing. An action may be brought in the name of the
3 state to recover the same at any time within five years
4 after the death of the person receiving aid and after
5 the death of the survivor of the married couple, either
6 or both of whom have received assistance under the
7 provisions of this chapter. No such claim shall be
8 allowed, however, until the death of the surviving

9 spouse nor shall such claim be allowed if a child under
 10 [twenty-one] *eighteen* years of age, or a child who is
 11 blind or is permanently and totally disabled, survives
 12 a surviving spouse or a recipient who has no surviving
 13 spouse. The right to a claim existing on July 1, 1969
 14 against the estate of any person who had, prior to said
 15 date, received medical assistance pursuant to chapter
 16 249A, shall be preserved and continued under this
 17 chapter.

18 15. Sec. Section two hundred fifty-two point
 19 fourteen (252.14), Code 1971, is amended to read as
 20 follows:

21 252.14 HOMESTEAD—WHEN LIABLE. When expenditures
 22 have been made for and on behalf of a poor person and
 23 his family, as contemplated by section 252.13, the
 24 homestead of such poor person is liable for such
 25 expenditures when such poor person dies without leaving

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1 a surviving husband or wife, or [minor children] *child*,
 2 as defined in section 232.2, subsection 3.

3 16. Sec. Section two hundred fifty-two A point
 4 two (252A.2), subsection three (3), Code 1971, is amended
 5 to read as follows:

6 3. "Child" includes a stepchild, foster child or
 7 legally adopted child and means a child actually or
 8 apparently under [seventeen] *eighteen* years of age, and
 9 a child over [seventeen] *eighteen* years of age who is
 10 unable to maintain himself and is likely to become a
 11 public charge.

12 17. Sec. Section three hundred fifty-eight
 13 point nine (358.9), unnumbered paragraph one (1), Code
 14 1971, is amended to read as follows:

15 Within thirty days after the organization of a
 16 sanitary district under this chapter, the board of
 17 supervisors which had jurisdiction of the proceedings
 18 for its establishment, together with the board of
 19 supervisors of any other county, if any, in which any
 20 part of said district is located, shall order an election
 21 to be held in the district on a date not more than sixty
 22 days after the date of the order for the purpose of
 23 electing a board of trustees, consisting of three
 24 members, except as otherwise provided in this section,
 25 for the government, control and management of the affairs

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1 and business of such sanitary district. Said board,
 2 or boards, shall cause notice of said election to be
 3 posted and published, and shall perform all other acts
 4 with reference to such election, and conduct the same,
 5 in like manner, as nearly as may be, as provided in
 6 this chapter for the election on the question of estab-
 7 lishing such district. Each trustee shall be a citizen
 8 of the United States, not less than [twenty-one] *eighteen*
 9 years of age, and a resident within said sanitary dis-

10 trict. Each voter at said election may write in upon
11 the ballot the names of not more than three persons
12 whom he desires for trustees and may cast not more than
13 one vote for each of said three persons, and the three
14 persons receiving the highest number of votes cast shall
15 constitute the first board of trustees of the district.
16 The term of office of the first board of trustees shall
17 be for the period extending to the second secular day
18 of January following the next regular biennial election.
19 Three trustees to succeed the first board of trustees
20 shall be nominated and elected at the next primary and
21 regular biennial elections following establishment of
22 the district, in the same manner as provided by the
23 primary and general election laws of this state for
24 the nomination and election for offices to be filled
25 by the voters of any subdivision of a county. Said

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1 trustees shall be elected for terms of two, four, and
2 six years respectively, and their terms shall commence
3 on the second secular day of January next thereafter.
4 At each succeeding biennial election one trustee shall
5 be nominated and elected in the manner herein provided
6 for a six-year term to succeed the trustee whose term
7 next expires. In all elections for trustees each
8 qualified voter resident within the district may vote
9 one vote for each office of trustee to be filled at
10 the election. At all elections for trustees subsequent
11 to the election of the first board the names of all
12 candidates for trustees of such sanitary district shall
13 be printed on the same ballot with candidates for other
14 offices to be filled at such election. In case a regular
15 election precinct includes territory lying partly within
16 and partly without the sanitary district, it shall be
17 the duty of the officers charged with the printing and
18 furnishing of ballots to furnish to the election judges
19 of such precinct two sets of official ballots, one set
20 including the names of candidates for trustees of such
21 sanitary district, and one set without such names.
22 All provisions of the primary and general election laws
23 of Iowa shall govern the nomination and election of
24 trustees hereunder, so far as applicable and except
25 as modified hereby.

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1 18. Sec. Section three hundred seventy-eight
2 point five (378.5), Code 1971, is amended to read as
3 follows:
4 378.5 QUALIFICATIONS. Bona fide citizens and resi-
5 dents of the city or town, except as qualified by sec-
6 tions 378.2 and 378.3, male or female, [over the age
7 of twenty-one] *eighteen years of age or over*, are alone
8 eligible to membership.
9 19. Sec. Section three hundred seventy-nine
10 point six (379.6), Code 1971, is amended to read as
11 follows:

12 379.6 QUALIFICATION. Only bona fide citizens and
 13 residents of the city or town, male or female, [over
 14 the age of twenty-one] *eighteen years of age or over*,
 15 shall be eligible to membership.

16 20. Sec. Section four hundred sixty-two point
 17 seven (462.7), Code 1971, is amended to read as follows:

18 462.7 ELIGIBILITY OF TRUSTEES. Each trustee shall
 19 be a citizen of the United States not less than [twenty-
 20 one] *eighteen* years of age, a resident of the county,
 21 and the bona fide owner of agricultural land in the
 22 election district for which he is elected.

23 21. Sec. Section four hundred sixty-two point
 24 eleven (462.11), Code 1971, is amended to read as
 25 follows:

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1 462.11 QUALIFICATIONS OF VOTERS. Each landowner
 2 [over twenty-one] *eighteen* years of age *or over* without
 3 regard to sex and any railway or other corporation
 4 owning land in said district assessed for benefits shall
 5 be entitled to one vote only, except as provided in
 6 section 462.12.

7 22. Sec. Section four hundred twenty-five
 8 point fifteen (425.15), Code 1971, is amended to read
 9 as follows:

10 425.15 DISABLED VETERAN TAX CREDIT. In the event
 11 the owner of the homestead, allowed a credit under this
 12 chapter, is a veteran of any of the military forces
 13 of the United States who acquired the homestead under
 14 the provisions of the United States Code, title 38,
 15 chapter 21, sections 801 and 802, the credit allowed
 16 on said homestead from the homestead credit fund herein
 17 provided shall be the entire amount of the tax levied
 18 on said homestead. The credit herein allowed shall
 19 be continued to the estate of such veteran who is
 20 deceased or the surviving spouse and [children] *any child*,
 21 *as defined in section 232.2, subsection 3*, who are the
 22 beneficiaries thereof so long as the surviving spouse
 23 remains unmarried [and until any surviving unmarried
 24 children reach the age of twenty-one years]. The
 25 provisions of this section shall not be applicable to

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1 the holder of title to any such homestead whose annual
 2 income, together with that of his spouse, if any, for
 3 the last preceding twelve-month income tax accounting
 4 period exceeds five thousand dollars. For the purpose
 5 of this section "income" means taxable income for federal
 6 income tax purposes plus income from securities of state
 7 and other political subdivisions exempt from federal
 8 income tax. Any veteran or his beneficiary who elects
 9 to secure the credit provided in this section shall
 10 not be eligible for any other real property tax exemption
 11 provided by law for veterans of military service.

12 23. Sec. Section five hundred fourteen A point
 13 two (514A.2), subsection one (1), paragraph "c", Code

14 1971, is amended to read as follows:

15 c. It purports to insure only one person, except
 16 that a policy may insure, originally or by subsequent
 17 amendment, upon the application of an adult member of
 18 a family who shall be deemed the policyholder, any two
 19 or more eligible members of that family, including
 20 husband, wife, dependent children or any children under
 21 a specified age which shall not exceed [nineteen] *eighteen*
 22 years and any other person dependent upon the
 23 policyholder; and

24 24. Sec. Section five hundred ninety-eight
 25 point one (598.1), subsection three (3), Code 1971,

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1 is amended to read as follows:

2 3. "Minor child" means any person under legal age.
 3 *However, minor child may include a person eighteen years*
 4 *of age or over who is regularly attending an approved*
 5 *school in pursuance of a course of study leading to*
 6 *a high school diploma or its equivalent, or regularly*
 7 *attending a course of vocational technical training*
 8 *either as a part of a regular school program or under*
 9 *special arrangements adapted to the individual person's*
 10 *needs; is dependent on the parties to the dissolution*
 11 *proceedings because of physical or mental disability;*
 12 *or is, in good faith, a full-time student in a college,*
 13 *university, or area school; or has been accepted for*
 14 *admission to a college, university, or area school and*
 15 *the next regular term has not yet begun. The court*
 16 *is authorized to make such temporary and permanent*
 17 *orders as it deems reasonable and proper to provide*
 18 *for the continued support, maintenance and education*
 19 *of such persons.*

20 25. Sec. Section six hundred thirty-three
 21 point three hundred seventy-six (633.376), Code 1971,
 22 is amended to read as follows:

23 633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT
 24 RESIDE WITH SURVIVING SPOUSE. The court may also make
 25 an allowance to [the minor children] *a child* of the

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1 decedent *who is less than eighteen years of age or who*
 2 *is at least eighteen years of age and under twenty-one*
 3 *years of age who is regularly attending an approved*
 4 *school in pursuance of a course of study leading to*
 5 *a high school diploma or its equivalent, or regularly*
 6 *attending a course of vocational technical training*
 7 *either as a part of a regular school program or under*
 8 *special arrangements adapted to the individual person's*
 9 *needs, who [do] does not reside with the surviving spouse,*
 10 *of such an amount as it deems reasonable in the light*
 11 *of the assets and condition of the estate, to provide*
 12 *for their proper support during such period of twelve*
 13 *months.*

14 26. Sec. Section seven hundred thirty-eight

15 point ten (738.10), Code 1971, is amended to read as
 16 follows:
 17 738.10 VOTING WHEN NOT RESIDENT OF STATE. If any
 18 person willfully vote who has not been a resident of
 19 this state for six months next preceding the election,
 20 or who, at the time of the election, is not [twenty-one]
 21 *eighteen* years of age, or who is not a citizen of the
 22 United States, or who is not qualified, by reason of
 23 other disability, to vote at the place where and time
 24 when the vote is to be given, he shall be fined in a
 25 sum not exceeding three hundred dollars, or imprisoned

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1 in the county jail not exceeding one year.

2 8. By renumbering the sections as necessary.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was referred **House File 227**, a bill for an act relating to fee for issuance of tax deed, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend the amendment by Nicholson, Miller, Thordsen and
 2 Walsh to Senate File 184, filed May 3, 1971, and adopted on June
 3 1, 1971, as follows: line 4, by striking "1972" and insert in
 4 lieu thereof "1973".

EDWARD E. NICHOLSON
 CHARLES P. MILLER
 HAROLD A. THORSEN
 JOHN M. WALSH

1 Amend House File 1011 as amended and passed by the House,
 2 page 19, after line 5, by adding the new section as follows:
 3 "Sec. This Act being deemed of immediate importance
 4 shall be in full force and effect after its final approval and
 5 publication in the Council Bluffs Nonpareil, a newspaper pub-
 6 lished in Council Bluffs, Iowa and in The Telegraph-Herald,
 7 a newspaper published in Dubuque, Iowa."

JAMES W. GRIFFIN, SR.

On motion of Senator Lamborn, the Senate adjourned until
 10:00 a.m., Friday, January 28, 1972.

JOURNAL OF THE SENATE

NINETEENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, JANUARY 28, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend John Zimmerman, president of the Iowa District East Lutheran Church, Missouri Synod, St. John Lutheran Rectory, Eldora, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, January 27, 1972, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Gorrell, Clarion, Iowa.

CONSIDERATION OF BILLS

Senate File 566

On motion of Senator Davis, Senate File 566, a bill for an act relating to private employment agency fees and appeals from decisions of the labor commissioner, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

REFERRED TO COMMITTEE

Senator Glenn raised the point of order that Senate File 566 should be referred to the committee on state government under Rule 37.

The Chair ruled the point well taken and Senate File 566 was referred to the committee on state government.

CONSIDERATION OF BILLS

Senate File 1030

On motion of Senator Briles, Senate File 1030, a bill for an act requiring the council of social services to prepare a list of all

deaf, blind and severely handicapped persons within the state, was taken up and considered.

Senator Balloun withdrew the following amendment filed January 21, 1972:

- 1 Amend Senate File 1030, page 2, line 5, by striking the period
- 2 and adding the following: "and cause to be published the names
- 3 of all welfare recipients involving state funds."

Senator Balloun asked and received unanimous consent to withdraw the following amendment:

- 1 Amend Senate File 1030, page 2, line 5, by striking the period
- 2 and adding the following: "and shall make available upon request
- 3 a list of names of all welfare recipients involving state
- 4 funds, accompanied by a statement that the person requesting such
- 5 records will not use it for commercial or political purposes."

Senator Conklin took the chair at 11:02 a.m.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1030, page 2 by striking lines
- 2 1 through 5 inclusive, and renumber the following
- 3 section accordingly.

The amendment was adopted.

Senator Briles offered the following amendment and moved its adoption:

- 1 Amend Senate File 1030, page 1, by striking all of line 1
- 2 after the word "Act" and all of lines 2 and 3 and inserting
- 3 in lieu thereof the following: "pertaining to the council
- 4 of social services."

The amendment was adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1030) the vote was:

Ayes, 40:

Anderson	Doderer	Lamborn	Rabedeaux
Arbuckle	Gaudineer	Laverty	Rhodes
Balloun	Gilley	Messerly	Riley
Briles	Glenn	Miller	Robinson
Brownlee	Graham	Milligan	Shawver
Carlson	Griffin	Nicholson	Smith
Coleman	Gross	Ollenburg	Thordsen
Conklin	Hill	Palmer	Van Drie
Curran	Keith	Potgeter	Van Gilst
DeKoster	Kyhl	Potter	Walsh

Nays, 1:

Tapscott

Absent or not voting, 9:

Bass	Kennedy	Neu	Shaff
Davis	Mowry	Schaben	Stephens
Erskine			

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

SPECIAL ORDER

Senator Lamborn asked and received unanimous consent that **House File 1011** be made a special order of business for Wednesday, February 2, 1972, at 10:00 a.m.

CONSIDERATION OF BILLS

Senate File 1031

On motion of Senator Briles, Senate File 1031, a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district, was taken up and considered.

Senator Briles asked and received unanimous consent that **House File 1036** be substituted for **Senate File 1031**.

House File 1036

On motion of Senator Briles, House File 1036, a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district, was taken up and considered.

Senator Briles offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1036 as amended and passed by the
- 2 House, page 2, line 4, by inserting after the word
- 3 "bond" the following: ", certified check or cash".

The amendment was adopted.

HOUSE FILES DEFERRED

Senator Brownlee asked and received unanimous consent that further action on **House File 1036** be deferred and that the bill be placed on the calendar under **unfinished business**.

Senator Lamborn asked and received unanimous consent that

action on **House File 391** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF JOINT RESOLUTION

House Joint Resolution 2

On motion of Senator Milligan, House Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the appropriation of fines as provided by law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Milligan moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

House Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the appropriation of fines as provided by law.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

1. Section four (4), subdivision two (2) entitled "School Funds and School Lands", of Article nine (IX) of the Constitution of the State of Iowa is hereby repealed.

2. Section four (4) of Article twelve (XII) of the Constitution of the State of Iowa is hereby repealed.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause the same to be published for three consecutive months before the date of said election as provided by law.

On question "Shall the resolution be adopted?" (H.J.R. 2) the vote was:

Ayes, 43:

Anderson	Gaudineer	Laverty	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Shawver
Briles	Graham	Mowry	Smith
Brownlee	Griffin	Nicholson	Stephens
Carlson	Gross	Ollenburg	Tapscott
Coleman	Hill	Palmer	Thordsen
Conklin	Keith	Potgeter	Van Drie
Curran	Kennedy	Potter	Van Gilst
DeKoster	Kyhl	Rabedeaux	Walsh
Doderer	Lamborn	Rhodes	

Nays, none.

Absent or not voting, 7:

Bass	Erskine	Neu	Shaff
Davis	Messerly	Schaben	

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senate File 471

On motion of Senator Walsh, Senate File 471, a bill for an act relating to the annual registration fee for urban transit company vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Walsh moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 471) the vote was:

Ayes, 36:

Anderson	Gaudineer	Milligan	Riley
Arbuckle	Glenn	Mowry	Robinson
Briles	Graham	Nicholson	Shawver
Carlson	Griffin	Ollenburg	Stephens
Coleman	Gross	Palmer	Tapscott
Conklin	Hill	Potgeter	Thordsen
Curran	Keith	Potter	Van Drie
DeKoster	Laverty	Rabedeaux	Van Gilst
Doderer	Miller	Rhodes	Walsh

Nays, 5:

Balloun	Kyhl	Lamborn	Smith
Gilley			

Absent or not voting, 9:

Bass	Erskine	Messerly	Schaben
Brownlee	Kennedy	Neu	Shaff
Davis			

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

Senate File 472

On motion of Senator Walsh, Senate File 472, a bill for an act to exempt the sales of tangible personal property to an urban transit company from the sales and use tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Jepsen took the chair at 11:45 a.m.

SENATE FILE DEFERRED

Senator Walsh asked and received unanimous consent that further action on **Senate File 472** be deferred and that the bill be placed on the calendar under **unfinished business**.

REPORTS OF INVESTIGATING COMMITTEES

Senator Nicholson submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Oliver Hansen of Durant, Cedar County, Iowa, for appointment as Superintendent of the Department of Banking for the State of Iowa under the provisions of Section 524.2, 1971 Code of Iowa, for the unexpired portion of the term ending June 30, 1973, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

EDWARD E. NICHOLSON, Chairman
 W. R. RABEDEAUX
 CLOYD E. ROBINSON
 ROGER J. SHAFF
 RICHARD L. STEPHENS

The motion prevailed and the report was adopted.

Senator Nicholson moved the appointment of Oliver Hansen as Superintendent of the Department of Banking be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Anderson	Doderer	Lavery	Riley
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Gilley	Milligan	Shawver
Briles	Glenn	Mowry	Smith
Brownlee	Graham	Nicholson	Stephens
Carlson	Griffin	Ollenburg	Tapscott
Coleman	Gross	Potgeter	Thordsen
Conklin	Hill	Potter	Van Drie
Curran	Keith	Rabedeaux	Van Gilst
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn		

Nays, none.

Absent or not voting, 8:

Bass	Kennedy	Neu	Schaben
Erskine	Messerly	Palmer	Shaff

President Jepsen declared the appointment of Oliver Hansen as Superintendent of the Department of Banking confirmed for the unexpired portion of the term ending June 30, 1973.

Senator Balloun submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Harlan S. Lowe of Toledo, Tama County, Iowa, for appointment as a member of the Iowa Beer and Liquor Control Council for the State of Iowa under the provisions of Chapter 131, Section 6, of the Laws of the Sixty-fourth General Assembly, First Session, to serve for a term beginning January 1, 1973 and ending December 31, 1977 begs leave to report that it has made investigation and recommends that the appointment be confirmed.

CHARLES F. BALLOUN, Chairman
FRANCIS L. MESSERLY
JAMES A. POTGETER
JOHN E. TAPSCOTT
RUDY VAN DRIE

The motion prevailed and the report was adopted.

Senator Balloun moved the appointment of Harlan S. Lowe as a member of the Iowa Beer and Liquor Control Council be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Anderson	Briles	Coleman	Davis
Arbuckle	Brownlee	Conklin	DeKoster
Balloun	Carlson	Curran	Doderer

Gaudineer	Kennedy	Palmer	Shawver
Gilley	Kyhl	Potgeter	Smith
Glenn	Lamborn	Potter	Stephens
Graham	Laverty	Rabedeaux	Tapscott
Griffin	Miller	Rhodes	Thordsen
Gross	Milligan	Riley	Van Drie
Hill	Nicholson	Robinson	Walsh
Keith			

Nays, none.

Absent or not voting, 9:

Bass	Mowry	Ollenburg	Shaff
Erskine	Neu	Schaben	Van Gilst
Messerly			

President Jepsen declared the appointment of Harlan S. Lowe as a member of the Iowa Beer and Liquor Control Council confirmed for the term ending December 31, 1977.

Senator Griffin submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Sam W. Brown of Council Bluffs, Pottawattamie County, Iowa for appointment as a member of the Civil Rights Commission for the state of Iowa pursuant to Section 105A.3, 1971 Code of Iowa, for the unexpired term ending June 30, 1973, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

JAMES W. GRIFFIN, SR.
EARL G. BASS
JAMES E. BRILES
ARTHUR A. NEU
JAMES F. SCHABEN

The motion prevailed and the report was adopted.

Senator Griffin moved the appointment of Sam W. Brown as a member of the Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 37:

Anderson	DeKoster	Kennedy	Riley
Arbuckle	Doderer	Kyhl	Robinson
Balloun	Gaudineer	Lamborn	Shawver
Briles	Gilley	Laverty	Smith
Brownlee	Glenn	Messerly	Stephens
Carlson	Graham	Milligan	Tapscott
Coleman	Griffin	Potgeter	Thordsen
Conklin	Gross	Potter	Van Drie
Curran	Keith	Rhodes	Walsh
Davis			

Nays, none.

Absent or not voting, 13:

Bass	Mowry	Ollenburg	Schaben
Erskine	Neu	Palmer	Shaff
Hill	Nicholson	Rabedeaux	Van Gilst
Miller			

President Jepsen declared the appointment of Sam W. Brown as a member of the Civil Rights Commission confirmed for the unexpired portion of the term ending June 30, 1973.

INTRODUCTION OF BILL

Senate File 1063, by Senator Conklin (Kreamer), a bill for an act changing the date of school board elections to coincide with municipal elections and changing other dates to conform therewith.

Read first time and passed on file.

REPORT OF COMMITTEE

Senator Messerly submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1016**, a bill for an act relating to the use of fees and funds received by the Iowa Soldiers Home, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 566 as follows:
- 2 Page 2, line 11, by striking the word "eight" and inserting in lieu
- 3 thereof the word "five".

CLOYD E. ROBINSON

- 1 Amend Senate File 566, page 2, line 25, by adding
- 2 after the word "strike," the following:
- 3 "misrepresentation of the job by the employment
- 4 agency or the employer,".

MINNETTE DODERER

- 1 Amend Senate File 566, page 3, by striking lines
- 2 4 through 19 inclusive and inserting in lieu thereof
- 3 the following:
- 4 "Two persons representative of the public appointed
- 5 by the governor, who shall be paid necessary expenses."

MINNETTE DODERER

- 1 Amend Senate File 1046 as follows:
- 2 1. Page 2, after line 5, by adding the following new sections:

3 "Sec. The commissioner of social services may, subject
4 to the approval of the executive council, grant sewage easement
5 rights to the municipal corporation of the city of Marshalltown,
6 Iowa, for the installation of sanitary sewer line in and over a
7 portion of the Iowa Soldiers Home grounds at Marshalltown, Iowa,
8 for the purpose of installing, repairing, maintaining, and
9 improving sanitary sewer service to portions of said city and
10 the Iowa Soldiers Home.

11 Sec. This Act, being deemed of immediate importance,
12 shall take effect and be in force from and after its publication
13 in the Eldora Herald-Ledger, a newspaper published in Eldora,
14 Iowa, and in the Marshalltown Times-Republican, a newspaper
15 published in Marshalltown, Iowa."

16 2. Renumber the following section accordingly.

17 3. Page 1, line 2, by striking all after the word "sewage" and
18 all of line 3, and by inserting in lieu thereof the following:
19 "easements to the municipal corporations of Eldora and
20 Marshalltown."

JOHN L. MOWRY

1 Amend Senate File 1059 as follows:

2 Page 4, by striking lines 19 through 23, inclusive,
3 and inserting in lieu thereof:

4 "Sec. This Act, being deemed of immediate
5 importance, shall take effect and be in force from
6 and after its publication in The Sioux City Journal,
7 a newspaper published in Sioux City, Iowa, and in
8 The Denison Bulletin, a newspaper published in
9 Denison, Iowa."

G. WILLIAM GROSS

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Monday, January 31, 1972.

JOURNAL OF THE SENATE

TWENTY-SECOND DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, JANUARY 31, 1972

The Senate met in regular session, Senator Brownlee presiding.

Prayer was offered by the Reverend Richard Kamper, pastor of the First Lutheran Church, Manchester, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, January 28, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gross for the day on request of Senator Gaudineer.

PETITIONS

The following petitions were presented and placed on file:

By Senator Bass, from sixty-six students of Glenwood High School, Glenwood, Iowa, in favor of granting adult rights to eighteen-year-olds.

By Senator Briles, from sixty-one students of Corning High School, Corning, Iowa, in favor of granting adult rights to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. R. Dieckmann, Waterloo, Iowa.

INTRODUCTION OF BILLS

Senate File 1064, by Senator Kennedy, a bill for an act providing for the licensing of insurance consultants and providing a penalty.

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

Senate File 1065, by Senators Kennedy, Lamborn, Potter and

Glenn (Kelly, McCormick, Schwieger, Christensen and Doyle), a bill for an act relating to time served on parole.

Read first time and passed on file.

HOUSE AMENDMENTS CONSIDERED

Senate File 77

Senator Tapscott called up for consideration Senate File 77, a bill for an act relating to the referendum for approval of low-rent housing projects, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 77 as amended, passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 2A, line 27, by striking everything after the
- 4 period and by striking lines 28 through 32, and by
- 5 striking from line 33 the words "consideration of the
- 6 situation."
- 7 2. Page 2B by adding after line 42 the following
- 8 paragraph:
- 9 A municipality or a "Low-rent Housing Agency" may not
- 10 proceed with a housing project until a study or a report
- 11 and recommendation on housing available within the
- 12 community is made public by the municipality or agency
- 13 and is included in its recommendations for a housing
- 14 project. Such recommendations must receive majority
- 15 approval from the local governing body before proceeding
- 16 on the housing project.
- 17 3. By adding thereto the following section:
- 18 Sec. 3. The low-rent housing agency shall not
- 19 undertake any low-cost housing project until such time
- 20 as a public hearing has been called, at which time the
- 21 agency shall advise the public of the name of the
- 22 proposed project, its location, the number of living
- 23 units proposed and their approximate cost. Notice of
- 24 the public hearing on the proposed project shall be
- 25 published at least once in a newspaper of general

Page 2

- 1 circulation within the municipality, at least fifteen
- 2 days prior to the date set for the hearing.
- 3 4. Amend the title by striking everything after
- 4 the word "Act" and inserting in lieu thereof the
- 5 following:
- 6 "to repeal the referendum for approval of low-
- 7 rent housing projects and to substitute an alternate
- 8 procedure therefor."

The motion prevailed and the Senate concurred in the House amendments.

Senator Tapscott moved that the bill as amended by the House

and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 77) the vote was:

Ayes, 33:

Briles	Gaudineer	Messerly	Riley
Brownlee	Gilley	Miller	Robinson
Carlson	Glenn	Milligan	Schaben
Coleman	Griffin	Neu	Shaff
Curran	Keith	Palmer	Tapscott
Davis	Kennedy	Potter	Thordsen
DeKoster	Lamborn	Rabedeaux	Van Drie
Doderer	Laverty	Rhodes	Walsh
Erskine			

Nays, 11:

Anderson	Graham	Nicholson	Smith
Balloun	Hill	Ollenburg	Stephens
Bass	Mowry	Shawver	

Absent or not voting, 6:

Arbuckle	Gross	Potgeter	Van Gilst
Conklin	Kyhl		

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

CONSIDERATION OF BILLS

House File 391

On motion of Senator Graham, House File 391, a bill for an act relating to the bonding of operators of slaughterhouses buying cattle, hogs, or sheep, and the bonding of agents, dealers, or brokers of such operators, and providing a penalty, with reports of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Graham offered the following amendment filed by the committee on agriculture on January 20, 1972, and moved its adoption:

- 1 Amend House File 391 as passed by the House as follows:
- 2 1. Page 4, line 4, by striking the word "fifty" and
- 3 inserting in lieu thereof the words "two hundred".
- 4 2. Page 4, line 5, by striking the word "fifty" and
- 5 inserting in lieu thereof the words "two hundred".
- 6 3. Page 4, line 6, by striking the word "fifty" and
- 7 inserting in lieu thereof the words "two hundred".

The amendment was adopted.

Senator Graham offered the following amendment filed by the committee on agriculture on May 3, 1971:

1 Amend House File 391, page 6, by adding after line 4 the
2 following new subsection:
3 "3. In lieu of a bond or deposit, the applicant may file
4 an annual sworn financial statement certified by a certified
5 public accountant showing all assets and liabilities and
6 supporting data as the department may require. The statement
7 shall show the applicant's current net worth to be not less
8 than five times the amount of the bond or deposit otherwise
9 required by this section. If upon examination of any
10 financial statement the department considers that the applicant
11 has furnished insufficient proof of financial responsibility,
12 a written order may be issued directing the applicant to
13 provide the bond or deposit required by this section.
14 Failure to comply with an order shall be cause for revocation
15 or suspension of license."

Senator Walsh offered the following amendment to the amendment by Senators Walsh and Messerly and moved its adoption:

1 Amend the committee on agriculture amendment, filed May
2 3, 1971 to House File 391 as follows:
3 1. Line 5, insert a period after the word "liabilities" and
4 strike the rest of the sentence; and on line 6 strike the
5 words "supporting data as the department may require."
6 2. After line 15 insert the following:
7 "It shall be unlawful for any officer or employee of the
8 state of Iowa to divulge or to make known in any manner whatever
9 not provided by law to any person the information contained in
10 any financial statement."

The amendment to the amendment was adopted.

On motion of Senator Graham, the amendment as amended was adopted.

Senator Shaff offered the following amendment:

1 Amend House File 391 as follows:
2 Page 7, following line 8, by adding the following:
3 1. "Sec. The treasurer of state shall annually
4 transfer ten percent of all moneys remaining in the cattle
5 and veal calf fund after other remittances are made as
6 provided in section one hundred eighty-one point thirteen
7 (181.13) of the Code, to a special fund hereby created
8 within the state treasury, which fund shall be administered
9 by the executive committee of the Iowa beef cattle pro-
10 ducers association.
11 Following the end of each calendar year any person who
12 has not received full payment from a dealer, broker, or
13 agent because of the sale of livestock during the prev-
14 ious calendar year, may make application to the executive
15 committee of the Iowa beef cattle producers association
16 for payment of any loss sustained. Upon proof of such

17 nonpayment, the executive committee shall submit a
 18 voucher to the treasurer of state authorizing payment
 19 from the special fund created by this section to the
 20 person sustaining the loss resulting from nonpayment by
 21 a dealer, broker, or agent."
 22 2. Page 1, line 3, by inserting before the word "and"
 23 the words "providing a method of payment to livestock
 24 producers suffering losses."

Senator Glenn raised a point of order on the amendment for the reason that it was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Shaff asked and received unanimous consent to withdraw the amendment.

Senator Schaben offered the following amendment and moved its adoption:

1 Amend House File 391, page 6, line 5, by striking the
 2 word "authorized" and inserting in lieu thereof the word
 3 "required".

The amendment was adopted.

Senator Walsh offered the following amendment and moved its adoption:

1 Amend House File 391 as follows:
 2 1. Page 2, line 31, by striking the word "fifty"
 3 and inserting in lieu thereof the words "twenty-five".
 4 2. Page 2, line 32, by striking the word "twenty"
 5 and inserting in lieu thereof the word "ten".

Roll call was requested.

On the question "Shall the amendment be adopted?" (H.F. 391) the vote was:

Ayes, 26:

Anderson	Gaudineer	Mowry	Robinson
Balloun	Glenn	Nicholson	Schaben
Coleman	Griffin	Palmer	Tapscott
Curran	Kennedy	Potter	Thordsen
DeKoster	Messerly	Rhodes	Van Drie
Doderer	Miller	Riley	Walsh
Erskine	Milligan		

Nays, 18:

Bass	Gilley	Laverty	Shaff
Briles	Graham	Neu	Shawver
Brownlee	Hill	Ollenburg	Smith
Carlson	Keith	Rabedaux	Stephens
Davis	Lamborn		

Absent or not voting, 6:

Arbuckle	Gross	Potgeter	Van Gilst
Conklin	Kyhl		

The amendment was adopted.

Senator Graham moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 391) the vote was:

Ayes, 45:

Anderson	Erskine	Messerly	Riley
Balloun	Gaudineer	Miller	Robinson
Bass	Gilley	Milligan	Schaben
Briles	Glenn	Mowry	Shaff
Brownlee	Graham	Neu	Shawver
Carlson	Griffin	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potter	Thordsen
Davis	Lamborn	Rabedeaux	Van Drie
DeKoster	Laverty	Rhodes	Walsh
Doderer			

Nays, none.

Absent or not voting, 5:

Arbuckle	Kyhl	Potgeter	Van Gilst
Gross			

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

Senator Graham moved that the vote by which House File 391 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 391) the vote was:

Ayes, 22:

Briles	Gilley	Mowry	Riley
Brownlee	Graham	Neu	Shaff
Carlson	Griffin	Ollenburg	Shawver
Conklin	Keith	Rabedeaux	Smith
Curran	Lamborn	Rhodes	Stephens
Davis	Laverty		

Nays, 17:

Balloun	Glenn	Milligan	Robinson
Bass	Hill	Nicholson	Tapscott
Coleman	Kennedy	Palmer	Thordsen
Erskine	Miller	Potter	Van Drie
Gaudineer			

Absent or not voting, 11:

Anderson	Doderer	Messerly	Van Gilst
Arbuckle	Gross	Potgeter	Walsh
DeKoster	Kyhl	Schaben	

The motion, having failed to receive a constitutional majority, was declared to have failed to be adopted.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, Senator Brownlee presiding.

MOTION TO RECONSIDER LOST

Senate File 356

Senator Coleman called up the following motion to reconsider filed by him on January 24 and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 356 passed the Senate.

On the question "Shall the motion to reconsider be adopted?" (S.F. 356) the vote was:

Ayes, 19:

Anderson	Glenn	Palmer	Shaff
Briles	Hill	Rhodes	Shawver
Coleman	Kennedy	Riley	Van Drie
Curran	Miller	Robinson	Walsh
Erskine	Milligan	Schaben	

Nays, 27:

Arbuckle	Doderer	Laverty	Potter
Balloun	Gaudineer	Messerly	Rabedeaux
Bass	Gilley	Mowry	Smith
Brownlee	Graham	Neu	Stephens
Carlson	Griffin	Nicholson	Tapscott
Davis	Keith	Ollenburg	Thordsen
DeKoster	Lamborn	Potgeter	

Absent or not voting, 4:

Conklin	Gross	Kyhl	Van Gilst
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The motion lost.

HOUSE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on House File 48 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 184

On the motion of Senator Nicholson, Senate File 184, a bill for an act relating to licensing and regulation of hearing aid dealers, appropriating license fees for purposes of administration, and providing penalties for a violation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Nicholson offered the following amendment filed by him on May 26, 1971, considered and deferred on June 1, 1971:

- 1 Amend Senate File 184, page 7, by striking all of
- 2 lines 26, 27, and 28, and inserting in lieu thereof the
- 3 following:
- 4 "This Act does not apply to licensed physicians and
- 5 surgeons, osteopaths or osteopathic physicians and
- 6 surgeons who are engaged in the practice of their profession."

Senator Miller offered the following amendment to the amendment filed by him on June 1, 1971, and moved its adoption:

- 1 Amend the Nicholson amendment, filed May 26, 1971, to Senate
- 2 File 184, line 6, by adding after the word "surgeons", the words
- 3 "and chiropractors."

The amendment to the amendment was adopted.

On motion of Senator Nicholson, the amendment as amended was adopted.

Senator Nicholson moved to reconsider the vote by which the following amendment by Senators Nicholson, et al., was adopted by the Senate on June 1, 1971:

- 1 Amend Senate File 184, page 12, by adding the
- 2 following new section after line 2:
- 3 Sec. 18. The provisions of this Act shall become
- 4 effective January 1, 1972.

The motion prevailed and the amendment was taken up for reconsideration.

Senator Nicholson offered the following amendment to the amendment by Senators Nicholson, et al., and moved its adoption:

- 1 Amend the amendment by Nicholson, Miller, Thordsen and
- 2 Walsh to Senate File 184, filed May 3, 1971, and adopted on June
- 3 1, 1971, as follows: line 4, striking "1972" and insert in
- 4 lieu thereof "1973".

The amendment to the amendment was adopted.

On motion of Senator Nicholson, the amendment as amended was adopted.

Senator Nicholson offered the following amendment and moved its adoption:

- 1 Amend Senate File 184, page 5, line 26, by striking the
- 2 numeral "1971" and inserting in lieu thereof the numeral
- 3 "1972".

The amendment was adopted.

Senator Doderer offered the following amendment by Senators Doderer and Messerly:

- 1 Amend Senate File 184 as follows:
- 2 1. Page 4, by striking all after the period in line
- 3 14 and all of lines 15 through 26 inclusive.
- 4 2. Further amend Senate File 184, page 4, by striking
- 5 lines 27 and 28 and inserting in lieu thereof the words,
- 6 "Sec. 5. An applicant may obtain".
- 7 3. Further amend Senate File 184, page 4, line 34
- 8 by striking the words "twenty-one" and inserting in lieu
- 9 thereof the word "eighteen".

(Senate File 184 pending.)

President Jepsen took the chair at 3:18 p.m.

SENATE FILE WITHDRAWN

Senator Milligan asked and received unanimous consent that **Senate File 80** be withdrawn from further consideration of the Senate.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 465, a bill for an act relating to salaries of deputy sheriffs.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1066, by committee on law enforcement, a bill for an act relating to penalties for the commission of or the attempt to commit certain crimes when armed with firearms.

Read first time and placed on calendar.

Senate File 1067, by Senator Griffin (Andersen), a bill for an act relating to the Iowa public employees' retirement system.

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

HOUSE MESSAGE CONSIDERED

House File 465, a bill for an act relating to salaries of deputy sheriffs.

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

SENATE CONCURRENT RESOLUTION 105

By DeKoster and Gaudineer

Whereas, the number of cases being appealed to the Iowa Supreme Court is mounting rapidly; and

Whereas, it has become evident that the backlog of unheard and undecided cases in that court is becoming larger; and

Whereas, several proposals have been made for alleviation of the problem including intermediate appeals courts for one class of cases, allowance for the court to set in divisions, and others; and

Whereas, the problem is becoming serious though not yet critical; and

Whereas, solution should be sought before the critical point is reached,
Now Therefore,

Be It Resolved by the Senate, the House Concurring, That the legislative council be authorized to create a study committee consisting of legislative members from both political parties and both houses of the General Assembly and members of the Iowa Supreme Court for the purpose of studying the structure of the Iowa Supreme Court and the need for changes in the structure or for alternative appeals courts in Iowa; and

Be It Further Resolved, That the study committee make reports to the legislative council and shall submit a final report, including necessary bill drafts to implement its recommendations, to the legislative council. Copies of the report approved by the legislative council shall be submitted to the General Assembly meeting in the year 1973.

BILLS ASSIGNED TO COMMITTEES

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

- S.C.R. 105 Judiciary
- S. F. 1058 Schools
- S. F. 1059 Schools
- S. F. 1060 State government
- S. F. 1061 Cities and towns
- S. F. 1062 County government
- S. F. 1063 Schools
- S. F. 1064 Commerce

S. F. 1065 Judiciary
H. F. 465 County government
H. F. 472 Social services

REPORTS OF COMMITTEES

Senator Mowry submitted the following reports:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 1052**, a bill for an act relating to protective eyeglass lenses, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 1052**, a bill for an act relating to the deposit and use of fees collected by the Iowa state commerce commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1014**, a bill for an act relating to money advances by county boards of supervisors to county conservation boards, from money in the county general funds, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1026**, a bill for an act relating to actions arising out of injuries or damages caused by the operation of a motor boat, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1046**, a bill for an act permitting the commissioner of social services to grant water and sewage easement to the municipal corporation of Eldora, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the Mowry**

amendment filed January 28, 1972, and found on pages 215 and 216 of the Senate Journal and when so amended the bill do pass.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate Concurrent Resolution 104, filed January 27,
2 1972, by the committees on agriculture and transportation as
3 follows:
4 1. Page 1, by striking all of line 1 and inserting
5 in lieu thereof the following "Whereas, when a disruption
6 of a phase of the transportation system".
7 2. Page 2, by striking lines 3 through 7 inclusive.
8 3. Page 2, line 15, by striking the word "transpor-"
9 and all of lines 16 through 21 inclusive and inserting in
10 lieu thereof the following: "a lengthy labor-management dis-
11 pute."

JOHN M. WALSH

- 1 Amend Senate Concurrent Resolution 104, by the committees
2 on agriculture and transportation, filed January 27, 1972,
3 as follows:
4 1. Page 1, strike lines 22 through 24, inclusive,
5 page 2, strike lines 1 and 2 inclusive.
6 2. Page 2, by adding the following after line 21:
7 "*Be It Further Resolved:* That we encourage the congress
8 of the United States to support the feed grain reserve bill
9 which would establish a strategic grain reserve and would
10 increase the ceiling price of corn by twenty-five per cent."

JAMES F. SCHABEN

- 1 Amend Senate Concurrent Resolution 104, filed January 27,
2 1972 by the committees on agriculture and transportation as
3 follows:
4 1. Page 2, after line 2 insert the following:
5 "*Whereas,* management and labor have not up to this time
6 been provided with adequate machinery to settle differences
7 of opinion and in order that both management and labor may
8 negotiate without adverse effects upon the economy it is
9 necessary that the proper procedures be developed which are
10 not advantageous to either management or labor; and".

JOHN M. WALSH

- 1 Amend Senate File 184, page 6, line 31, by striking the
2 numeral "1972" and inserting in lieu thereof the numeral
3 "1973".

EDWARD E. NICHOLSON

- 1 Amend Senate File 1008 as follows: page 7, line 17, by
2 striking everything after the word "state" and by striking
3 all of line 18, and insert in lieu thereof a period.

TOM RILEY

1 Amend the Curran, Keith and Walsh amendment, filed March
2 4, 1971, to House File 48 as follows: page 1, line 10, after the
3 word "escort" add "both to the front and to the rear thereof."
4 Said escorts shall comply with standards fixed by the state high-
5 way commission but the cost for said escorts shall be paid by
6 the permittee".

TOM RILEY

1 Amend the committee on state government amendment to House File
2 filed January 27, 1972, page 4, line 1, by striking the 1011,
3 word "*the*".

JAMES A. POTGETER

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Tuesday, February 1, 1972.

JOURNAL OF THE SENATE

TWENTY-THIRD DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, FEBRUARY 1, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Marvin Lehman, pastor of the Immanuel United Church of Christ, Klemme, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, January 31, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirty-five students from Brody Junior High School, Des Moines, Iowa, accompanied by Alice Carpenter and Mrs. Brubaker. Senator Milligan.

Thirty-one students from Kate Mitchell Elementary School, Ames, Iowa, accompanied by Mrs. Mahon and Mr. Murphy. Senator Van Drie.

Seventy students from Ogden High School, Ogden, Iowa, accompanied by Mr. Stone and Mr. Kieffer. Senator Arbuckle.

Six students, members of Cub Scout Pack 36, Fairfax, Iowa, accompanied by Mrs. Ronald Neis and Mr. and Mrs. Neil Rowlena. Senator Riley.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. R. Dieckmann, Waterloo, Iowa.

SPECIAL ORDER

Senator Lamborn asked and received unanimous consent that **Senate File 1008** be made a **special order of business** for Tuesday, February 8, 1972, at 9:30 a.m.

MESSAGE FROM THE HOUSE

The following message was received from the House:

Mr. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 494, a bill for an act relating to the transfer of portions of the primary road system into the secondary road system.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 494, a bill for an act relating to the transfer of portions of the primary road system into the secondary road system.

Read first time and passed on file.

CONSIDERATION OF BILLS

House File 227

Senator Lamborn asked and received unanimous consent to take up out of order House File 227.

On motion of Senator Graham, House File 227, a bill for an act relating to fee for issuance of tax deed, with reports of committee recommending passage, was taken up, considered, and the reports of the committee adopted.

Senator Graham moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 227) the vote was:

Ayes, 36:

Anderson	DeKoster	Lamborn	Riley
Arbuckle	Doderer	Messerly	Robinson
Balloun	Erskine	Milligan	Shaff
Bass	Gilley	Mowry	Shawver
Briles	Graham	Neu	Smith
Brownlee	Griffin	Nicholson	Stephens
Carlson	Hill	Potter	Thordsen
Conklin	Keith	Rabedeaux	Van Drie
Davis	Kyhl	Rhodes	Van Gilst

Nays, 8:

Coleman	Glenn	Miller	Schaben
Gaudineer	Kennedy	Palmer	Tapscott

Absent or not voting, 6:

Curran	Laverty	Potgeter	Walsh
Gross	Ollenburg		

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

House File 48

On motion of Senator Keith, House File 48, a bill for an act relating to the movement of oversized mobile homes and vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The Senate resumed reconsideration of the following amendment by Senators Curran, Keith and Walsh, pending on May 6, 1971:

1 Amend House File 48 as amended, passed, and reprinted
 2 by the House by striking all after the enacting clause
 3 and inserting in lieu thereof the following:
 4 "Section 1. Section three hundred twenty-one E point
 5 three (321E.3), Code 1971, is amended as follows:
 6 321E.3 ESCORTS FOR MOVEMENT—DISTANCE SCHED- ULES.

7 All movements of mobile homes and other vehicles the
 8 width of which, including any load, exceeds the road-
 9 way land width of the highway or street being traversed,
 10 shall be under escort. Permits for the movement of
 11 *other motor vehicles with* indivisible loads exceeding
 12 twelve feet five inches in width [or mobile homes of
 13 widths including appurtenances exceeding twelve feet
 14 five inches] shall be restricted to maximum trip distances
 15 in accordance with the following schedule:

16 SCHEDULE OF OVER-WIDTH MOVEMENT DISTANCES FOR
 PAVEMENT
 17 WIDTHS OF 24 FEET OR MORE WITH TRAFFIC OF 4,000 OR
 MORE

18 VEHICLES PER DAY

19 Load	Distance
20 Width (ft.)	(Miles)
21 13.....	50
22 14.....	50
23 15.....	41
24 16.....	32
25 17.....	23

Page 2

1 18.....	15
2 19 to 40	10
3 Over 40	Not allowed.

4 *Any mobile home exceeding twelve feet five inches in*
 5 *width and not exceeding fourteen feet five inches may*
 6 *be moved on the highways of this state upon filing of*
 7 *an application for and receiving a single trip permit.*
 8 *Any mobile home exceeding fourteen feet five inches*
 9 *in width shall be restricted to maximum trip distances*
 10 *in accordance with the above schedule.*

11 Sec. 2. Section three hundred twenty-one E point

12 eight (321E.8), subsection one (1), Code 1971, is amended
13 as follows:

14 1. Vehicles with indivisible loads having an over-
15 all width not to exceed twelve feet, five inches or
16 mobile homes including appurtenances not to exceed
17 twelve feet, five inches and an over-all length not
18 to exceed [seventy feet, zero inches] *eighty-five feet,*
19 *including the power unit,* may be moved for unlimited
20 distances. The vehicle and load shall not exceed the
21 height of thirteen feet, ten inches and the total gross
22 weight as prescribed in section 321.463.

23 Sec. 3. Section three hundred twenty-one E point
24 nine (321E.9), subsection one (1), Code 1971, is amended
25 as follows:

Page 3

1 1. Vehicles with indivisible loads having an over-
2 all width not to exceed twelve feet, five inches or
3 mobile homes including appurtenances not to exceed
4 [twelve] *fourteen* feet, five inches and an over-all length
5 not to exceed [eighty feet, zero inches] *eighty-five feet,*
6 *including the power unit,* may be moved for unlimited
7 distances. No mobile home may be moved under the
8 provisions of this subsection if the actual mobile home
9 unit exceeds [sixty-eight feet in length] *seventy feet*
10 *in length, not including any area occupied by a hitching*
11 *device.* No unit moved under the provisions of this
12 subsection shall exceed the height as prescribed in
13 section 321.456 and the total gross weight as prescribed
14 in section 321.463.

15 Sec. 4. Section three hundred twenty-one E point
16 eleven (321E.11), unnumbered paragraph one (1), Code
17 1971, is amended as follows:

18 Movements by permit in accordance with this chap-
19 ter shall be permitted [only during daylight hours unless
20 it is established by the issuing authority that the
21 movement can be better accomplished at another period
22 of time because of traffic volume conditions] *from thirty*
23 *minutes before sunrise to thirty minutes after sunset.*

24 Sec. 5. Section three hundred twenty-one point one
25 (321.1), Code 1971, is amended by adding the following

Page 4

1 new subsection:

2 "Daylight hours" means thirty minutes before sunrise
3 to thirty minutes after sunset.

4 Sec. 6. This Act, being deemed of immediate im-
5 portance, shall take effect and be in force from and
6 after its publication in Neola Gazette-Reporter, a
7 newspaper published in Neola, Iowa, and in Council
8 Bluffs Nonpareil, a newspaper published in Council
9 Bluffs, Iowa.

Senator Doderer asked and received unanimous consent to
withdraw the amendment to the amendment by Senators Dod-

erer, Gross and Potgeter offered and deferred on May 6, 1971, and found on page 1155 of the 1971 Senate Journal.

Senator Doderer withdrew the amendment to the amendment filed by Senators Doderer, Gross, et al., on May 10, 1971, and found on pages 1208 and 1209 of the 1971 Senate Journal.

Senator Doderer offered the following amendment to the amendment by Senator Doderer, Potgeter, et al.:

1 Amend the Curran, et al., amendment, filed March 4, 1971,
2 to House File 48, as follows:

3 1. Page 2, line 5, by inserting after the word "width"
4 the words "*, including appurtenances,*".

5 2. Page 2, line 5, by inserting after the word "*inches*"
6 the words "*in width, including appurtenances,*".

7 3. Page 2, line 9, by inserting after the word "*width*" the
8 words "*including appurtenances,*".

9 4. Page 2, by adding the following new paragraph after line
10 10: "*No mobile home exceeding ten feet in width shall be*
11 *moved according to the provisions of this section, when the*
12 *recorded wind velocity exceeds twenty miles per hour.*"

13 5. Page 2, by inserting after line 10 the following new
14 section and renumbering the remaining sections to conform with
15 this amendment.

16 "Section three hundred twenty-one E point six (321E.6), Code
17 1971, is amended as follows:

18 321E.6 VARIATIONS IN ROAD WIDTH AND TRAFFIC. A
movement of

19 an indivisible load over a highway or highways having sections
20 carrying varying volumes of traffic and having varying surface
21 widths shall have its permissible total distance computed on the
22 basis of the lowest volume of traffic or the greatest highway
23 width, whichever produces the greater distance by the foregoing
24 schedule. However, no movement over a section or sections
25 carrying a given shorter permissible maximum shall be greater

Page 2

1 than that shorter maximum and, in computing the distance which
2 would be traveled on a section or sections having a certain
3 width and traffic volume, distances which would be traveled on
4 sections carrying shorter permissible move distances shall
5 be included.

6 *Any mobile home exceeding twelve feet five inches in width,*
7 *including appurtenances, subject to the provisions of this*
8 *chapter, shall not move over any highway with a roadway which is*
9 *less than twenty-four feet in width, except that any mobile home*
10 *which exceeds twelve feet five inches in width, including*
11 *appurtenances, but does not exceed fourteen feet five inches in*
12 *width, including appurtenances, may be moved upon any highway*
13 *with a roadway which is less than twenty-four feet in width when*
14 *the mobile home is being moved to a terminous point within the*
15 *state, provided the mobile home and power unit are accompanied by*
16 *an official escort approved by the permit issuing authority.*

17 *For the purpose of this section the word "terminous point"*

18 *means a mobile home park site or any site in which the mobile home*
19 *will be placed permanently and used for human habitation.*
20 *Permits for the movement of mobile homes not to exceed fourteen*
21 *feet five inches in width, including appurtenances, may be granted*
22 *by the permit issuing authority on highways with roadway widths of*
23 *less than twenty-four feet, when the issuing authority determines*
24 *from consideration of roadway characteristics and traffic density*
25 *that safety will be enhanced. The actual road may be closed to*
26 *other traffic when the authority determines that safety will be enhanced.*

Action on the amendment to the amendment was temporarily deferred for correction.

Senator Hill asked and received unanimous consent to withdraw the following amendment to the amendment, offered, considered and deferred on May 6, 1971:

1 Amend the Curran, et al., amendment, adopted April 26,
2 1971, to House File 48, page 2, by adding after line
3 10 the following new section, and renumbering the
4 remaining sections to conform with this amendment:
5 Sec. 2. Chapter three hundred twenty-one E point
6 three (321E.3) is amended by adding the following new
7 section:
8 "Any person, firm, or corporation receiving a
9 permit pursuant to this chapter to move any load on
10 a highway of this state that exceeds twelve feet five
11 inches in width shall pay to the state, for deposit
12 in the road use tax fund, a sum of money equal to one
13 dollar for every road mile for which such permit is
14 issued plus the reasonable cost of providing the
15 required escort, prior to receiving such permit."

Senator Hill offered the following amendment to the amendment filed by him on May 6, 1971:

1 Amend the Curran, et al., amendment, adopted April 26,
2 1971, to House File 48, page 2, by adding after line
3 10 the following new section, and renumbering the
4 remaining sections to conform with this amendment:
5 Sec. 2. Chapter three hundred twenty-one E point
6 three (321E.3) is amended by adding the following
7 new section:
8 "Any person, firm, or corporation receiving a
9 permit pursuant to this chapter to move any load on
10 a highway of this state that exceeds twelve feet five
11 inches in width shall pay to the state, for deposit
12 in the road use tax fund, a sum of money equal to one
13 dollar for every road mile for which such permit is
14 issued plus the reasonable cost, if any, of providing
15 the required escort, prior to receiving such permit."

Senator Hill moved the adoption of his amendment to the amendment and called for a division.

The amendment to the amendment lost.

The Senate resumed consideration of the Doderer-Potgeter, et al., amendment to the amendment.

Senator Doderer moved the adoption of the amendment to the amendment.

Roll call was requested.

On the question "Shall the Doderer-Potgeter, et al., amendment to the amendment be adopted?" (H.F. 48) the vote was:

Ayes, 38:

Anderson	Erskine	Milligan	Riley
Arbuckle	Gaudineer	Mowry	Schaben
Balloun	Gilley	Neu	Shaff
Bass	Graham	Nicholson	Shawver
Briles	Griffin	Ollenburg	Smith
Carlson	Gross	Potgeter	Stephens
Conklin	Keith	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Gilst
Davis	Laverty	Rhodes	Walsh
Doderer	Miller		

Nays, 10:

Coleman	Hill	Palmer	Tapscott
DeKoster	Kennedy	Robinson	Van Drie
Glenn	Messerly		

Absent or not voting, 2

Brownlee	Lamborn
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The amendment to the amendment was adopted.

Senator Gaudineer asked and received unanimous consent to withdraw the amendment to the amendment offered and pending on May 6, 1971, and found on page 1156 of the 1971 Senate Journal.

Senator Gaudineer offered the following amendment to the amendment filed by him on May 26, 1971:

- 1 Amend the Curran, et al., amendment to House File 48
- 2 as follows:
- 3 1. Page 3, by inserting after line 23, the following:
- 4 *"Any person, firm or corporation who moves a vehicle*
- 5 *or mobile home upon the highways of this state in violation*
- 6 *of this chapter or any permit issued pursuant thereto, shall,*
- 7 *upon conviction, be fined not to exceed one hundred dollars (\$100.00)*
- 8 *or, imprisoned in the county jail not to exceed thirty (30)*
- 9 *days, in addition to any other fines or penalties imposed*
- 10 *by this chapter. In addition thereto the highway commission*
- 11 *may, for a period not to exceed one year, refuse such person,*
- 12 *firm, or corporation any further permits."*
- 13 2. Page 4, line 9, by numbering properly and adding
- 14 after line 9, the following new division :

15 Page 1, line 2, by adding after the word
 16 "vehicles" the words, "and providing penalties for violations
 17 thereof".

Senator Lamborn raised a point of order on the amendment to the amendment for the reason that it was not germane to the bill.

The Chair ruled the point not well taken and the amendment to the amendment in order.

Senator Gaudineer moved the adoption of his amendment to the amendment.

Roll call was requested.

On the question "Shall the May 26, 1971, Gaudineer amendment to the amendment be adopted?" (H.F. 48) the vote was:

Ayes, 18:

Carlson	Doderer	Milligan	Robinson
Coleman	Gaudineer	Neu	Shawver
Conklin	Glenn	Palmer	Tapscott
Davis	Gross	Riley	Van Drie
DeKoster	Hill		

Nays, 30:

Anderson	Graham	Miller	Rhodes
Arbuckle	Griffin	Mowry	Shaff
Balloun	Keith	Nicholson	Smith
Bass	Kennedy	Ollenburg	Stephens
Briles	Kyhl	Potgeter	Thordsen
Curran	Lamborn	Potter	Van Gilst
Erskine	Laverty	Rabedeaux	Walsh
Gilley	Messerly		

Absent or not voting, 2:

Brownlee	Schaben
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The amendment to the amendment lost.

Senator Riley withdrew the amendment to the amendment filed by him on January 31, 1972, and found on page 229 of the Senate Journal.

Senator Riley offered the following amendment to the amendment:

- 1 Amend the Curran, Keith and Walsh amendment to House File
- 2 48, filed March 4, 1971 as follows:
- 3 Page 1, line 10, by inserting after the word "escort." the
- 4 following: "*Whenever the paved width of said roadway is less*
- 5 *than twenty-four (24) feet the escort shall be provided both*
- 6 *to the rear and to the front thereof, and said escorts shall*
- 7 *comply with standards fixed by the state highway commission*
- 8 *but the cost for said escorts shall be paid by the permittee."*

President Jepsen took the chair at 11:34 a.m.

Senator Rhodes took the chair at 11:50 a.m.

Senator Riley moved the adoption of his amendment to the amendment and requested a roll call.

On the question "Shall the Riley amendment to the amendment be adopted?" (H.F. 48) the vote was:

Rule 24 was invoked.

Ayes, 23:

Arbuckle	Gaudineer	Miller	Riley
Carlson	Glenn	Milligan	Robinson
Coleman	Graham	Neu	Shawver
Conklin	Gross	Palmer	Tapscott
DeKoster	Hill	Potgeter	Walsh
Doderer	Kennedy	Rhodes	

Nays, 27:

Anderson	Erskine	Messerly	Shaff
Balloun	Gilley	Mowry	Smith
Bass	Griffin	Nicholson	Stephens
Briles	Keith	Ollenburg	Thorsen
Brownlee	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedeaux	Van Gilst
Davis	Laverty	Schaben	

The amendment to the amendment lost.

Senator Doderer offered the following amendment to the amendment by Senators Doderer, Lamborn and Keith and moved its adoption:

- 1 Amend the Curran, et al., amendment, filed March 4, 1971,
- 2 to House File 48, page 3, line 10 by striking the word
- 3 "not".

Division was called for.

The amendment to the amendment was adopted.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following joint resolution in which the concurrence of the Senate is asked:

House Joint Resolution 9 relating to the effective date of laws.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 556, a bill for an act relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1068, by Senators Griffin, Walsh, Briles, Conklin, Anderson, Rabedeaux, Carlson, Nicholson, Davis, Stephens, Gilley, Balloun, Potter, Shawver, Arbuckle, and Potgeter, a bill for an act to provide compensation for motor vehicle accident victims.

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

Senate File 1069, by committee on schools (committee on schools), a bill for an act relating to the contracts of county superintendents of schools.

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

Senate File 1070, by committee on schools (committee on schools), a bill for an act relating to the approval, coordination, and supervision over electronic data processing for educational purposes.

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

Senate File 1071, by committee on cities and towns, a bill for an act relating to the use of funds received from the operation of parking meters.

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

Senate File 1072, by Senator Van Drie, a bill for an act to provide for adjusting the pay of state employees under the Iowa merit employment department according to changes in the consumer price index.

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

HOUSE MESSAGES CONSIDERED

House Joint Resolution 9, a joint resolution relating to the effective date of laws.

Read first time and passed on file.

House File 556, a bill for an act relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act.

Read first time and passed on file.

CONSIDERATION OF BILLS

House File 48

The Senate resumed consideration of House File 48 and the Curran, et al., amendment.

Senator Doderer offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Curran, et al., amendment filed March
- 2 4, 1971 to House File 48, page 4 by striking lines
- 3 4 through 9 inclusive.

The amendment to the amendment was adopted.

Senator Gaudineer offered the following amendment to the amendment:

- 1 Amend the Curran, et al., amendment, adopted April 26,
- 2 1971, to House File 48, page 2, by adding after line 10
- 3 the following new section, and renumbering the remaining
- 4 sections to conform with this amendment:
- 5 "Sec. 2. Chapter three hundred twenty-one E point
- 6 three (321E.3) is amended by adding the following new
- 7 section:
- 8 Any person, firm, or corporation receiving a permit
- 9 pursuant to this chapter to move any oversized load on a
- 10 highway of this state that does not have its origin or terminus
- 11 point in this state, shall pay to the state, for deposit in
- 12 the road use tax fund, a sum of money equal to one dollar for
- 13 every road mile for which such permit is issued plus the
- 14 reasonable cost, if any, for providing the required escort,
- 15 prior to receiving such permit."

Senator Gaudineer moved the adoption of the amendment to the amendment and requested a roll call.

On the question "Shall the February 1 Gaudineer amendment to the amendment be adopted?" (H. F. 48) the vote was:

Ayes, 13:

Coleman	Gross	Miller	Robinson
Conklin	Hill	Palmer	Shawver
Doderer	Kennedy	Potgeter	Tapscott
Gaudineer			

Nays, 36:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gilley	Milligan	Schaben
Balloun	Glenn	Mowry	Shaff
Bass	Graham	Neu	Smith
Brownlee	Griffin	Nicholson	Stephens
Carlson	Keith	Ollenburg	Thordsen
Curran	Kyhl	Potter	Van Drie
Davis	Lamborn	Rabedeaux	Van Gilst
DeKoster	Laverty	Rhodes	Walsh

Absent or not voting, 1:

Briles

The amendment to the amendment lost.

On motion of Senator Keith, the Curran, et al., amendment as amended was adopted.

President Jepsen took the chair at 2:45 p.m.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 48) the vote was:

Rule 24 was invoked.

Ayes, 25:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gilley	Milligan	Shaff
Balloun	Griffin	Nicholson	Smith
Bass	Keith	Ollenburg	Van Drie
Briles	Kyhl	Potter	Van Gilst
Brownlee	Lamborn	Rabedeaux	Walsh
Curran			

Nays, 25:

Carlson	Glenn	Miller	Robinson
Coleman	Graham	Mowry	Schaben
Conklin	Gross	Neu	Shawver
Davis	Hill	Palmer	Stephens
DeKoster	Kennedy	Potgeter	Tapscott
Doderer	Messerly	Riley	Thordsen
Gaudineer			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

INTRODUCTION OF BILLS

Senate File 1073, by Senators Walsh, Griffin, Thordsen, Shawver, Nicholson, Riley, Kennedy, Davis and Doderer (Trowbridge, Schwieger, Taylor, Tieden, Johnston, Doyle, Kelly, Shaw, Millen, Kehe, Camp, Priebe, Blouin, Waugh, Small, Hansen, Ellsworth, Larson, Gluba, Monroe, Schwartz, Kennedy, Curtis, McElroy, Franklin, Husak, Rodgers, Lawson, Mayberry, Wyckoff, Patton, Jesse, Lipsky, Mollett, Bennett, Stanley, Kinley, Ewell, Wells, Norpel, Edelen, Knoblauch, Knoke, Hill, Anania, Dougherty, Rex, Schmeiser, Radl, Bray, Clark, Logemann, Wirtz, Willits, Cochran and Skinner), a bill for an act relating to the private sale, control and distribution of wine containing not more than seventeen percent alcohol by weight, declaring certain acts to be unlawful and prescribing penalties therefor.

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

Senate File 1074, by Senator Balloun, a bill for an act to appropriate funds from the general fund of the state to the state board of regents to be used for the purchase of the midwestern college campus site and the administration-lecture hall building thereon, and to provide for a lease of the facility to western Iowa tech-merged area XII.

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

Senate File 1075, by committee on ways and means, a bill for an act providing for an appraisal staff and appraisal manual in the department of revenue and to make an appropriation therefor.

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

Senate File 1076, by Senators Doderer, DeKoster and Potgeter, a bill for an act relating to the sale or distribution of contraceptive products.

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

Senate File 1077, by Senator Walsh, a bill for an act relating to lawful picketing in labor disputes.

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

Senate File 1078, by Senator Walsh, a bill for an act relating to the sale of alcoholic liquors on December 31, 1972.

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

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1067 State government
- S. F. 1068 Commerce
- S. F. 1072 State government
- S. F. 1073 Ways and means
- H.J.R. 9 Constitutional amendments and reapportionment
- H. F. 494 County government
- H. F. 556 Social services

EXPLANATION OF VOTE

When the final vote was taken on House File 227 I was attending an education meeting in the Lieutenant Governor's Office. Had I been in the chamber I would have voted "Aye".

JOHN M. WALSH

AMENDMENTS FILED

- 1 Amend Senate Concurrent Resolution 104, filed January 27, 1972,
- 2 by committees on agriculture and transportation as follows:
- 3 1. Page 2, line 16, by striking the words "without permitting"
- 4 and inserting in lieu thereof the words "aimed at preventing".
- 5 2. Page 2, line 16, by inserting a period after the word
- 6 "strikes".
- 7 3. Page 2, by striking all of lines 17 through 21 inclusive.

RICHARD L. STEPHENS

- 1 Amend Senate File 184 as follows:
- 2 Page 4, line 32, by inserting after the word "school"
- 3 the words "except an applicant who has been principally
- 4 engaged as a hearing aid dealer for a total period of at
- 5 least two years in the state of Iowa, within a period of
- 6 five years immediately prior to the effective date of
- 7 this Act".

MINNETTE F. DODERER
FRANCIS L. MESSERLY

- 1 Amend Senate File 184 as follows:
- 2 1. Page 6, by striking lines 1 through 5 inclusive.
- 3 2. Page 7, by striking lines 22 through 25 inclusive.

MINNETTE F. DODERER

- 1 Amend Senate File 336 as follows:
- 2 Line 11, by striking the words "*as soon as practical after*
- 3 *the return day fixed in*" and line 12, by striking the words
- 4 "*the original notice*" and insert in lieu thereof the words
- 5 "*on or before the thirtieth day after the day fixed in the*
- 6 *original notice*".

LUCAS J. DeKOSTER

1 Amend Senate File 360 as follows:

- 2 1. Page 2, line 26, by striking the words "*one year*"
 3 and inserting in lieu thereof the words "*six months*."
 4 2. Page 2, line 28, by striking all after the word
 5 "*imprisonment*.", and all of lines 29 through 32, inclusive.
 6 3. Page 3, line 18, by striking the words "*one year*"
 7 and inserting in lieu thereof the words "*six months*".
 8 4. Page 3, line 19, by striking all after the word
 9 "*imprisonment*.", and all of lines 20 through 23, inclusive.

HAROLD A. THORSEN
 TOM RILEY

1 Amend House File 1011, as passed by the House, page
 2 19, by adding the following new sections after line 5:

- 3 1. "Sec. The board of any school district may
 4 establish and maintain a nursery school in the district
 5 for children who have attained the age of four years
 6 but are not eligible for kindergarten. Notwithstanding
 7 any provisions of the Code, if the board establishes a
 8 nursery school program, it shall only provide grades
 9 kindergarten through eleven and shall not provide
 10 twelfth grade. Completion of the eleventh grade shall
 11 fulfill the requirement for issuance of a high school
 12 diploma."
 13 2. "Sec. A nursery school teacher shall hold
 14 a certificate and statement of approval for teaching
 15 in nursery school, based upon successful completion of
 16 a program of professional education at an accredited
 17 teacher-training institution in accordance with the
 18 rules of the state board of public instruction."
 19 3. "Sec. If a nursery school program has
 20 been established and completion of the eleventh grade
 21 fulfills the requirement for issuance of a high school
 22 diploma, the provision of section two hundred fifty-
 23 seven point twenty-five (257.25), subsection seven (7),
 24 of the Code shall be changed so that the high school
 25 is only required to teach annually three units of

Page 2

- 1 science, including physics and chemistry; three units
 2 of the social studies; three units of English including
 3 language arts; and three units of a sequential program
 4 in mathematics."

EUGENE M. HILL

- 1 Amend the Milligan amendment to House File 1011, filed January 17,
 2 1972, by striking from line 3 the word "*nineteen*". and inserting in
 3 lieu thereof the word "*twenty*".

R. DEAN ARBUCKLE

On motion of Senator Lamborn, the Senate adjourned until
 10:00 a.m., Wednesday, February 2, 1972.

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, FEBRUARY 2, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend R. Dean Dixon, pastor of the First Baptist Church, Boone, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, February 1, 1972, was approved.

PRESENTATION OF VISITORS

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

Twenty-one students from Olin High School, Olin, Iowa, accompanied by Robert Gray, Mr. Hebner and Mr. Stoley. Senator Lamborn.

Thirty-five students from Earlham High School, Earlham, Iowa, accompanied by Ernest Baiotto. Senator Rhodes.

Thirty-two students from Oskaloosa High School, Oskaloosa, Iowa, accompanied by Glenn K. Smith. Senator Van Gilst.

Sixty students from St. Joseph Academy, Des Moines, Iowa, accompanied by Mrs. Judy Dwyer. Senator Tapscott.

Twenty-one students from West Liberty Community School, West Liberty, Iowa, accompanied by Mr. Donnelly. Senator Rabedeaux.

PETITION

By Senator Stephens, from seventy-two residents of Washington County in favor of granting adult rights to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has taken the following action on the House amendment to Senate File 392, a bill for an act relating to the eradication of hog cholera and the control and eradication of the swine diseases, in which the concurrence of the House was asked:

1. The House recedes from amendments 1 and 4.

2. The House insists on amendments 2 and 3, and requests a conference committee.

Conferees on the part of the House are: the Representative from Henry, Mr. Strothman, chairman; the Representative from Pottawattamie, Mr. Schroeder; the Representative from Clinton, Mr. Camp; the Representative from Keokuk, Mr. Dunton.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 569, a bill for an act relating to peer review.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 726, a bill for an act imposing damage liability for the unlawful destruction, taking, or possession of wildlife owned by the state.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1032, a bill for an act relating to resignations of school board members.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1045, a bill for an act changing the local budget certification date of school districts.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 569, a bill for an act relating to peer review.

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

House File 726, a bill for an act imposing damage liability for the unlawful destruction, taking or possession of wildlife owned by the State of Iowa.

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

House File 1032, a bill for an act relating to resignations of school board members.

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

House File 1045, a bill for an act changing the local budget certification date of school districts.

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

SPECIAL ORDER OF BUSINESS

House File 1011

The hour having arrived, the Chair announced the special order of business for the consideration of House File 1011.

On motion of Senator Potgeter, House File 1011, a bill for an act relating to the attainment of the age of majority, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Potgeter offered the amendment filed by the committee on state government on January 27, 1972, and found on pages 197-206, inclusive, of the Senate Journal, and called for a division of the amendment, as follows:

- Division 1—Page 1, lines 1 through 8
- Division 2—Page 1, lines 9 through 12
- Division 3—Page 1, lines 13 through 26
- Division 4—Page 1, lines 27 and 28
Page 2, line 1
- Division 5—Page 2, line 2; lines 22 through 25
Page 3, lines 1 through 10
- Division 6—Page 2, lines 3 through 21
- Division 7—Page 3, lines 11 through 17
- Division 8—Page 3, lines 18 through 25
All of pages 4, 5, 6 and 7
Page 8, lines 1 through 3
Page 9, lines 18 through 25
Page 10, lines 1 and 2
Page 14, lines 7 through 25
Page 15, lines 1 through 11
- Division 9—Page 8, lines 4 through 25
Page 9, lines 1 through 17
- Division 10—Page 10, lines 3 through 11
- Division 11—Page 10, lines 12 through 25
All of pages 11, 12 and 13
Page 14, lines 1 through 6

Division 12—Page 15, lines 12 through 23

Division 13—Page 15, lines 24 and 25

All of page 16

Page 17, lines 1 through 13

Page 18, line 2

Division 14—Page 17, lines 14 through 25

Page 18, line 1

On motion of Senator Potgeter, division 1 of the amendment was adopted.

Senator Potgeter moved the adoption of division 2 of the amendment.

Division was called for.

Division 2 of the amendment was adopted.

On motion of Senator Gaudineer, division 3 of the amendment was adopted.

On motion of Senator Potgeter, division 4 of the amendment was adopted.

On motion of Senator Potgeter, division 5 of the amendment was adopted.

Senator Potgeter asked and received unanimous consent to withdraw division 6 of the amendment.

On motion of Senator Potgeter, division 7 of the amendment was adopted.

Senator Potgeter offered the following amendment to division 8 of the amendment and moved its adoption:

- 1 Amend the committee on state government amendment to House File 1011,
- 2 filed January 27, 1972, page 4, line 1, by striking the
- 3 word "*the*".

The amendment to division 8 of the amendment was adopted.

Senator Potgeter moved the adoption of division 8 of the amendment as amended.

Roll call was requested.

On the question "Shall division 8 of the amendment as amended be adopted?" (H.F. 1011) the vote was:

Ayes, 29:

Arbuckle	Gaudineer	Palmer	Shaff
Briles	Glenn	Potgeter	Shawver
Brownlee	Griffin	Potter	Tapscott
Carlson	Gross	Rhodes	Thordsen
Conklin	Lamborn	Riley	Van Drie
Curran	Miller	Robinson	Van Gilst
DeKoster	Milligan	Schaben	Walsh
Doderer			

Nays, 17:

Anderson	Gilley	Messerly	Rabedeaux
Balloun	Graham	Mowry	Smith
Bass	Hill	Nicholson	Stephens
Coleman	Keith	Ollenburg	
Erskine	Kyhl		

Absent or not voting, 4:

Davis	Kennedy	Laverty	Neu
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Division 8 of the amendment as amended was adopted.

On motion of Senator Potgeter, division 9 of the amendment was adopted.

Action on division 10 of the amendment was temporarily deferred.

Senator Potgeter offered the following amendment to division 11 of the amendment and moved its adoption:

- 1 Amend the committee on state government amendment to
- 2 House File 1011, filed Thursday, January 27, 1972, page
- 3 12, by inserting after line 25, the following new
- 4 section:
- 5 "Sec. Section three hundred fifty-eight point
- 6 nine (358.9), unnumbered paragraph three (3), Code 1971,
- 7 is amended to read as follows:
- 8 In cases where the state of Iowa owns at least four
- 9 hundred acres of land contiguous to lakes within said
- 10 district, then and only then the Iowa natural resources
- 11 council shall appoint two members of said board of trust-
- 12 ees in addition to the three members hereinbefore pro-
- 13 vided in this section. The additional two members shall
- 14 be qualified as follows: They shall be United States
- 15 citizens, not less than [twenty-one] *eighteen* years of
- 16 age, and shall be property owners within said district.
- 17 In such cases the two additional appointive members
- 18 shall have equal vote and authority with other members
- 19 of trustees and shall hold office at the pleasure of
- 20 the Iowa natural resources council."

The amendment to division 11 of the amendment was adopted.

On motion of Senator Potgeter, division 11 of the amendment as amended was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 203, a bill for an act relating to administrative rules and regulations.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 431, a bill for an act relating to hunting restrictions.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1013, a bill for an act relating to the rate of interest on public utility refunds to customers.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1084, a bill for an act to provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 431

- 1 Amend Senate File 431 as amended and passed by the
- 2 Senate as follows:
- 3 1. Page 2, line 21, by striking all after the word
- 4 "fifteenth" and all of line 22.
- 5 2. Page 2, by inserting after line 28 the following
- 6 new section:
- 7 Sec. 2. Section one hundred nine point thirty-two
- 8 (109.32), Code 1971, is amended by adding the following
- 9 new paragraph:
- 10 *"Any person convicted of willfully killing, injuring,*
- 11 *catching or possessing any eagle, hawk, whooping crane,*
- 12 *swan, or owl, or the nest, eggs, or plumage of any*
- 13 *eagle, hawk, whooping crane, swan, or owl, in violation*
- 14 *of the provisions of this chapter or any administrative*
- 15 *order of the commission, shall be fined not less than*
- 16 *one hundred dollars nor more than one thousand dollars*
- 17 *or be imprisoned in the county jail not more than*
- 18 *thirty days. The court, in addition to any other*
- 19 *sentence imposed, shall revoke the hunting license of*
- 20 *such person. The commission shall refuse the issuance*
- 21 *of a hunting license to such person for a period of*
- 22 *not less than three years."*
- 23 3. Amend the title, page 1, line 1, by inserting
- 24 after the word "restrictions" the words "and imposing
- 25 penalties for the willful killing, injuring, catching

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- 1 or possessing of certain nongame birds".

HOUSE MESSAGE CONSIDERED

House File 1084, a bill for an act to provide that water districts shall not be subject to regulation by the Iowa state commerce commission.

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

INTRODUCTION OF BILL

Senate File 1079, by Senators Gaudineer and DeKoster, a bill for an act establishing an intermediate court of criminal appeals; providing for the appointment of judges thereto; providing for the operation of such court; and permitting the acceptance of federal funds to be utilized in the operation of all courts of record.

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

On motion of Senator Lamborn, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

SPECIAL ORDER CONTINUED

House File 1011

The Senate resumed consideration of House File 1011 and division 10 of the amendment by the committee on state government previously deferred.

Senator Potgeter offered the following amendment to division 10 of the amendment and moved its adoption:

- 1 Amend the committee on state government amendment to
- 2 House File 1011, filed January 27, 1972, page 10, by in-
- 3 serting after line 11, the following new section:
- 4 "Sec. Section two hundred fifty-two A point three
- 5 (252A.3), subsections one (1), two (2), and three (3), Code
- 6 1971, are amended to read as follows:
- 7 1. A husband in one state is hereby declared to be
- 8 liable for the support of his wife and any child or children
- 9 under [seventeen] *eighteen* years of age and any other dependent
- 10 residing or found in the same state or in another state
- 11 having substantially similar or reciprocal laws, and, if
- 12 possessed of sufficient means or able to earn such means,
- 13 may be required to pay for their support a fair and reasonable
- 14 sum according to his means, as may be determined by the
- 15 court having jurisdiction of the respondent in a proceeding

16 instituted under this chapter.
 17 2. A mother in one state is hereby declared to be
 18 liable for the support of her child or children under [seventeen]
 19 *eighteen* years of age residing or found in the same state
 20 or in another state having substantially similar or recipro-
 21 cal laws, whenever the father of such child or children is
 22 dead, or cannot be found, or is incapable of supporting
 23 such child or children, and, if she is possessed of
 24 sufficient means or able to earn such means, she may be
 25 required to pay for the support of such child or children

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1 a fair and reasonable sum according to her means, as may
 2 be determined by the court having jurisdiction of the
 3 respondent in a proceeding instituted under this chapter.
 4 3. The parents in one state are hereby declared to
 5 be severally liable for the support of a child [seventeen]
 6 *eighteen* years of age or older residing or found in the same
 7 state or in another state having substantially similar or
 8 reciprocal laws, whenever such child is unable to maintain
 9 himself and is likely to become a public charge."

The amendment to division 10 of the amendment was adopted.

On motion of Senator Potgeter, division 10 of the amendment as amended was adopted.

Senator Gaudineer moved the adoption of division 12 of the amendment.

The Chair called for a division.

Division 12 of the amendment was adopted.

Senator Hill offered the following amendment to division 13 of the amendment and moved its adoption:

1 Amend the committee on state government amendment to House File
 1011
 2 filed January 27, 1972, as follows:
 3 1. Page 16, line 10, insert following the word
 4 "*needs*" the words "*and is in good standing*".
 5 2. Page 16, line 13, insert following the word
 6 "*school*" the words "*and is in good standing*" and
 7 after the word "*accepted*" the words "*without*
 8 *restriction in terms of probation*".

The Chair called for a division.

The amendment to the amendment lost.

President pro tempore Kyhl took the chair at 1:58 p.m.

Action on division 13 of the amendment was temporarily deferred.

Senator Potgeter asked and received unanimous consent to withdraw division 14 of the amendment.

President Jepsen took the chair at 2:03 p.m.

Senator Milligan offered the following amendment filed by him on January 17:

- 1 Amend House File 1011 by striking from page 4, line 22,
- 2 the word "*eighteen*" and inserting in lieu thereof the word
- 3 "*nineteen*".

Senator Arbuckle offered the following amendment to the amendment filed by him on February 1:

- 1 Amend the Milligan amendment to House File 1011, filed January 17,
- 2 1972, by striking from line 3 the word "*nineteen*". and inserting in
- 3 lieu thereof the word "*twenty*".

Senator Arbuckle moved the adoption of his amendment to the amendment and called for a division.

The amendment to the amendment lost.

Senator Hill offered the following amendment to the amendment:

- 1 Amend the Milligan amendment to House File 1011, filed
- 2 January 17, 1972, by striking from line 3 the word
- 3 "*nineteen*" and inserting in lieu thereof the word
- 4 "*twenty-one*".

Senator Hill moved the adoption of the amendment to the amendment and called for a division.

The amendment to the amendment lost.

Senator Doderer asked and received unanimous consent to withdraw the following amendment to the amendment by Senators Doderer, Palmer and Potter:

- 1 Amend the Milligan amendment to House File 1011,
- 2 filed January 17, 1972, by striking from line 3 the
- 3 word "*nineteen*" and inserting in lieu thereof the
- 4 word "*forty-three*".

Senator Shawver took the chair at 2:55 p.m.

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

Senator Coleman took the chair at 3:55 p.m.

President Jepsen took the chair at 4:20 p.m.

Senator Milligan moved the adoption of his amendment and requested a roll call.

On the question "Shall the Milligan amendment be adopted?" (H.F. 1011) the vote was:

Ayes, 34:

Anderson	DeKoster	Lavery	Robinson
Arbuckle	Erskine	Messerly	Shaff
Balloun	Gilley	Milligan	Shawver
Bass	Glenn	Mowry	Smith
Briles	Graham	Neu	Stephens
Brownlee	Griffin	Nicholson	Thordsen
Carlson	Hill	Ollenburg	Van Gilst
Coleman	Keith	Rhodes	Walsh
Curran	Kyhl		

Nays, 16:

Conklin	Gross	Palmer	Riley
Davis	Kennedy	Potgeter	Schaben
Doderer	Lamborn	Potter	Tapscott
Gaudineer	Miller	Rabedaux	Van Drie

The amendment was adopted.

Senator Hill withdrew the following amendment filed by him on January 25:

- 1 Amend House File 1011 as amended and passed by the
- 2 House as follows:
- 3 1. Page 4, by striking all of lines 18 through 23.
- 4 2. By renumbering the subsequent sections.

Senator Conklin offered the following amendment filed January 18 by the committee on schools:

- 1 Amend House File 1011, page 19, after line 5, by adding the
- 2 new section as follows:
- 3 "Sec.
- 4 1. Section two hundred eighty point eight (280.8), Code
- 5 1971, is amended to read as follows:
- 6 (280.8) AMERICAN HISTORY AND GOVERNMENT, ETC. All
- 7 schools offering instruction in grades nine through twelve
- 8 shall offer, and all students shall be required to take,
- 9 a minimum of two semesters of American history which shall
- 10 include the history and contributions of minority racial
- 11 and ethnic groups, and one semester of the governments of
- 12 Iowa and the United States, *which shall include the rights*
- 13 *and responsibilities incident to the attainment of majority,*
- 14 *as part of the requirement for graduation. In addition,*
- 15 *such schools shall offer, as an elective course, at least*
- 16 *one semester in social problems or economics, or a combina-*
- 17 *tion thereof.*
- 18 2. The effective date of subsection one (1) shall be July 1, 1974."

Senator Potgeter raised a point of order on the amendment for the reason that it was not germane to the bill.

The Chair ruled the amendment out of order as follows:

House File 1011 is an act relating to attainment of the age of majority. What the bill basically does is to change the age of majority from twenty-one years to eighteen years in all sections of the Code of Iowa which give rights and responsibilities to citizens twenty-one years of age or older. All amendments which do not do this are not germane to the bill. Mason's Manual of Legislative Procedure, section 402, page 274, states that "every amendment proposed must be germane to the subject of the proposition". The key word here is "subject". This bill's subject is changing the age in each section from twenty-one years to eighteen years. Hence, all amendments that specifically do not do this are not germane and should be ruled out of order.

Senator Conklin withdrew the following amendment filed by her on January 17:

- 1 Amend House File 1011, page 19, after line 5, by adding the
- 2 new sections as follows:
- 3 1. "Sec. The effective date of this Act shall be
- 4 April 17, 1972."
- 5 2. "Sec. This Act being deemed of immediate im-
- 6 portance shall be in full force and effect after its final
- 7 approval and publication in the Waterloo Daily Courier, a
- 8 newspaper published in Waterloo, Iowa, and in The Record,
- 9 a newspaper published in Cedar Falls, Iowa."

Senator Conklin offered the following amendment filed by her on January 20 and moved its adoption:

- 1 Amend House File 1011, page 19, after line 5, by adding the
- 2 new section as follows:
- 3 "Sec. This Act shall take effect and be in force on
- 4 April 17, 1972 after its publication in the Waterloo Daily
- 5 Courier, a newspaper published in Waterloo, Iowa, and in The
- 6 Record, a newspaper published in Cedar Falls, Iowa."

The amendment lost.

Senator Hill offered the following amendment filed by him on February 1:

- 1 Amend House File 1011, as passed by the House, page
- 2 19, by adding the following new sections after line 5:
- 3 1. "Sec. The board of any school district may
- 4 establish and maintain a nursery school in the district
- 5 for children who have attained the age of four years
- 6 but are not eligible for kindergarten. Notwithstanding
- 7 any provisions of the Code, if the board establishes a
- 8 nursery school program, it shall only provide grades
- 9 kindergarten through eleven and shall not provide
- 10 twelfth grade. Completion of the eleventh grade shall
- 11 fulfill the requirement for issuance of a high school
- 12 diploma."
- 13 2. "Sec. A nursery school teacher shall hold
- 14 a certificate and statement of approval for teaching

15 in nursery school, based upon successful completion of
 16 a program of professional education at an accredited
 17 teacher-training institution in accordance with the
 18 rules of the state board of public instruction.”
 19 3. Sec. If a nursery school program has
 20 been established and completion of the eleventh grade
 21 fulfills the requirement for issuance of a high school
 22 diploma, the provision of section two hundred fifty-
 23 seven point twenty-five [257.25], subsection seven (7),
 24 of the Code shall be changed so that the high school
 25 is only required to teach annually three units of

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1 science, including physics and chemistry; three units
 2 of the social studies; three units of English including
 3 language arts; and three units of a sequential program
 4 in mathematics.”

Senator Potgeter raised a point of order on the bill for the reason that it was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order pursuant to the ruling made on the January 18 schools committee amendment.

Senator Griffin withdrew the following amendment filed by him on January 27, 1972:

1 Amend House File 1011, as amended and passed by the House,
 2 page 19, after line 5, by adding the new section as follows:
 3 “Sec. This Act being deemed of immediate importance
 4 shall be in full force and effect after its final approval and
 5 publication in the Council Bluffs Nonpareil, a newspaper pub-
 6 lished in Council Bluffs, Iowa and in The Telegraph-Herald,
 7 a newspaper published in Dubuque, Iowa.”

Senator Conklin offered the following amendment by the committee on schools:

1 House File 1011, as passed by the House, is hereby
 2 amended on page 4, after line 23, by adding the follow-
 3 ing new section and renumbering the subsequent sections
 4 accordingly:
 5 “Sec. Section two hundred seventy-nine point
 6 nine (279.9), Code 1971, as amended by chapter one hundred
 7 forty-nine (149), section ten (10), Acts of the Sixty-
 8 fourth General Assembly, First Session, is further
 9 amended to read as follows:
 10 “279.9 USE OF TOBACCO. Such rules shall prohibit
 11 the use of tobacco, *and the use or possession of alcoholic*
 12 *liquor or beer* or any controlled substance as defined in
 13 Senate File 1, section 101, subsection 6, Acts of the
 14 Sixty-fourth General Assembly, First Session, by any stu-
 15 dent of such schools and the board may suspend or expel
 16 any student for any violation of such rule.”

Senator Potgeter raised a point of order on the amendment for the reason that it was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order pursuant to the ruling made on the January 18 schools committee amendment.

Senator Doderer withdrew the following amendment:

- 1 Amend House File 1011, as passed by the House, page
- 2 19, by adding the following new section after line 5:
- 3 "Sec. Chapter one hundred thirty-one (131),
- 4 section forty-nine (49), Acts of the Sixty-fourth Gen-
- 5 eral Assembly, First Session, is amended by adding the
- 6 following new subsection:
- 7 4. A local governmental unit may not regulate any
- 8 public place in such a manner as to prohibit any adult
- 9 because of age from entering any establishment licensed
- 10 to sell alcoholic liquors or beer hereunder."

Senator Van Drie offered the following amendment and moved its adoption:

- 1 Amend House File 1011, as passed by the House, as follows:
- 2 1. Page 16, by inserting after line 21, the following
- 3 new sections:
- 4 1. "Sec. Section five hundred twenty-four point
- 5 three hundred one (524.301), Code 1971, is amended to read
- 6 as follows:
- 7 524.301 INCORPORATORS. A state bank may be incorpo-
- 8 rated under this chapter by not less than five individuals
- 9 [over the age of twenty-one] *eighteen years of age or older*,
- 10 a majority of whom shall be citizens of this state and all
- 11 of whom shall be citizens of the United States."
- 12 2. "Sec. Section five hundred twenty-four point
- 13 six hundred one (524.601), subsection one (1), Code 1971,
- 14 is amended to read as follows:
- 15 1. The business and affairs of a state bank shall
- 16 be managed by a board of five or more directors [over the
- 17 age of twenty-one] *eighteen years of age or older*, a majority
- 18 of whom shall be citizens of this state and all of whom
- 19 shall be citizens of the United States. No individual
- 20 shall be eligible to serve as a director of any state
- 21 bank unless he is the owner, in his own right, free of any
- 22 lien and encumbrance, of common shares in the state bank
- 23 of which he is a director having a par value of not less
- 24 than five hundred dollars."
- 25 2. By renumbering the sections as necessary.

The amendment was adopted.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend House File 1011, as amended and passed by the
- 2 House, as follows:

- 3 1. Page 16, line 31, by adding after the word,
 4 "years" the words, "*or, twenty-one years, if so designated*
 5 *by the donor*".
- 6 2. Page 17, line 2, by adding after the word, "years"
 7 the words, "*or twenty-one years, if so designated by the*
 8 *donor*".
- 9 3. Page 17, line 11, by adding after the word, "years"
 10 the words, "*or twenty-one years, if so designated by the*
 11 *donor*".

The amendment was adopted.

The Senate resumed consideration of division 13 of the committee on state government amendment previously deferred.

Senator Gaudineer offered the following amendment to division 13 of the amendment by Senators Gaudineer, Riley, et al., and moved its adoption:

- 1 Amend the committee on state government amendment
 2 to House File 1011, filed on January 27, 1972, as follows:
- 3 1. Page 15, by striking line 25.
- 4 2. Page 16, by striking lines 1 through 19, inclu-
 5 sive, and inserting in lieu thereof the following:
 6 "point one (598.1), subsection two (2), Code 1971, is
 7 amended to read as follows:
- 8 2. 'Support' or 'support payments' means any amount
 9 which the court may require either of the parties to
 10 pay under a temporary order or a final judgment or
 11 decree, and may include alimony, child support, mainte-
 12 nance, and any other term used to describe such obliga-
 13 tions. *Such obligations may include support for a*
 14 *child who is between the ages of eighteen and twenty-*
 15 *two years who is regularly attending an approved school*
 16 *in pursuance of a course of study leading to a high*
 17 *school diploma or its equivalent, or regularly attending*
 18 *a course of vocational technical training either as*
 19 *a part of a regular school program or under special*
 20 *arrangements adapted to the individual person's needs;*
 21 *or is, in good faith, a full-time student in a college,*
 22 *university, or area school; or has been accepted for*
 23 *admission to a college, university, or area school and*
 24 *the next regular term has not yet begun; or a child*
 25 *of any age who is dependent on the parties to the*

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- 1 *dissolution proceedings because of physical or mental*
 2 *disability."*
- 3 3. Page 17, by striking lines 2 and 3, and inserting
 4 in lieu thereof the words "*is between the ages of*
 5 *eighteen and twenty-two years who is regularly attending*
 6 *an approved*".
- 7 4. Page 17, by striking line 9, and inserting in
 8 lieu thereof the words "*needs; or is, in good faith,*
 9 *a full-time student in a college, university, or area*

- 10 school; or has been accepted for admission to a college,
- 11 university, or area school and the next regular term
- 12 has not yet begun; or a child of any age who is dependent
- 13 on the parties to the dissolution proceedings because
- 14 of physical or mental disability; [,] who [do] does not reside
- 15 with the surviving spouse,".

The amendment to division 13 of the amendment was adopted.

On motion of Senator Gaudineer, division 13 of the amendment as amended was adopted.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1011) the vote was:

Rule 24 was invoked.

Ayes, 41:

Anderson	Erskine	Lamborn	Rhodes
Bass	Gaudineer	Laverty	Riley
Briles	Gilley	Messerly	Robinson
Brownlee	Glenn	Miller	Schaben
Carlson	Graham	Milligan	Shaff
Coleman	Griffin	Neu	Shawver
Conklin	Gross	Palmer	Smith
Curran	Keith	Potgeter	Tapscott
Davis	Kennedy	Potter	Thordsen
DeKoster	Kyhl	Rabedeaux	Van Drie
Doderer			

Nays, 8:

Arbuckle	Hill	Nicholson	Stephens
Balloun	Mowry	Ollenburg	Van Gilst

Absent or not voting, 1:

Walsh

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

Senator Potgeter moved that the vote by which **House File 1011** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 1011) the vote was:

Ayes, 30:

Anderson	Curran	Gilley	Kyhl
Balloun	Davis	Graham	Lamborn
Brownlee	DeKoster	Griffin	Laverty
Carlson	Erskine	Gross	Messerly
Conklin	Gaudineer	Keith	Milligan

Neu
Potgeter
Potter

Rabedeaux
Rhodes
Riley

Shaff
Shawver

Tapscott
Thordsen

Nays, 15:

Arbuckle
Bass
Coleman
Glenn

Hill
Kennedy
Miller
Mowry

Nicholson
Ollenburg
Robinson
Schaben

Smith
Van Drie
Van Gilst

Absent or not voting, 5:

Briles
Doderer

Palmer

Stephens

Walsh

The motion prevailed.

CONFERENCE COMMITTEE APPOINTED

President Jepsen announced the appointment of the following conference committee on **Senate File 392**, on the part of the Senate: Senators Stephens, chairman; Shaff, Briles and Van Gilst.

SENATE FILES WITHDRAWN

Senator Conklin asked and received unanimous consent that **Senate File 1009** be **withdrawn** from further consideration of the Senate.

Senator Potter asked and received unanimous consent that **Senate File 393** be **withdrawn** from further consideration of the Senate.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1087, a bill for an act to prescribe a penalty for violation of laws relating to the registration of a motor carrier's interstate transportation service.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1087, a bill for an act to prescribe a penalty for violation of laws relating to the registration of a motor carrier's interstate transportation service.

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

INTRODUCTION OF BILLS

Senate File 1080, by Senator Neu, a bill for an act relating to the regulation of rates of public utilities.

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

Senate File 1081, by Senator Doderer, a bill for an act relating to the salary of the director of the Iowa state traveling library.

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

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1074 Appropriations
- S. F. 1075 Appropriations
- S. F. 1076 Social services
- S. F. 1077 Human and industrial relations
- S. F. 1078 Law enforcement
- S. F. 1079 Judiciary
- H. F. 569 Social services
- H. F. 726 Conservation and recreation
- H. F. 1032 Schools
- H. F. 1045 Schools
- H. F. 1084 Agriculture

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 48 failed to pass the Senate.

HAROLD A. THORSEN

EXPLANATION OF VOTE

When the final vote was taken on House File 1011, I was enroute to Washington, D. C., to attend meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislature Task Force on Commerce and Transportation on February 3 and 4, 1972. Had I been in the chamber, I would have voted "Aye".

JOHN M. WALSH

REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 6**, a bill for an act to establish a state building code, provide

for its administration, and provide a penalty for violation of the Code or orders issued thereunder, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

1 Amend House File 6, as passed and amended by the
2 House, as follows:

3 1. Page 2, by inserting after line 2 the following
4 new section:

5 "Sec. STATEMENT OF POLICY. It is found and
6 declared that some governmental subdivisions do not
7 have building codes and that the building codes which
8 do exist in the governmental subdivisions of this state,
9 as enacted and applied, are not uniform and impede the
10 utilization of new and improved technology, techniques,
11 methods, and materials in the manufacture and construc-
12 tion of buildings and structures.

13 Therefore, it is the policy of the state of Iowa
14 to insure the health, safety, and welfare of its citizens
15 through the promulgation and enforcement of a state
16 building code."

17 2. Page 3, by inserting the following after line
18 31:

19 "18. 'Performance objective' establishes design
20 and engineering criteria without reference to specific
21 methods of construction."

22 3. Page 4, by striking lines 19 through 22 and in-
23 serting in lieu thereof the following new section:

24 "Sec. STATE BUILDING CODE. The state building
25 code commissioner with the approval of the advisory

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1 council is hereby empowered and directed to formulate
2 and adopt and from time to time amend or revise and
3 to promulgate, in conformity with and subject to the
4 conditions set forth in this Act, reasonable rules
5 designed to establish minimum safeguards in the erection
6 and construction of buildings and structures, to protect
7 the human beings who live and work in them from fire
8 and other hazards, and to establish regulations to fur-
9 ther protect the health, safety and welfare of the pub-
10 lic.

11 The rules shall include reasonable provisions for
12 the following:"

13 4. Page 5, by striking lines 2 through 7 and insert-
14 in lieu thereof the following:

15 "1. Provide uniform standards and requirements for
16 construction, construction materials, and equipment
17 through the adoption by reference of applicable national
18 codes where appropriate and providing exceptions when
19 necessary. The rules adopted shall include provisions
20 imposing requirements reasonably consistent with or
21 identical to recognized and accepted standards contained
22 in performance criteria as developed by nationally
23 recognized model codes such as the model codes prepared

24 by the Building Officials Conference of America, the
 25 International Conference of Building Officials, the

Page 3

1 Southern Building Codes Congress, the National Fire
 2 Protection Association, the American National Standards
 3 Institute, the American Insurance Association, the
 4 United States Department of Housing and Urban Develop-
 5 ment, the American Standards Association, and the
 6 International Association of Plumbing and Mechanical
 7 Officials."

8 5. Page 6, line 2, by inserting before the period
 9 the following:

10 "in the governmental subdivisions which have adopted
 11 the state building code or any other building code".

12 6. Page 6, lines 7 and 8, by striking the words
 13 ", provide for inspection fees,".

14 7. Page 6, line 18, by inserting before the period
 15 the following:

16 "only in those governmental subdivisions which have
 17 adopted the state building code or any other building
 18 code".

19 8. Page 6, by striking lines 19 through 23.

20 9. Page 7, line 34, by inserting after the word
 21 "resolution" the words "or ordinance".

22 10. Page 7, line 35, by inserting after the word
 23 "resolution" the words "or ordinance".

24 11. Page 8, line 4, by inserting after the word
 25 "resolution" the words "or ordinance".

Page 4

1 12. Page 8, line 5, by inserting after the word
 2 "resolution" the words "or ordinance".

3 13. Page 8, line 7, by inserting after the word
 4 "resolution" the words "or ordinance".

5 14. Page 8, line 9, by inserting after the word
 6 "resolution" the words "or ordinance".

7 15. Page 8, line 16, by inserting after the word
 8 "resolution" the words "or ordinance".

9 16. Page 8, line 19, by inserting after the word
 10 "resolution" the words "or ordinance".

11 17. Page 8, by striking lines 28 through 35.

12 18. Page 9, by striking lines 1 through 8 and in-
 13 serting in lieu thereof the following:

14 "Sec. 12. ALTERNATE MATERIALS AND METHODS OF CON-
 15 STRUCTION. The provisions of the state building code
 16 shall not prevent the use of any material or method
 17 of construction not specifically prescribed therein,
 18 provided any such alternate has been approved by the
 19 building code commissioner.

20 The commissioner may approve any alternate if he
 21 finds that the proper design is satisfactory and that
 22 the material, method, or work offered is, for the pur-
 23 pose intended, at least the equivalent of that prescribed

24 in the state building code in quality, strength, ef-
25 fectiveness, fire resistance, durability, and safety.

Page 5

1 The commissioner shall require that sufficient evi-
2 dence or proof be submitted to substantiate any claim
3 that may be made regarding alternate use."

4 19. Page 9, line 19, by striking the word "At".

5 20. Page 9, by striking lines 20 through 23.

6 21. Page 9, line 24, by striking the words "in the
7 state".

8 22. Page 9, line 33, by striking the words "the
9 variances referred to" and inserting in lieu thereof
10 the words "any alternate materials or methods of con-
11 struction approved by the commissioner as provided".

12 23. Page 10, by striking lines 11 and 12 and insert-
13 ing in lieu thereof the following:

14 "6. Four members of the council shall constitute
15 a quorum. For the purpose of conducting business a
16 majority vote of the council shall be required."

17 24. Page 10, line 17, by striking everything after
18 the period.

19 25. Page 10, by striking line 18.

20 26. Page 10, line 27, by striking the number "1."

21 27. Page 10, by striking lines 28 through 32.

22 28. Page 10, line 33, by striking the letter "b"
23 and inserting in lieu thereof the number "1".

24 29. Page 11, line 4, by striking the letter "c"
25 and inserting in lieu thereof the number "2".

Page 6

1 30. Page 11, line 6, by striking the number "(1)"
2 and inserting in lieu thereof the letter "a".

3 31. Page 11, line 8, by striking the number "(2)"
4 and inserting in lieu thereof the letter "b".

5 32. Page 11, by striking lines 10 through 15.

6 33. Page 12, lines 27 and 28, by striking the words
7 "a variance" and inserting in lieu thereof the words
8 "the use of alternate materials or methods of construc-
9 tion".

10 34. Page 14, lines 16 and 17, by striking the words
11 "of variance or modification".

12 35. Page 15, line 19, by striking the word
13 "license,".

14 36. Page 15, line 32, by striking the word
15 "license,".

16 37. Page 16, line 1, by striking the word "license,".

17 38. Page 19, by adding the following new section
18 after line 25:

19 1. "Sec. FEES. For the purpose of obtaining
20 revenue to defray the costs of administering the pro-
21 visions of this Act, the commissioner shall establish
22 by rule and regulation a schedule of fees based upon
23 the costs of administration which fees shall be col-

24 lected from persons whose manufacture, installation
25 or construction is subject to the provisions of the

Page 7

1 state building code.
2 All fees collected by the commissioner shall be de-
3 posited in the state treasury to the credit of the gen-
4 eral fund."
5 All federal grants to and federal receipts of the
6 office of state building code commissioner are appro-
7 priated for the purpose set forth in the federal grants
8 or receipts."
9 39. Page 1, line 2, amend the title by inserting
10 before the word "and" the words "provide for the set-
11 ting of fees,".

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Neu submitted the following report:

MR. PRESIDENT: Your committee on higher education, to which was referred **Senate File 498**, a bill for an act authorizing merged areas to issue general obligation bonds for the purchase of community vocational school or community college buildings, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ARTHUR A. NEU, Chairman

Order passed on file.

On motion of Senator Lamborn, the Senate adjourned until 9:00 a.m., Thursday, February 3, 1972.

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, FEBRUARY 3, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Russell E. Cornick, pastor of the Redeemer Lutheran Church, Indianola, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, February 2, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Walsh for the day on request of Senator Potgeter; Senator Milligan for the morning session.

PRESENTATION OF VISITORS

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

Thirty-five students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Reed. Senator Milligan.

Sixty-two students from Tripoli Community School, Tripoli, Iowa, accompanied by Leon Kirchhoff. Senator Shawver.

Thirty-five students from Brody Junior High School, Des Moines, Iowa, accompanied by Alice Carpenter.

PETITIONS

The following petitions were presented and placed on file.

By Senator Messerly, from one hundred twenty-four students of West High School, Waterloo, Iowa, in favor of granting adult rights to eighteen-year-olds.

By Senator Laverty, from one hundred students of Simpson College, Indianola, Iowa, in favor of granting adult rights to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon, Iowa.

INTRODUCTION OF BILLS

Senate File 1082, by committee on social services (committee on social services), a bill for an act relating to financial responsibility for the program of aid to the disabled.

Read first time and placed on calendar.

SUPPLEMENTAL REPORT OF
COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: Your committee on memorial resolutions begs leave to report that a committee should be appointed to prepare a suitable memorial resolution for the following deceased member of the Senate:

Charles W. Nelson, Jefferson and Van Buren Counties.

RICHARD L. STEPHENS, Chairman

RUDY VAN DRIE

CHARLES P. MILLER

Report adopted.

MEMORIAL RESOLUTION COMMITTEE

The Chair announced the appointment of the following memorial resolution committee:

On Charles W. Nelson:

Senator Davis, Chairman

Senator Miller

Senator Doderer

CONCURRENT RESOLUTION DEFERRED

Senator Lamborn asked and received unanimous consent that action on **Senate Concurrent Resolution 104** be deferred and that the resolution retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 336

On motion of Senator Gaudineer, **Senate File 336**, a bill for an act relating to replevin bonds, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Neu asked and received unanimous consent to withdraw the following amendment by the committee on judiciary:

- 1 Amend Senate File 336 by striking lines 11 and 12
- 2 and by inserting the words "on or before the thirtieth
- 3 day after the day fixed in the original notice,".

Senator Neu offered the following amendment filed by Senator DeKoster and moved its adoption:

- 1 Amend Senate File 336 as follows:
- 2 Line 11, by striking the words "*as soon as practical after*
- 3 *the return day fixed in*" and line 12, by striking the words
- 4 "*the original notice*" and insert in lieu thereof the words
- 5 "*on or before the thirtieth day after the day fixed in the*
- 6 *original notice*".

The amendment was adopted.

Senator Gaudineer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 336) the vote was:

Ayes, 39:

Anderson	Davis	Kennedy	Rhodes
Arbuckle	Doderer	Kyhl	Riley
Balloun	Erskine	Lamborn	Robinson
Bass	Gaudineer	Laverty	Shawver
Briles	Gilley	Messerly	Smith
Brownlee	Glenn	Miller	Stephens
Carlson	Griffin	Neu	Thordsen
Coleman	Gross	Nicholson	Van Drie
Conklin	Hill	Ollenburg	Van Gilst
Curran	Keith	Potgeter	

Nays, none.

Absent or not voting, 11:

DeKoster	Mowry	Rabedaux	Tapscott
Graham	Palmer	Schaben	Walsh
Milligan	Potter	Shaff	

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

House File 33

On motion of Senator Van Drie, House File 33, a bill for an act relating to distance requirements for pipeline regulation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

HOUSE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **House File 33** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

House File 254

On motion of Senator Thordsen, House File 254, a bill for an act relating to the rate of interest which may be paid by a real estate investment trust, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 254) the vote was:

Ayes, 37:

Arbuckle	Doderer	Laverty	Rhodes
Balloun	Gaudineer	Messerly	Riley
Briles	Glenn	Miller	Robinson
Brownlee	Griffin	Mowry	Shaff
Carlson	Gross	Neu	Shawver
Coleman	Keith	Nicholson	Stephens
Conklin	Kennedy	Ollenburg	Thordsen
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn	Rabedeaux	Van Gilst
DeKoster			

Nays, 4:

Anderson	Erskine	Gilley	Potter
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Absent or not voting, 9:

Bass	Milligan	Schaben	Tapscott
Graham	Palmer	Smith	Walsh
Hill			

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

House File 1016

On motion of Senator Anderson, House File 1016, a bill for an act relating to the use of fees and funds received by the Iowa soldiers home, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Anderson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1016) the vote was:

Ayes, 45:

Anderson	Doderer	Lamborn	Rabedeaux
Arbuckle	Erskine	Laverty	Rhodes
Balloun	Gaudineer	Messerly	Riley
Bass	Gilley	Miller	Robinson
Briles	Glenn	Mowry	Shaff
Brownlee	Graham	Neu	Shawver
Carlson	Griffin	Nicholson	Smith
Coleman	Gross	Ollenburg	Stephens
Conklin	Hill	Palmer	Thordsen
Curran	Keith	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
DeKoster			

Nays, none.

Absent or not voting, 5:

Kennedy	Schaben	Tapscott	Walsh
Milligan			

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

Senate File 1014

On motion of Senator Robinson, Senate File 1014, a bill for an act relating to money advances by county boards of supervisors to county conservation boards from money in the county general funds, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1014) the vote was:

Ayes, 38:

Arbuckle	Erskine	Miller	Rhodes
Bass	Glenn	Mowry	Riley
Briles	Graham	Neu	Robinson
Brownlee	Griffin	Nicholson	Shaff
Carlson	Gross	Ollenburg	Shawver
Conklin	Hill	Palmer	Stephens
Curran	Keith	Potgeter	Thordsen
Davis	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rabedeaux	Van Gilst
Doderer	Laverty		

Nays, 5:

Anderson	Gilley	Lamborn	Messerly
Balloun			

Absent or not voting, 7:

Coleman	Milligan	Smith	Walsh
Gaudineer	Schaben	Tapscott	

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

Senator Robinson asked and received unanimous consent that **Senate File 1014** be **immediately messaged** to the House, which request was complied with.

Senate File 1026

On motion of Senator Arbuckle, Senate File 1026, a bill for an act relating to actions arising out of injuries or damages caused by the operation of a motor boat, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Erskine offered the following amendment:

- 1 Amend Senate File 1026 as follows:
- 2 1. By striking all of line 7 and inserting in lieu thereof the
- 3 following:
- 4 "616.18 [MOTOR VEHICLE DAMAGE ACTIONS.] Ac-".
- 5 2. By striking all of line 9 and the word "boat" in line 10
- 6 and inserting in lieu thereof the following: "erty [caused by the
- 7 operation of any motor vehicle]".

SENATE FILED DEFERRED

Senator Gaudineer asked and received unanimous consent that further action on **Senate File 1026** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senate File 1046

On motion of Senator Potgeter, Senate File 1046, a bill for an act permitting the commissioner of social services to grant water and sewage easement to the municipal corporation of Eldora, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry offered the following amendment recommended by the committee on judiciary and moved its adoption:

- 1 Amend Senate File 1046 as follows:
- 2 1. Page 2, after line 5, by adding the following new sections:
- 3 "Sec. The commissioner of social services may, subject

4 to the approval of the executive council, grant sewage easement
 5 rights to the municipal corporation of the city of Marshalltown,
 6 Iowa, for the installation of sanitary sewer line in and over a
 7 portion of the Iowa Soldiers Home grounds at Marshalltown, Iowa,
 8 for the purpose of installing, repairing, maintaining, and
 9 improving sanitary sewer service to portions of said city and
 10 the Iowa Soldiers Home.

11 Sec. This Act, being deemed of immediate importance,
 12 shall take effect and be in force from and after its publication
 13 in the Eldora Herald-Ledger, a newspaper published in Eldora,
 14 Iowa, and in the Marshalltown Times-Republican, a newspaper
 15 published in Marshalltown, Iowa.”

16 2. Renumber the following section accordingly.

17 3. Page 1, line 2, by striking all after the word “sewage” and
 18 all of line 3, and by inserting in lieu thereof the following:

19 “easements to the municipal corporations of Eldora and
 20 Marshalltown.”

The amendment was adopted.

Senator Potgeter moved that the bill be read the last time
 now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 1046) the vote
 was:

Ayes, 42:

Anderson	Erskine	Lamborn	Rabedeaux
Arbuckle	Gaudineer	Laverty	Riley
Balloun	Gilley	Messerly	Robinson
Bass	Glenn	Miller	Shawver
Briles	Graham	Mowry	Smith
Brownlee	Griffin	Neu	Stephens
Carlson	Gross	Nicholson	Tapscott
Coleman	Hill	Ollenburg	Thordsen
Curran	Keith	Potgeter	Van Drie
DeKoster	Kennedy	Potter	Van Gilst
Doderer	Kyhl		

Nays, none.

Absent or not voting, 8:

Conklin	Milligan	Rhodes	Shaff
Davis	Palmer	Schaben	Walsh

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

Senator Potgeter asked and received unanimous consent that
 Senate File 1046 be immediately messaged to the House, which
 request was complied with.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the Senate is asked:

House File 1104, a bill for an act relating to protective eyeglass lenses.
WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1104, a bill for an act relating to protective eyeglass lenses.

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

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 391, a bill for an act relating to the bonding of operators of slaughterhouses, buying cattle, hogs, or sheep, and bonding of agents, dealers and brokers.

Also: That the House has adopted the following joint resolution in which the concurrence of the Senate is asked:

House Joint Resolution 1004, proposing an amendment to the constitution of Iowa to provide means for the General Assembly to convene itself into special session between regular sessions.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1083, by Senator Doderer (Lipsky, Shaw, Franklin, Egenes, Blouin, McElroy, and Varley), a bill for an act relating to statutory provisions affecting the legal treatment of female persons.

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

Senate File 1084, by Senator Potgeter, a bill for an act relating to publications concerning the cure of venereal disease.

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

Senate File 1085, by Senators Messerly and Conklin (Hansen, Grassley, Radl, Schwieger, Uban, Ewell, Dunton, and Tieden), a bill for an act relating to the appropriation to the state board of regents.

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

Senate File 1086, by Senator Griffin (Fischer of Grundy), a bill for an act relating to the Iowa insurance guaranty association.

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

Senate File 1087, by committee on judiciary, a bill for an act relating to the designation of the general assembly and acts thereof.

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

Senate File 1088, by committee on judiciary, a bill for an act relating to classification of claims against estates.

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

Senate File 1089, by committee on judiciary, a bill for an act relating to the grand jury.

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

Senate File 1090, by committee on county government (committee on county government), a bill for an act relating to commitment of alcohol and drug addicts.

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

Senate File 1091, by committee on appropriations, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs.

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

Senate File 1092, by Senator Gaudineer, a bill for an act relating to nonresidents in area schools.

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

Senate File 1093, by Senator Gaudineer, a bill for an act relating to child labor.

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

HOUSE MESSAGE CONSIDERED

House Joint Resolution 1004, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide means for the General Assembly to convene itself into special sessions between regular sessions.

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

CONSIDERATION OF BILLS

Senate File 1052

On motion of Senator Doderer, Senate File 1052, a bill for an act relating to protective eyeglass lenses, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer asked and received unanimous consent that **House File 1104 be substituted for Senate File 1052.**

House File 1104

On motion of Senator Doderer, House File 1104, a bill for an act relating to protective eyeglass lenses, was taken up and considered.

Senator DeKoster offered the following amendment by Senators DeKoster and Lamborn and moved its adoption:

- 1 Amend House File 1104, page 2, by striking lines 7
- 2 through 10.

The Chair called for a division.

The amendment was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1104) the vote was:

Ayes, 40:

Anderson	Davis	Lamborn	Potter
Arbuckle	DeKoster	Messerly	Rabedeaux
Balloun	Doderer	Miller	Rhodes
Bass	Gaudineer	Milligan	Riley
Briles	Gilley	Mowry	Shawver
Brownlee	Graham	Neu	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Thordsen
Conklin	Keith	Palmer	Van Drie
Curran	Kyhl	Potgeter	Van Gilst

Nays, 3:

Glenn	Robinson	Tapscott
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Absent or not voting, 7:

Erskine	Kennedy	Schaben	Walsh
Griffin	Laverty	Shaff	

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

SENATE FILE WITHDRAWN

Senator Doderer asked and received unanimous consent that **Senate File 1052** be **withdrawn** from further consideration of the Senate.

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that action on **Senate File 1066** be deferred and that the bill retain its place on the **calendar**.

CONSIDERATION OF BILLS

House File 1052

On motion of Senator Thordsen, House File 1052, a bill for an act relating to the deposit and use of fees collected by the Iowa state commerce commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1052) the vote was:

Ayes, 42:

Anderson	DeKoster	Lamborn	Riley
Arbuckle	Doderer	Miller	Robinson
Balloun	Erskine	Milligan	Shaff
Bass	Caudineer	Mowry	Shawver
Briles	Gilley	Neu	Smith
Brownlee	Glenn	Nicholson	Stephens
Carlson	Graham	Ollenburg	Tapscott
Coleman	Gross	Palmer	Thordsen
Conklin	Hill	Potgeter	Van Drie
Curran	Keith	Rabedeaux	Van Gilst
Davis	Kyhl		

Nays, none.

Absent or not voting, 8:

Griffin	Laverty	Potter	Schaben
Kennedy	Messerly	Rhodes	Walsh

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

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1069.

Senate File 1069

On motion of Senator Davis, Senate File 1069, a bill for an act relating to contracts of county superintendents of schools, was taken up and considered.

Senator Conklin offered the following amendment and moved its adoption:

- 1 Amend Senate File 1069 as follows:
- 2 Page 1, line 1, by striking the words "the contracts"
- 3 and inserting in lieu thereof the words "terms of office".

The amendment was adopted.

Senator Conklin offered the following amendment and moved its adoption:

- 1 Amend Senate File 1069, page 2, by striking lines 6 through
- 2 10 and inserting in lieu thereof the following:
- 3 "Sec. 2. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publica-
- 5 tion in The Record, a newspaper published in Cedar Falls,
- 6 Iowa, and in the Waterloo Daily Courier, a newspaper published
- 7 in Waterloo, Iowa."

The amendment was adopted.

Senator Davis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1069) the vote was:

Ayes, 39:

Anderson	Gaudineer	Miller	Riley
Balloun	Gilley	Milligan	Shaff
Brownlee	Glenn	Mowry	Shawver
Carlson	Graham	Neu	Smith
Coleman	Gross	Nicholson	Stephens
Conklin	Hill	Ollenburg	Tapscott
Davis	Keith	Palmer	Thordsen
DeKoster	Kyhl	Potgeter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst
Erskine	Messerly	Rhodes	

Nays, 3:

Arbuckle Bass Briles

Absent or not voting, 8:

Curran Kennedy Potter Schaben
Griffin Laverty Robinson Walsh

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

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1070.

Senate File 1070

On motion of Senator Davis, Senate File 1070, a bill for an act relating to the approval, coordination, and supervision over electronic data processing for educational purposes, was taken up and considered.

SENATE FILE DEFERRED

Senator Davis asked and received unanimous consent that further action on **Senate File 1070** be deferred and that the bill be placed on the calendar under **unfinished business**.

SPECIAL ORDER REJECTED

Senator Glenn asked unanimous consent that **Senate File 34** be made a special order of business for Wednesday, February 9, 1972, at 10:00 a.m.

Objection was raised.

REPORT OF INVESTIGATING COMMITTEE

Senator Van Drie submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Howard Bell of Ames, Story County, Iowa for appointment as a member of the Iowa State Commerce Commission, under the provisions of Section 474.2 of the 1971 Code of Iowa for the unexpired portion of a term ending June 30, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

RUDY VAN DRIE
C. JOSEPH COLEMAN
VERNON H. KYHL
JOHN L. MOWRY
W. R. RABEDAUX

The motion prevailed and the report was adopted.

Senator Glenn asked unanimous consent to defer consideration of the confirmation.

Objection was raised.

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

The Senate resumed session and consideration of the confirmation.

President Jepsen took the chair at 3:58 p.m.

Senator Van Drie moved the appointment of Howard Bell as a member of the Iowa State Commerce Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 24 was invoked.

Ayes, 39:

Anderson	Erskine	Miller	Riley
Arbuckle	Gaudineer	Mowry	Shaff
Balloun	Gilley	Neu	Shawver
Bass	Graham	Nicholson	Smith
Briles	Gross	Ollenburg	Stephens
Brownlee	Keith	Palmer	Tapscott
Carlson	Kyhl	Potgeter	Thordsen
Conklin	Lamborn	Potter	Van Drie
Davis	Laverty	Rabedeaux	Van Gilst
DeKoster	Messerly	Rhodes	

Nays, 2:

Glenn	Robinson
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Absent or not voting, 9:

Coleman	Griffin	Kennedy	Schaben
Curran	Hill	Milligan	Walsh
Doderer			

President Jepsen declared the appointment of Howard Bell as a member of the Iowa State Commerce Commission confirmed for the unexpired portion of the term ending June 30, 1975.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1057, a bill for an act relating to the use of snowmobiles on railroad rights-of-way.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1094, by Senator Van Drie, a bill for an act relating to the appointment of an ombudsman for the state highway commission.

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

Senate File 1095, by committee on conservation and recreation, a bill for an act relating to the drawing to determine the number of persons who may receive deer hunting licenses.

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

Senate File 1096, by committee on ways and means (committee on ways and means), a bill for an act relating to tax assessment procedures.

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

Senate File 1097, by Senators Riley and Robinson (Wells), a bill for an act relating to the regulation of railroads in cities and towns and providing penalties.

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

Senate File 1098, by Senator Anderson, a bill for an act relating to the regulation of public utilities.

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

HOUSE MESSAGE CONSIDERED

House File 1057, a bill for an act relating to the use of snowmobiles on railroad rights-of-way.

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

REASSIGNMENT OF BILL

President Jepsen announced the reassignment of **Senate File 1059** from the committee on schools to the committee on higher education.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1104 passed the Senate.

MINNETTE DODERER

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1080 Commerce
- S. F. 1081 Appropriations
- S. F. 1083 Judiciary
- S. F. 1084 Social services
- S. F. 1085 Appropriations
- S. F. 1086 Commerce
- S. F. 1092 Higher education
- S. F. 1093 Human and industrial relations
- H.J.R. 1004 Constitutional amendments and reapportionment
- H. F. 1087 Transportation

EXPLANATIONS OF VOTE

When the final vote was taken on Senate File 336, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on House File 254, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on House File 1016, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on Senate File 1014, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on Senate File 1046, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on House File 1104, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of

the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on House File 1052, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

When the final vote was taken on Senate File 1069, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

REPORT OF COMMITTEE

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government, to which was referred **Senate File 1062**, a bill for an act relating to community improvement districts, and providing powers to issue bonds and levy taxes, with penalties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 184 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "means" the word "exclusively".
- 4 2. Page 7, line 24, by inserting after the word
- 5 "aids" the words "or from making earmold impressions,".
- 6 3. Page 8, by striking lines 17 through 21 and
- 7 inserting in lieu thereof the following:
- 8 "No hearing aid shall be sold by any individual
- 9 licensed under this bill to a person twelve (12) years
- 10 or younger, or a person sixty-five (65) years or
- 11 older, unless within the preceding six months a
- 12 recommendation for a hearing aid has been made by a
- 13 board-certified, or a board-eligible physician
- 14 specializing in otolaryngology or an audiologist board-
- 15 certified by the American Speech and Hearing Association.
- 16 A replacement of an identical hearing aid within one
- 17 year shall be an exception to this requirement."

MINNETTE DODERER

- 1 Amend the House amendment to Senate File 431 as follows:
- 2 1. Page 1, by striking lines 5 through 25.
- 3 2. Page 2, by striking line 1.

ALDEN J. ERSKINE

1 Amend Senate File 1008 as follows:

2 1. Page 2, line 34, by striking the words “, financial
3 advice, consultation, or other” and inserting in lieu
4 thereof the words “[, financial advice, consultation, or
5 other] *or financial*”.

6 2. Page 4, line 11, by inserting after the word
7 “bank” the words “or office”.

8 3. Page 4, line 23, by inserting after the word
9 “more” the word “Iowa”.

S. J. BROWNLEE
H. L. OLLENBURG
REINHOLD O. CARLSON
RUDY VAN DRIE

1 Amend Senate File 1008 as follows:

2 1. Page 7, by inserting after line 18 the following
3 new section:

4 “Sec. 12. If any individual is a director or an
5 officer, or both, of a bank holding company, or of a
6 bank which is owned or controlled by a bank holding
7 company in any manner, and to the extent, specified
8 by section seven (7) of this Act, such individual shall
9 also be deemed to be a director or an officer, or both,
10 as the case may be, of each bank so owned or controlled
11 by that bank holding company, for the purposes of
12 sections five hundred twenty-four point six hundred
13 twelve (524.612), five hundred twenty-four point six
14 hundred thirteen (524.613) and five hundred twenty-four
15 point seven hundred six (524.706) of the Code.”

16 2. Page 7, line 20, by striking the word and number
17 “eleven (11)” and inserting in lieu thereof the word
18 and number “twelve (12)”.

19 3. Page 7, line 25, by striking the word and number
20 “eleven (11)” and inserting in lieu thereof the word
21 and number “twelve (12)”.

22 4. Page 7, line 30, by striking the word and number
23 “twelve (12)” and inserting in lieu thereof the word
24 and number “thirteen (13)”.

25 5. By renumbering sections in accordance with this

Page 2

1 amendment.

LEE H. GAUDINEER, JR.

1 Amend Senate File 1026 by striking line 2 and inserting in
2 lieu thereof the following: “to property.”.

ALDEN J. ERSKINE
LEE H. GAUDINEER, JR.

1 Amend Senate File 1026 as follows:

2 1. Page 1, line 5, by striking the words “unnumbered
3 paragraph one (1),”.

4 2. By adding after line 12 the following:

5 “[Where an action is commenced in the county in which

6 the injury or damage occurred, and which county is not
7 the residence of the defendants or one of them, a
8 defendant at any time before answering may file a motion
9 to require the plaintiff to furnish a bond for costs
10 and before any other proceedings in the action the
11 plaintiff must file in the clerk's office a bond to
12 be approved by the clerk in an amount to be fixed by
13 the court for the payment of costs; but in no event
14 shall a bond for costs be required for more than one
15 hundred dollars.]”

ALDEN J. ERSKINE

1 Amend House File 33, as passed by the House, as follows:
2 1. Page 2, by inserting after line 11, the following new
3 paragraph: *“An informational meeting is not required when the*
4 *pipeline extends a distance of less than five miles across*
5 *privately owned property.”*
6 2. Page 2, lines 26 and 27, by striking the words *“across*
7 *privately-owned real estate”*.
8 3. Page 2, line 28, by striking the words *“across privately-*
9 *owned real estate”*.

RUDY VAN DRIE
CLIFTON C. LAMBORN

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Friday, February 4, 1972.

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, FEBRUARY 4, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Father Terry Lees, pastor of the St. Anthony's Catholic Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, February 4, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Walsh for the day on request of Senator Potgeter.

PRESENTATION OF VISITOR

Senator Doderer rose on a point of personal privilege and presented the Honorable John P. Kibbie, former member of the Senate and House of Representatives from Palo Alto County.

PETITION

The following petition was presented and placed on file:

By Senator Lamborn, from twenty residents of Jones County, favoring an increase in the Iowa Public Employees Retirement System pension plan.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Seidler, Jamaica, Iowa.

HOUSE AMENDMENTS CONSIDERED

Senate File 431

Senator Erskine called up for consideration Senate File 431, a bill for an act relating to hunting restrictions, amended by the House as follows:

1 Amend Senate File 431 as amended and passed by the

2 Senate as follows:

3 1. Page 2, line 21, by striking all after the word
4 "fifteenth" and all of line 22.

5 2. Page 2, by inserting after line 28 the following
6 new section:

7 Sec. 2. Section one hundred nine point thirty-two
8 (109.32), Code 1971, is amended by adding the following
9 new paragraph:

10 *"Any person convicted of willfully killing, injuring,*
11 *catching or possessing any eagle, hawk, whooping crane,*
12 *swan, or owl, or the nest, eggs, or plumage of any*
13 *eagle, hawk, whooping crane, swan, or owl, in violation*
14 *of the provisions of this chapter or any administrative*
15 *order of the commission, shall be fined not less than*
16 *one hundred dollars nor more than one thousand dollars*
17 *or be imprisoned in the county jail not more than*
18 *thirty days. The court, in addition to any other*
19 *sentence imposed, shall revoke the hunting license of*
20 *such person. The commission shall refuse the issuance*
21 *of a hunting license to such person for a period of*
22 *not less than three years."*

23 3. Amend the title, page 1, line 1, by inserting
24 after the word "restrictions" the words "and imposing
25 penalties for the willful killing, injuring, catching

Page 2

1 or possessing of certain nongame birds".

Senator Erskine offered the following amendment to the House amendment and moved its adoption:

1 Amend the House amendment to Senate File 431 as follows:

2 1. Page 1, by striking lines 5 through 25.

3 2. Page 2, by striking line 1.

Division was called for.

The amendment to the House amendment was adopted.

Senator Balloun offered the following amendment to the House amendment:

1 Amend the House amendment to Senate File 431 by striking

2 lines 3 and 4, on page 1.

Senator Balloun moved the adoption of his amendment to the House amendment and called for a division.

The amendment to the House amendment was adopted.

Senator Erskine moved that the Senate refuse to concur in the House amendment.

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

UNFINISHED BUSINESS

Senate File 1026

On motion of Senator Arbuckle, Senate File 1026, a bill for an act relating to actions arising out of injuries or damages caused by the operation of a motor boat, was taken up for further consideration.

The Senate resumed consideration of the following amendment offered by Senator Erskine on February 3:

- 1 Amend Senate File 1026 as follows:
- 2 1. By striking all of line 7 and inserting in lieu thereof the
- 3 following:
- 4 "616.18 [MOTOR VEHICLE DAMAGE ACTIONS.] Ac-".
- 5 2. By striking all of line 9 and the word "boat" in line 10
- 6 and inserting in lieu thereof the following: "erty [caused by the
- 7 operation of any motor vehicle]".

Senator Potgeter took the chair at 10:20 a.m.

Senator Erskine moved the adoption of his amendment and called for a division.

The amendment was adopted.

Senator Erskine offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1026 as follows:
- 2 1. Page 1, line 5, by striking the words "unnumbered
- 3 paragraph one (1),".
- 4 2. By adding after line 12 the following:
- 5 "[Where an action is commenced in the county in which
- 6 the injury or damage occurred, and which county is not
- 7 the residence of the defendants or one of them, a
- 8 defendant at any time before answering may file a motion
- 9 to require the plaintiff to furnish a bond for costs
- 10 and before any other proceedings in the action the
- 11 plaintiff must file in the clerk's office a bond to
- 12 be approved by the clerk in an amount to be fixed by
- 13 the court for the payment of costs; but in no event
- 14 shall a bond for costs be required for more than one
- 15 hundred dollars.]"

The amendment was adopted.

Senator Erskine offered the following amendment filed by Senators Erskine and Gaudineer and moved its adoption:

- 1 Amend Senate File 1026 by striking line 2 and inserting in
- 2 lieu thereof the following: "to property."

The amendment was adopted.

Senator Arbuckle moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1026) the vote was:

Ayes, 38:

Anderson	DeKoster	Kyhl	Potter
Arbuckle	Doderer	Lamborn	Riley
Balloun	Erskine	Lavery	Robinson
Bass	Gaudineer	Messerly	Shawver
Briles	Glenn	Miller	Smith
Carlson	Graham	Milligan	Tapscott
Coleman	Griffin	Nicholson	Thordsen
Conklin	Gross	Palmer	Van Drie
Curran	Keith	Potgeter	Van Gilst
Davis	Kennedy		

Nays, 2:

Mowry	Rabedeaux
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Absent or not voting, 10:

Brownlee	Neu	Schaben	Stephens
Gilley	Ollenburg	Shaff	Walsh
Hill	Rhodes		

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

RE-REFERRED TO COMMITTEE

Senator Potter asked and received unanimous consent that Senate File 1071 be re-referred to the committee on cities and towns.

REPORTS OF INVESTIGATING COMMITTEES

Senator Lavery submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Louis Nussbaum of Des Moines, Polk County, Iowa for appointment as a member of the State Board of Tax Review for the State of Iowa under the provisions of the Senate File 743, Section 1, Acts of the Sixty-second General Assembly, for the regular six-year term ending June 30, 1977, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

CHARLES O. LAVERTY, Chairman
 REINHOLD O. CARLSON
 GEORGE F. MILLIGAN
 WILLIAM D. PALMER
 JOHN C. RHODES

The motion prevailed and the report was adopted.

Senator Laverty moved the appointment of Louis Nussbaum as a member of the State Board of Tax Review be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 41:

Anderson	Gaudineer	Laverty	Riley
Arbuckle	Gilley	Messerly	Robinson
Balloun	Glenn	Miller	Shaff
Bass	Graham	Milligan	Shawver
Briles	Griffin	Mowry	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Keith	Palmer	Tapscott
Conklin	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilt
Erskine			

Nays, none.

Absent or not voting, 9:

Brownlee	Hill	Ollenburg	Schaben
Curran	Neu	Rhodes	Walsh
Davis			

The Chair declared the appointment of Louis Nussbaum as a member of the State Board of Tax Review confirmed for the regular six-year term ending June 30, 1977.

Senator Anderson submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Robert J. Beecher of Creston, Union County, Iowa for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3 of the 1971 Code of Iowa for the regular term beginning January 2, 1972 and ending January 2, 1978, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

QUENTIN V. ANDERSON, Chairman
EARL G. BASS
JAMES E. BRILES
GENE W. GLENN
J. WESLEY GRAHAM

The motion prevailed and the report was adopted.

Senator Anderson moved the appointment of Robert J. Beecher as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 38:

Anderson	Gaudineer	Laverty	Robinson
Arbuckle	Gilley	Messerly	Shaff
Bass	Glenn	Miller	Shawver
Briles	Graham	Milligan	Smith
Carlson	Griffin	Mowry	Stephens
Coleman	Gross	Potgeter	Tapscott
Conklin	Keith	Potter	Thordsen
Davis	Kennedy	Rabedeaux	Van Drie
DeKoster	Kyhl	Riley	Van Gilst
Erskine	Lamborn		

Nays, none.

Absent or not voting, 12:

Balloun	Doderer	Nicholson	Rhodes
Brownlee	Hill	Ollenburg	Schaben
Curran	Neu	Palmer	Walsh

The Chair declared the appointment of Robert J. Beecher as a member of the State Board of Public Instruction confirmed for the regular six-year term ending January 2, 1978.

Senator Conklin submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Ron Hallock of West Des Moines, Polk County, Iowa for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3, Code 1971, for the regular six-year term beginning January 2, 1972 and ending January 2, 1978, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

W. CHARLENE CONKLIN, Chairman
 R. DEAN ARBUCKLE
 WILSON L. DAVIS
 G. WILLIAM GROSS
 ARTHUR A. NEU

The motion prevailed and the report was adopted.

Senator Conklin moved the appointment of Ron Hallock as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 42:

Anderson	Davis	Griffin	Miller
Arbuckle	DeKoster	Gross	Milligan
Balloun	Doderer	Keith	Mowry
Bass	Erskine	Kennedy	Nicholson
Briles	Gaudineer	Kyhl	Palmer
Carlson	Gilley	Lamborn	Potgeter
Coleman	Glenn	Laverty	Potter
Conklin	Graham	Messerly	Rabedeaux

Riley	Shawver	Tapscott	Van Drie
Robinson	Smith	Thordsen	Van Gilst
Shaff	Stephens		

Nays, none.

Absent or not voting, 8:

Brownlee	Hill	Ollenburg	Schaben
Curran	Neu	Rhodes	Walsh

The Chair declared the appointment of Ron Hallock as a member of the State Board of Public Instruction confirmed for the regular six-year term ending January 2, 1978.

Senator Griffin submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mrs. Earl G. Sievers of Avoca, Pottawattamie County, Iowa for appointment as a member of the State Board of Public Instruction under the provisions of Sections 257.1, 257.2 and 257.3 of the 1971 Code of Iowa for the regular term beginning January 2, 1972 and ending January 2, 1978, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairman
 EARL G. BASS
 MINNETTE DODERER
 ALDEN J. ERSKINE
 J. WESLEY GRAHAM

The motion prevailed and the report was adopted.

Senator Griffin moved the appointment of Mrs. Earl G. Sievers as a member of the State Board of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 40:

Anderson	Gaudineer	Laverty	Riley
Arbuckle	Gilley	Messerly	Robinson
Balloun	Glenn	Miller	Shaff
Bass	Graham	Milligan	Shawver
Briles	Griffin	Mowry	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Keith	Palmer	Tapscott
Davis	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst

Nays, none.

Absent or not voting, 10:

Brownlee	Erskine	Ollenburg	Schaben
Conklin	Hill	Rhodes	Walsh
Curran	Neu		

The Chair declared the appointment of Mrs. Earl G. Sievers as a member of the State Board of Public Instruction confirmed for the regular six-year term ending January 2, 1978.

Senator Smith submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Fred Moore of Spencer, Iowa for appointment as a member of the Iowa State Commerce Commission under the provisions of Section 474.2, Code 1971, for the unexpired portion of a term ending June 30, 1973, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

MARVIN W. SMITH, Chairman
S. J. BROWNLEE
C. JOSEPH COLEMAN
LUCAS J. DeKOSTER
WAYNE D. KEITH

The motion prevailed and the report was adopted.

Senator Glenn asked unanimous consent that further consideration of the appointment be deferred until the commerce committee has had an opportunity to give the appointee a hearing.

Objection was raised.

Senator Glenn moved that the confirmation of Fred Moore be deferred until Monday, February 14, 1972.

President Jepsen took the chair at 11:30 a.m.

The motion lost.

Senator Smith moved the appointment of Fred Moore as a member of the Iowa State Commerce Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 24 was invoked.

Ayes, 41:

Anderson	Erskine	Lavery	Riley
Arbuckle	Gaudineer	Messery	Robinson
Balloun	Gilley	Miller	Shaff
Bass	Graham	Milligan	Shawver
Briles	Griffin	Mowry	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Keith	Palmer	Tapscott
Conklin	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer			

Nays, 1:

Glenn

Absent or not voting, 8:

Brownlee	Hill	Ollenburg	Schaben
Curran	Neu	Rhodes	Walsh

President Jepsen declared the appointment of Fred Moore as a member of the Iowa State Commerce Commission confirmed for the unexpired portion of the term ending June 30, 1973.

Senator Mowry submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Don C. Uthus of Des Moines, Polk County, Iowa, for interim appointment as Commerce Counsel in conformance with Chapter 475.2 of the Code of Iowa, for the term beginning November 1, 1971, and ending June 30, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

JOHN L. MOWRY, Chairman
 JAMES E. BRILES
 WILLIAM D. PALMER
 W. R. RABEDAUX
 HAROLD A. THORSDEN

Senator Lamborn took the chair at 11:50 a.m.

President pro tempore Kyhl took the chair at 11:55 a.m.

The motion prevailed and the report was adopted.

Senator Mowry moved the appointment of Don C. Uthus as Commerce Counsel be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 37:

Anderson	Erskine	Lamborn	Riley
Balloun	Gaudineer	Laverty	Shaff
Bass	Gilley	Milligan	Shawver
Briles	Glenn	Mowry	Smith
Carlson	Griffin	Nicholson	Stephens
Coleman	Gross	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
Davis	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rabedeaux	Van Gilst
Doderer			

Nays, none.

Absent or not voting, 13:

Arbuckle	Hill	Neu	Robinson
Brownlee	Messerly	Ollenburg	Schaben
Conklin	Miller	Rhodes	Walsh
Graham			

The Chair declared the appointment of Don C. Uthus as Commerce Counsel confirmed for the term beginning November 1, 1971, and ending June 30, 1975.

Senator Carlson submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Abe D. Clayman, West Des Moines, Polk County, Iowa, for appointment as a member of the Iowa Employment Security Commission under the provisions of Section 96.10 of the Code of Iowa, 1971, for a regular six-year term ending June 30, 1977, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

REINHOLD O. CARLSON, Chairman
 QUENTIN V. ANDERSON
 EDWARD E. NICHOLSON
 RICHARD L. STEPHENS
 BASS VAN GILST

The motion prevailed and the report was adopted.

Senator Carlson moved the appointment of Abe D. Clayman as a member of the Iowa Employment Security Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 36:

Arbuckle	Doderer	Kyhl	Riley
Balloun	Erskine	Lamborn	Shaff
Bass	Gaudineer	Milligan	Shawver
Briles	Gilley	Mowry	Smith
Carlson	Glenn	Nicholson	Stephens
Coleman	Griffin	Palmer	Tapscott
Conklin	Gross	Potgeter	Thordsen
Curran	Keith	Potter	Van Drie
Davis	Kennedy	Rabedeaux	Van Gilst

Nays, none.

Absent or not voting, 14:

Anderson	Hill	Neu	Robinson
Brownlee	Laverty	Ollenburg	Schaben
DeKoster	Messerly	Rhodes	Walsh
Graham	Miller		

The Chair declared the appointment of Abe D. Clayman as a member of the Iowa Employment Security Commission confirmed for the regular six-year term ending June 30, 1977.

INTRODUCTION OF BILLS

Senate File 1099, by Senator Griffin (Ellsworth, Hansen, Sorg, Kennedy, Priebe, and Wirtz), a bill for an act relating to unfair

trade practices in the business of insurance and providing a penalty.

Read first time and passed on file.

Senate File 1100, by Senator Doderer, a bill for an act to increase the covered wage limit under the Iowa public employees' retirement system.

Read first time and passed on file.

Senate File 1101, by committee on ways and means, a bill for an act relating to the taxation of real estate transfers and the penalty for failure to comply.

Read first time and placed on calendar.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1094 State government
- S. F. 1097 Transportation
- S. F. 1098 Commerce
- S. F. 1099 Commerce
- S. F. 1100 State government
- H. F. 1057 Law enforcement

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Mrs. Earl G. Sievers of Avoca, Pottawattamie County, Iowa, was confirmed to the State Board of Public Instruction.

RUDY VAN DRIE

EXPLANATION OF VOTE

When the final vote was taken on Senate File 1026, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation.

JOHN M. WALSH

AMENDMENT FILED

- 1 Amend the committee on transportation amendment filed
- 2 January 21, 1972, to House File 734, page 9, after line
- 3 8 by adding the following new paragraph:
- 4 "Whenever business, industry, commerce or outdoor
- 5 advertising are permitted uses in predominately

6 agricultural locally zoned areas, such areas are
7 deemed appropriate for business purposes and are
8 hereby zoned commercial to permit such uses to
9 the extent allowed by the local zoning authorities.”

G. WILLIAM GROSS

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Monday, February 7, 1972.

JOURNAL OF THE SENATE

TWENTY-NINTH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, FEBRUARY 7, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend James Ramson, Stated Clerk of the Northwest Iowa Presbytery, LeMars, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, February 4, 1972, was approved.

LEAVE OF ABSENCE

Senator Lamborn asked and received unanimous consent that Senator Shaff be excused for the day because of the death of his mother, Mrs. J. O. Shaff.

PRESENTATION OF VISITORS

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

Thirty-two students, members of Boy Scout Troop 39, Cedar Rapids, Iowa, accompanied by their scoutmaster, Donald V. Morton. Senator Riley.

Twenty-five students from Hoak Elementary School, Des Moines, Iowa, accompanied by Miss Brady and Mrs. Burgraft. Senator Tapscott.

PETITION

The following petition was presented and placed on file:

By Senator Van Drie, from seven residents of Polk County favoring legislation to improve the Iowa Public Employees' Retirement System.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lee J. Marvin, LeMars, Iowa.

EXPRESSION OF SYMPATHY

With deep sympathy and regret, the members of the Senate learned of the death of Mrs. J. O. Shaff of Clinton, Iowa, the mother of Senator Roger J. Shaff and former member of the Senate, David O. Shaff.

Individually and as a body, the members of the Senate want to share with the Shaff brothers in the loss of their mother. on storage of goods.

A memorial to Mrs. Shaff was sent by the Senate and the ways and means committee to the First United Presbyterian Church of Clinton, Iowa.

INTRODUCTION OF BILLS

Senate File 1102, by Senators Curran, Potter, Erskine, Nicholson, Kennedy, Thordsen, and Walsh (Lawson, Ellsworth, Andersen, and Drake), a bill for an act relating to the service tax

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

Senate File 1103, by Senators Curran, Potter, Erskine, Nicholson, Kennedy, Thordsen, and Walsh (Lawson, Ellsworth, Andersen, and Drake), a bill for an act relating to the taxation of income from interstate commerce.

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

Senate File 1104, by Senator Curran (Lawson), a bill for an act relating to governmental immunity and the operation of snowmobiles.

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

Senate File 1105, by Senator Riley, a bill for an act relating to eminent domain procedures.

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

Senator File 1106, by Senator Riley (Wyckoff and Ellsworth), a bill for an act relating to Viet Nam veterans' service compensation fund, authorizing the state of Iowa to become indebted in the amount of twenty-eight million dollars and providing for the issue and sale of bonds of the state in evidence thereof, and providing for the imposition, levy, and collection of a direct annual tax sufficient to pay the principal and interest of the bonds and providing a penalty.

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

Senate File 1107, by Senator Griffin (Knoke), a bill for an act to provide for police reserve units in cities with populations over five thousand.

Read first time and passed on file.

REPORTS OF INVESTIGATING COMMITTEES

Senator Griffin submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dr. Robert D. Benton of Council Bluffs, Pottawattamie County, Iowa, for appointment as State Superintendent of Public Instruction under the provisions of Section 257.11, Code of 1971, for the regular term beginning July 1, 1972, and ending January 1, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

JAMES W. GRIFFIN, SR., Chairman
W. CHARLENE CONKLIN
WILSON L. DAVIS
GENE V. KENNEDY
RICHARD L. STEPHENS

The motion prevailed and the report was adopted.

Senator Griffin moved the appointment of Dr. Robert D. Benton as State Superintendent of Public Instruction be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Anderson	Doderer	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Carlson	Gross	Ollenburg	Stephens
Coleman	Hill	Palmer	Tapscott
Conklin	Keith	Potgeter	Van Drie
Curran	Kennedy	Potter	Van Gilst
Davis	Kyhl	Rabedeaux	Walsh
DeKoster			

Nays, none.

Absent or not voting, 5:

Erskine	Nicholson	Shaff	Thordsen
Messerly			

President Jepsen declared the appointment of Dr. Robert D. Benton as State Superintendent of Public Instruction confirmed for the regular term ending January 1, 1975.

SENATE CONCURRENT RESOLUTION ADOPTED

Senate Concurrent Resolution 104

Senator Stephens called up for consideration the following concurrent resolution:

SENATE CONCURRENT RESOLUTION 104

By Committees on Agriculture and Transportation

Whereas, disruption of any phase of the transportation system is disastrous to the national public interest and welfare; and

Whereas, the national railway act appears to be outmoded, necessitating action by congress to provide permanent guidelines for settlement of labor-management disputes in our transportation system; and

Whereas, the health and safety of the public, particularly in densely populated areas, are often threatened within hours after the beginning of a transportation strike; and

Whereas, the economic well-being of certain groups is seriously impaired within days after the beginning of a transportation strike; and

Whereas, the recent dock strike at gulf coast ports has cost the Iowa soybean and corn producers millions of dollars and permanent loss of market; and

Whereas, producers of perishable products sustained serious losses within hours after the walkout of dock workers at west coast ports; and

Whereas, a continuation or renewal of the current disruption of the flow of farm and manufactured products to foreign countries will drastically reduce income in Iowa; and

Whereas, this disruption could depress farm prices as much as twenty-five cents per bushel for soybeans and ten cents per bushel for corn (This could mean a loss of one hundred twenty-five million dollars in income to soybean farmers and one hundred twenty million dollars for corn growers); and

Whereas, the threat of an extended strike or lockout, which is incentive for serious collective bargaining in other labor-management disputes, is not effective in transportation disputes because of the dire public necessity for continuing use of transportation facilities; Now, Therefore,

Be It Resolved by the Senate, the House Concurring: That we urge the congress of the United States to take immediate action to settle the west coast dock strike and provide permanent procedures for settlement of transportation disputes including the gulf coast and east coast dock strikes; and

Be It Further Resolved: That we urge the congress of the United States to immediately adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes without permitting either lockouts or strikes by requiring compulsory arbitration based on the best final offer provisions, recognizing that such provisions offer added incentives for serious collective bargaining efforts prior to submitting a dispute to arbitration and thus result in eliminating or narrowing the difference between the parties.

Be It Further Resolved: That duly authenticated copies of this resolution be transmitted to the President, Secretary of Labor, Secretary of Transportation, and the following members of the United States Congress: Speaker of the House, House Majority and Minority Leaders, Senate Majority and Minority Leaders, Chairmen of the Senate and House Committees on Labor and Commerce, Senators Jack Miller and Harold Hughes and the members of the House of Representatives from the state of Iowa.

Senator Walsh withdrew the following amendment filed by him on January 31, 1972:

- 1 Amend Senate Concurrent Resolution 104, filed January 27,
- 2 1972, by the committees on agriculture and transportation as
- 3 follows:
- 4 1. Page 1, by striking all of line 1 and inserting
- 5 in lieu thereof the following "*Whereas*, when a disruption
- 6 of a phase of the transportation system".
- 7 2. Page 2, by striking lines 3 through 7 inclusive.
- 8 3. Page 2, line 15, by striking the word "transpor-"
- 9 and all of lines 16 through 21 inclusive and inserting in
- 10 lieu thereof the following: "a lengthy labor-management dis-
- 11 pute."

Senator Walsh offered the following amendment filed January 31, 1972, and moved its adoption:

- 1 Amend Senate Concurrent Resolution 104, filed January 27,
- 2 1972 by the committees on agriculture and transportation as
- 3 follows:
- 4 1. Page 2, after line 2 insert the following:
- 5 "*Whereas*, management and labor have not up to this time
- 6 been provided with adequate machinery to settle differences
- 7 of opinion and in order that both management and labor may
- 8 negotiate without adverse effects upon the economy it is
- 9 necessary that the proper procedures be developed which are
- 10 not advantageous to either management or labor; and"

The amendment was adopted.

Senator Stephens offered the following amendment and moved its adoption:

- 1 Amend Senate Concurrent Resolution 104, filed January 27, 1972,
- 2 by committees on agriculture and transportation as follows:
- 3 1. Page 2, line 16, by striking the words "without permitting"
- 4 and inserting in lieu thereof the words "aimed at preventing".
- 5 2. Page 2, line 16, by inserting a period after the word
- 6 "strikes".
- 7 3. Page 2, by striking all of lines 17 through 21 inclusive.

Roll call was requested.

On the question "Shall the amendment be adopted?" (S.C.R. 104) the vote was:

Rule 24 was invoked.

Ayes, 32:

Anderson	Davis	Lavery	Rabedeaux
Arbuckle	DeKoster	Messerly	Rhodes
Balloun	Gilley	Mowry	Shawver
Bass	Graham	Neu	Smith
Briles	Griffin	Nicholson	Stephens
Brownlee	Keith	Ollenburg	Thordsen
Conklin	Kyhl	Potgeter	Van Drie
Curran	Lamborn	Potter	Walsh

Nays, 14:

Coleman	Gross	Palmer	Schaben
Doderer	Hill	Riley	Tapscott
Gaudineer	Kennedy	Robinson	Van Gilst
Glenn	Miller		

Absent or not voting, 4:

Carlson	Erskine	Milligan	Shaff
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The amendment was adopted.

Senator Schaben offered the following amendment:

- 1 Amend Senate Concurrent Resolution 104, by the committees
- 2 on agriculture and transportation, filed January 27, 1972,
- 3 as follows:
- 4 1. Page 1, strike lines 22 through 24, inclusive,
- 5 page 2, strike lines 1 and 2 inclusive.
- 6 2. Page 2, by adding the following after line 21:
- 7 "*Be It Further Resolved: That we encourage the congress*
- 8 *of the United States to support the feed grain reserve bill*
- 9 *which would establish a strategic grain reserve and would*
- 10 *increase the ceiling price of corn by twenty-five per cent.*"

Senator Walsh called for a division of the amendment, section 1 to be considered as division 1, and section 2, as division 2.

On motion of Senator Schaben, division 1 of the amendment was adopted.

Senator Walsh raised a point of order on division 2 of the amendment for the reason that it was not germane to the resolution.

The Chair ruled the point well taken and division 2 of the amendment out of order.

Senator Gaudineer offered the following amendment:

- 1 Amend Senate Concurrent Resolution 104, page 1, by
- 2 striking the first four "*Whereas*" clauses in their
- 3 entirety.

Senator Gaudineer moved the adoption of his amendment and requested a roll call.

On the question "Shall the amendment be adopted?" (S.C.R. 104) the vote was:

Ayes, 14:

Coleman	Gross	Miller	Robinson
Doderer	Hill	Palmer	Schaben
Gaudineer	Kennedy	Riley	Tapscott
Glenn	Messerly		

Nays, 29:

Anderson	Davis	Laverty	Rabedeaux
Arbuckle	DeKoster	Mowry	Shawver
Balloun	Gilley	Neu	Smith
Bass	Graham	Nicholson	Stephens
Briles	Keith	Ollenburg	Van Drie
Carlson	Kyhl	Potgeter	Van Gilst
Conklin	Lamborn	Potter	Walsh
Curran			

Absent or not voting, 7:

Brownlee	Griffin	Rhodes	Thordsen
Erskine	Milligan	Shaff	

The amendment lost.

Senator Coleman offered the following amendment:

- 1 Amend Senate Concurrent Resolution 104, by committees on
- 2 agriculture and transportation filed January 27, 1972, as
- 3 follows:
- 4 1. Page 2, by adding the following after line 21:
- 5 "*Be It Further Resolved:* That in order to utilize the
- 6 full benefits of the transportation facilities of this
- 7 country, we encourage the congress of the United States to
- 8 support the feed grain reserve bill which would establish
- 9 a strategic grain reserve."

Senator Walsh raised a point of order on the amendment for the reason that it was not germane to the resolution.

The Chair ruled the point well taken and the amendment out of order.

Senator Stephens moved the adoption of the resolution as amended.

Roll call was requested.

On the question "Shall the resolution as amended be adopted?" (S. C. R. 104) the vote was:

Ayes, 31:

Anderson	DeKoster	Mowry	Shawver
Arbuckle	Gilley	Neu	Smith
Balloun	Graham	Nicholson	Stephens
Brownlee	Keith	Ollenburg	Thordsen
Carlson	Kyhl	Potgeter	Van Drie
Conklin	Lamborn	Potter	Van Gilst
Curran	Laverty	Rabedeaux	Walsh
Davis	Messerly	Riley	

Nays, 12:

Coleman	Glenn	Kennedy	Robinson
Doderer	Gross	Miller	Schaben
Gaudineer	Hill	Palmer	Tapscott

Absent or not voting, 7:

Bass	Erskine	Milligan	Shaff
Briles	Griffin	Rhodes	

The resolution as amended was adopted.

Senator Stephens moved that Senate Concurrent Resolution 104 be immediately messaged to the House, and called for a division.

The motion prevailed and **Senate Concurrent Resolution 104** was **immediately messaged** to the House.

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 478, a bill for an act relating to a statute of limitations on action to recover from uninsured motorist insurance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 680, a bill for an act to clarify the status of law-enforcement officers appointed by the state conservation commission.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1108, by Senator Briles, a bill for an act prohibiting certain businesses from engaging in the production of cattle or hogs and providing penalties.

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

Senate File 1109, by Senators Rhodes, Riley, and Van Gilst (Dunton, Strand, Mendenhall, Dougherty, Trowbridge, Menefee, Doyle, Middleswart, Husak, Norpel, McElroy, Strothman, Stokes, Sargisson, and Schwartz), a bill for an act relating to qualifica-

tion for employment benefits under the Iowa public employees retirement system.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 478, a bill for an act relating to a statute of limitations on action to recover from uninsured motorist insurance.

Read first time and passed on file.

House File 680, a bill for an act to clarify the status of law-enforcement officers appointed by the state conservation commission.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1102 Ways and means
- S. F. 1103 Ways and means
- S. F. 1104 Judiciary
- S. F. 1105 Judiciary
- S. F. 1106 Ways and means
- S. F. 1107 Cities and towns
- S. F. 1108 Commerce
- S. F. 1109 Social services
- H. F. 478 Commerce
- H. F. 680 Conservation and recreation

EXPLANATIONS OF VOTE

When the final vote was taken on the confirmation of Howard Bell as a member of the Iowa State Commerce Commission, I was in Washington, D. C., attending meetings with the Honorable John A. Volpe, Secretary of the Department of Transportation, and with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Louis Nussbaum as a member of the State Board of Tax Review, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Robert J. Beecher as a member of the State Board of Public Instruction, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Ron Hallock as a member of the State Board of Public Instruction, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Mrs. Earl G. Sievers as a member of the State Board of Public Instruction, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Fred Moore as a member of the Iowa State Commerce Commission, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Don C. Uthus as Commerce Counsel, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

When the final vote was taken on the confirmation of Abe D. Clayman as a member of the Iowa Employment Security Commission, I was in Washington, D. C., attending a meeting with the National Legislative Task Force on Commerce and Transportation. If I had been in the chamber, I would have voted "Aye".

JOHN M. WALSH

The reason for voting "Aye" on the Stephens amendment, filed February 1, 1972, to Senate Concurrent Resolution 104, which strikes lines 17 through 21, page 2, is because Congress should be allowed several options as to how to resolve these problems.

1. Empower the President to choose any one, but only one, of the new optional procedures. Within a 10-day period, either House of Congress may reject the President's choice. If either house should reject his choice, or if he makes no choice, the President shall submit to the Congress a supplemental report including such recommendation as he may see fit to make. One of the new options available to the President is to extend the no-strike, no-lockout period for not more than 30 days beyond the 80-day cooling-off period.

2. A second option is to appoint a special board of three impartial members to review the feasibility of requiring partial operation of the industry (the essential or critical part) after the 80-day cooling-off period, and permitting strike or lockout in the rest of the industry. The special board's decision must be made within 30 days; during that period no change, except by agreement, shall be made in the terms and conditions of employment. Partial operation pursuant to the board's decision would be limited to a maximum of 180 days.

3. Under the third option, the parties are required to submit their final proposals for full resolution of the controversy following the 80-day cooling-off period. Provides that the parties would be given three days in which to submit two final offers and that if any party fails to submit a final offer or offers, the last offer made during previous bargaining would be deemed its final offer. Directs that following this submission to the Secretary of Labor, the parties would be required to meet and bargain for 5 days, with or without mediation by the Secretary of Labor. Provides that as a second step, the parties would be given an opportunity to select a three-member panel to act as "Final Offer Selector" and that if the parties were unable to select the panel, it would be appointed by the President. Asserts that the panel would hold hearings and determine which of the final offers constituted the final and binding resolution of the issues. Provides that in reaching its determination the panel could not choose any settlement other than one of the final offers. Specifies the criteria to be used by the panel in reaching its decision. Provides that the panel's choice would become the contract between the parties. The determination of the panel shall be conclusive unless found arbitrary and capricious by the district court which granted the 80-day injunction in the dispute.

These options would only be used after the 80-day cooling-off period did not resolve the strike or lockout.

JOHN M. WALSH

REPORTS OF COMMITTEES

Senator Stephens submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred **House File 1084**, a bill for an act to provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

RICHARD L. STEPHENS, Chairman

Ordered passed on file.

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 223**, a bill for an act relating to licenses for professional boxing and wrestling matches, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the Briles amendment filed March 22, 1971; and found on page 556 of the 1971 Senate Journal; and when so amended the bill do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Smith submitted the following report:

MR. PRESIDENT: Your committee on constitutional amendments and reapportionment, to which was referred **House Joint Resolution 1004**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide means for the General Assembly to convene itself into special session between regular sessions, begs leave to report it has had the same under consideration and recommends the same **do pass**.

MARVIN W. SMITH, Chairman

Ordered passed on file.

Senator DeKoster submitted the following report:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1010**, a bill for an act relating to real estate broker trust funds, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend Senate File 1010, line 11, by striking the word
- 2 "over" and line 12 by striking the words "and above one hundred
- 3 dollars" and inserting in lieu thereof the following:
- 4 "not to exceed six hundred dollars (\$600.00)".

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 2, line 34, by striking the following: ", financial
- 3 advice, consultation, or other services" and insert in lieu
- 4 thereof the following: "[financial advice, consultation, or
- 5 other services] fees".
- 6 2. Page 5, line 13, insert after the word "office" the words
- 7 "*where there is an intentional violation on the part of the*
- 8 *bank*".
- 9 3. Page 7, by striking lines 10 through 18, inclusive.
- 10 4. Renumber the subsequent sections accordingly.
- 11 5. Page 7, line 20, by striking the word and number "eleven
- 12 (11)" and insert in lieu thereof the word and number "ten (10)".
- 13 6. Page 7, line 25, by striking the word and number "eleven
- 14 (11)" and insert in lieu thereof the word and number "ten (10)".
- 15 7. Page 7, line 30, by striking the word and number "twelve
- 16 (12)" and insert in lieu thereof the word and number "eleven
- 17 (11)".
- 18 8. Page 1, line 2, by striking the word "fees" and striking
- 19 lines 3 through 5, inclusive, and insert in lieu thereof the
- 20 words "management fees, and prescribing penalties for violations."

HAROLD A. THORSEN

- 1 Amend Senate File 1008, page 4, by striking lines 22 through
- 2 35 and inserting in lieu thereof the following:
- 3 "tion. A state bank located in a municipal corporation, or in
- 4 an urban complex composed of two or more municipal corporations

5 each of which is contiguous to or corners upon at least one of
 6 the other municipal corporations within the complex, having a
 7 population of over 200,000 according to the most recent federal
 8 census may establish three such offices within the boundaries
 9 of the municipal corporation or urban complex. Such a facility
 10 located”.

HAROLD A. THORSEN
 EDWARD E. NICHOLSON
 FRANCIS L. MESSERLY
 W. R. RABEDEAUX

1 Amend Senate File 1008 by striking from page 6, line 15, the word
 2 and inserting in lieu thereof the words “seven and one-half”
 “ten”

RUDY VAN DRIE
 EARL G. BASS
 QUENTIN V. ANDERSON
 CHARLES F. BALLOUN
 BASS VAN GILST
 RICHARD L. STEPHENS
 W. R. RABEDEAUX
 GEORGE L. SHAWVER

1 Amend House File 33 as passed by the House as follows:
 2 1. Page 1, line 5, by striking the words “is amended as follows:”
 3 and insert in lieu thereof the following: “as amended by chapter
 4 two hundred thirty-nine (239), section three (3), Acts of the
 5 Sixty-fourth General Assembly, First Session, is further amended
 6 as follows:”.

7 2. Page 2, by striking lines 15 through 28, inclusive, and
 8 insert in lieu thereof the following:

9 “The person, company, or corporation seeking the permit shall
 10 give notice of the informational meeting to each person, company,
 11 or corporation determined to be the landowner affected by the
 12 proposed project and any person, company or corporation in poss-
 13 ession of or residing on the property. For the purposes of this
 14 section, landowner means a person, company or corporation listed
 15 on the tax assessment rolls as responsible for the payment of
 16 real estate taxes imposed on the property and pipeline means any
 17 line transporting any solid, liquid, or gaseous substance, except
 18 water, under pressure in excess of one hundred fifty pounds per
 19 square inch and extending a distance of not less than five miles or
 20 future anticipated extension of an overall distance of five miles.”

RUDY VAN DRIE

On motion of Senator Lamborn, the Senate adjourned until
 9:00 a.m., Tuesday, February 8, 1972.

JOURNAL OF THE SENATE

THIRTIETH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, FEBRUARY 8, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend John Block, pastor of the St. Peter's American Lutheran Church, Richfield, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, February 7, 1972, was approved.

PRESENTATION OF VISITORS

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

Twenty-seven students from St. Mary's Grade School, Guttenberg, Iowa, accompanied by Sister Antonine. Senator Kennedy.

Twenty-four students from Peoria Christian School, Pella, Iowa, accompanied by Robert D. Jager. Senator Van Gilst.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Don Faber, LeMars, Iowa.

ANNOUNCEMENT

President Jepsen announced the following official delegation to represent the Senate at the funeral of the Honorable Scott Swisher, former member of the House of Representatives from Johnson County: Senators Minnette Doderer, John L. Mowry, Charles P. Miller, Marvin W. Smith and Richard L. Stephens.

INTRODUCTION OF BILLS

Senate File 1110, by committee on judiciary, a bill for an act to legalize a transfer of real property from the board of directors of the Prairie Community School District, Gowrie, Iowa, to Russell Jondle and Florence M. Jondle.

Read first time and placed on calendar.

Senate File 1111, by committee on judiciary, a bill for an act relating to the compensation of members of the general assembly.

Read first time and placed on calendar.

Senate 1112, by Senator Riley, a bill for an act relating to public utilities furnishing communications services to the public for compensation.

Read first time and passed on file.

Senate File 1113, by Senators Riley, Gilley, Shawver, and Kennedy (Mendenhall, Tieden, Menefee, McElroy, and Kehe), a bill for an act relating to the conversion of the commercial television network under the control of the state board of regents.

Read first time and passed on file.

Senate File 1114, by Senator Riley, a bill for an act relating to penalties for operating a motor vehicle while intoxicated.

Read first time and passed on file.

Senate File 1115, by Senators Riley and Van Gilst, a bill for an act relating to recovery of old age assistance payments from responsible relatives.

Read first time and passed on file.

SPECIAL ORDER OF BUSINESS

Senate File 1008

The hour having arrived, the Chair announced the special order of business for the consideration of Senate File 1008.

On motion of Senator Brownlee, Senate File 1008, a bill for an act relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Brownlee asked and received unanimous consent that Philip E. Burks, Senior Research Analyst, Legislative Service Bureau, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator Brownlee offered the following amendment by the committee on commerce and moved its adoption:

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 4, by striking lines 18 through 22, inclu-
- 3 sive, and inserting in lieu thereof the following:
- 4 "establish not more than two bank offices within
- 5 the boundaries of the municipal corporation, each of
- 6 which shall have adequate off-street parking as deter-
- 7 mined by the superintendent, and may also have facili-
- 8 ties to serve pedestrian customers. A state bank located
- 9 in a municipal corporation, or".
- 10 2. Page 4, line 35, by inserting after the word
- 11 "municipal" the words "corporation or urban".
- 12 3. Page 7, line 10, by striking the word "Act" and
- 13 inserting in lieu thereof the word "division".
- 14 4. Page 7, line 18, by striking the words "on January
- 15 1, 1971," and inserting in lieu thereof the words "was
- 16 on January 1, 1971 registered with the federal reserve
- 17 board as a bank holding company, and on that date".

The amendment was adopted.

Senator Brownlee offered the following amendment filed February 3 by Senators Brownlee, Ollenburg, et al.:

Division 1

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 2, line 34, by striking the words ", financial
- 3 advice, consultation, or other" and inserting in lieu
- 4 thereof the words "[, financial advice, consultation, or
- 5 other] or *financial*".

Division 2

- 6 2. Page 4, line 11, by inserting after the word
- 7 "bank" the words "or office".

Division 3

- 8 3. Page 4, line 23, by inserting after the word
- 9 "more" the word "Iowa".

Senator Brownlee offered the following amendment to the amendment:

- 1 Amend the Brownlee, Ollenburg, et al., amendment, filed
- 2 February 3, 1972, to Senate File 1008, after line 9, as follows:
- 3 4. Page 1, line 3, by striking the first comma and inserting
- 4 in lieu thereof the word "and" and on line 4 by striking
- 5 "consultation or services,".

Action on the amendment to the amendment was temporarily deferred.

Senator Brownlee called for a division of the Brownlee, Ollenburg, et al., amendment into three divisions, section 1 to be con-

sidered as division 1, section 2 to be considered as division 2, and section 3, as division 3.

Senator Thordsen offered the following amendment to division 1 of the amendment:

- 1 Amend the Brownlee, et al., amendment filed February 3 to
- 2 Senate File 1008, by striking all of line 5 and inserting
- 3 in lieu thereof the following: "[other services] fees".

Action on division 1 of the amendment and the Thordsen amendment thereto was temporarily deferred.

On motion of Senator Brownlee, division 2 of the amendment was adopted.

On motion of Senator Brownlee, division 3 of the amendment was adopted.

Senator Brownlee asked and received unanimous consent to withdraw his amendment to the Brownlee, Ollenburg, et al., amendment temporarily deferred.

Senator Thordsen offered the following amendment filed by him on February 7, 1972, and called for a division of the amendment, sections 1 and 8 to be considered as division 1, section 2 to be considered as division 2, and sections 3 through 7 to be considered as division 3:

Division 1

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 2, line 34, by striking the following: " financial
- 3 advice, consultation, or other services" and insert in lieu
- 4 thereof the following: "[financial advice, consultation, or
- 5 other services] fees".

Division 2

- 6 2. Page 5, line 13, insert after the word "office" the words
- 7 "*where there is an intentional violation on the part of the*
- 8 *bank*".

Division 3

- 9 3. Page 7, by striking lines 10 through 18, inclusive.
- 10 4. Renumber the subsequent sections accordingly.
- 11 5. Page 7, line 20, by striking the word and number "eleven
- 12 (11)" and insert in lieu thereof the word and number "ten (10)".
- 13 6. Page 7, line 25, by striking the word and number "eleven
- 14 (11)" and insert in lieu thereof the word and number "ten (10)".
- 15 7. Page 7, line 30, by striking the word and number "twelve
- 16 (12)" and insert in lieu thereof the word and number "eleven
- 17 (11)".

Division 1

- 18 8. Page 1, line 2, by striking the word "fees" and striking
- 19 lines 3 through 5, inclusive, and insert in lieu thereof the
- 20 words "management fees, and prescribing penalties for violations."

Action on division 1 of the amendment was temporarily deferred.

Senator Thordsen moved the adoption of division 2 of the amendment.

Division was called for.

Division 2 of the amendment lost.

Senator Thordsen withdrew division 3 of the amendment.

Senator Thordsen offered the following amendment filed February 7 by Senators Thordsen, et al.:

- 1 Amend Senate File 1008, page 4, by striking lines 22 through
- 2 35 and inserting in lieu thereof the following:
- 3 "tion. A state bank located in a municipal corporation, or in
- 4 an urban complex composed of two or more municipal corporations
- 5 each of which is contiguous to or corners upon at least one of
- 6 the other municipal corporations within the complex, having a
- 7 population of over 200,000 according to the most recent federal
- 8 census may establish three such offices within the boundaries
- 9 of the municipal corporation or urban complex. Such a facility
- 10 located".

Senator Thordsen offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Thordsen, Nicholson, et al., amendment filed February
- 2 7, 1972, to Senate File 1008 as follows:
- 3 1. Line 1, by striking the number "22" and inserting in lieu
- 4 thereof the number "23".
- 5 2. By striking line 3 and inserting in lieu thereof the word
- 6 "in".

The amendment to the amendment was adopted.

Senator Thordsen moved the adoption of the amendment as amended and requested a roll call.

On the question "Shall the amendment as amended be adopted?" (S.F. 1008) the vote was:

Rule 24 was invoked.

Ayes, 22:

Anderson	Doderer	Miller	Riley
Balloun	Gilley	Mowry	Shawver
Bass	Graham	Nicholson	Smith
Coleman	Keith	Rabedeaux	Stephens
Conklin	Kyhl	Rhodes	Thordsen
Davis	Messerly		

Nays, 27:

Arbuckle	Gaudineer	Laverty	Schaben
Briles	Glenn	Neu	Shaff
Brownlee	Griffin	Ollenburg	Tapscott
Carlson	Gross	Palmer	Van Drie
Curran	Hill	Potgeter	Van Gilst
DeKoster	Kennedy	Potter	Walsh
Erskine	Lamborn	Robinson	

Voting present, 1:

Milligan (under Rule 24)

The amendment as amended lost.

Senator Van Drie offered the following amendment filed by Senators Van Drie, Bass, et al.:

- 1 Amend Senate File 1008 by striking from page 6, line 15, the word "ten"
- 2 and inserting in lieu thereof the words "seven and one-half".

President pro tempore Kyhl took the chair at 11:30 a.m.

Senator Brownlee offered the following amendment to the amendment by Senators Brownlee, Van Drie, et al.:

- 1 Amend the Van Drie, Bass, et al., amendment filed February 7, 1972, to Senate File 1008 by striking from line 2, the
- 3 word "seven" and inserting in lieu thereof the word "eight".

Senator Brownlee moved the adoption of the amendment to the amendment and requested a roll call.

On the question "Shall the Brownlee-Van Drie, et al., amendment to the amendment be adopted?" (S.F. 1008) the vote was:

Rule 24 was invoked.

Ayes, 25:

Balloun	Gaudineer	Lamborn	Riley
Brownlee	Gilley	Laverty	Robinson
Carlson	Glenn	Messlerly	Shaff
Curran	Gross	Neu	Van Drie
Davis	Hill	Ollenburg	Walsh
DeKoster	Keith	Potter	
Erskine	Kennedy		

Nays, 22:

Anderson	Doderer	Nicholson	Smith
Arbuckle	Graham	Potgeter	Stephens
Bass	Griffin	Rabedeaux	Tapscott
Briles	Kyhl	Schaben	Thorsen
Coleman	Miller	Shawver	Van Gilst
Conklin	Mowry		

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 2:

Palmer

Rhodes

The amendment to the amendment was adopted.

With the adoption of the Brownlee, Van Drie, et al., amendment to the amendment, the following amendment to the amendment by Senator Schaben was out of order:

- 1 Amend the Van Drie, et al., amendment to page 6 of
- 2 Senate File 1008, filed February 7, 1972, by striking
- 3 in line 2 the words "seven and one-half", and inserting
- 4 in lieu thereof the word "five".

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILLS

Senate File 1116, by committee on county government (committee on county government), a bill for an act providing for the payment of county election expenses.

Read first time and placed on calendar.

Senate File 1117, by committee on county government (committee on county government), a bill for an act relating to notification of property owners of adjustment of real property assessments.

Read first time and placed on calendar.

Senate File 1118, by Senators Potgeter and Walsh, a bill for an act to repeal sections relating to the taxing and licensing of dogs by counties and the domestic animal fund.

Read first time and passed on file.

Senate File 1119, by Senator Shawver (Ewell), a bill for an act relating to the merger of county and joint county school systems and to limit their taxing powers.

Read first time and passed on file.

Senate File 1120, by Senator Conklin, a bill for an act relating to universities governed by the state board of regents.

Read first time and passed on file.

Senate File 1121, by Senators Milligan and Gaudineer, a bill for an act relating to the state central committees of political parties.

Read first time and passed on file.

Senate File 1122, by Senators Doderer and Anderson, a bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties.

Read first time and passed on file.

Senate File 1123, by Senator Walsh, a bill for an act relating to beer advertising.

Read first time and passed on file.

SPECIAL ORDER CONTINUED

Senate File 1008

The Senate resumed consideration of Senate File 1008 and the Van Drie, Bass, et al., amendment as amended.

Senator Van Drie moved the adoption of the amendment as amended and requested a roll call.

On the question "Shall the Van Drie, Bass, et al., amendment as amended be adopted?" (S.F. 1008) the vote was:

Ayes, 34:

Anderson	Doderer	Miller	Schaben
Arbuckle	Gilley	Nicholson	Shawver
Bass	Glenn	Ollenburg	Smith
Briles	Graham	Potgeter	Stephens
Brownlee	Keith	Potter	Tapscott
Coleman	Kennedy	Rabedeaux	Thordsen
Curran	Kyhl	Rhodes	Van Drie
Davis	Lamborn	Robinson	Van Gilst
DeKoster	Laverty		

Nays, 11:

Balloun	Griffin	Messerly	Shaff
Erskine	Gross	Palmer	Walsh
Gaudineer	Hill	Riley	

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 4:

Carlson	Conklin	Mowry	Neu
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The amendment as amended was adopted.

Senator Schaben moved to reconsider the vote by which the Van Drie, Bass, et al., amendment, filed February 7, 1972, to Senate File 1008, was adopted as amended and requested a roll call.

On the question "Shall the motion to reconsider the Van Drie, Bass, et al., amendment be adopted?" (S.F. 1008) the vote was:

Ayes, 17:

Anderson	Gross	Robinson	Stephens
Bass	Miller	Schaben	Tapscott
Briles	Potgeter	Shawver	Thordsen
Coleman	Rabedeaux	Smith	Van Gilst
Graham			

Nays, 31:

Arbuckle	Doderer	Kyhl	Palmer
Balloun	Erskine	Lamborn	Potter
Brownlee	Gaudineer	Laverty	Rhodes
Carlson	Gilley	Messerly	Riley
Conklin	Glenn	Mowry	Shaff
Curran	Griffin	Neu	Van Drie
Davis	Hill	Nicholson	Walsh
DeKoster	Keith	Ollenburg	

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 1:

Kennedy

The motion to reconsider lost.

The Senate resumed consideration of division 1 of the Brownlee, Ollenburg, et al., amendment previously deferred.

Senator Thordsen asked and received unanimous consent to withdraw his amendment to the amendment previously deferred.

On motion of Senator Brownlee, division 1 of the amendment was adopted.

Senator DeKoster offered the following amendment by Senators DeKoster, Gaudineer and Brownlee:

- 1 Amend Senate File 1008, page 3, after line 4, by inserting the
- 2 following:
- 3 1. *"Any contract or arrangement for consultation or other*
- 4 *services which involve payment of those services by a state*
- 5 *bank to any person who individually or whose wife or immediate*
- 6 *family or any combination thereof owns fifteen percent or more*
- 7 *of the outstanding shares of that bank or is an officer or*
- 8 *director thereof, or to an affiliate may be reviewed by the*
- 9 *superintendent."*
- 10 2. Page 3, line 9, after the word "eliminated" insert the words
- 11 *"and the excess refunded".*

Senator Doderer offered the following amendment to the amendment and moved its adoption:

- 1 Amend the DeKoster, et al., amendment filed February
- 2 8, 1972, to Senate File 1008, line 5, by striking the
- 3 word "*wife*" and inserting in lieu thereof the word
- 4 "*spouse*".

The amendment to the amendment was adopted.

On motion of Senator DeKoster, the amendment as amended was adopted.

Senator Riley offered the following amendment filed by him:

- 1 Amend Senate File 1008 as follows: page 7, line 17, by
- 2 striking everything after the word "state" and by striking
- 3 all of line 18, and insert in lieu thereof a period.

President Jepsen took the chair at 2:47 p.m.

Senator Riley moved the adoption of his amendment and requested a roll call.

On the question "Shall the Riley amendment be adopted?" (S.F. 1008) the vote was:

Ayes, 20:

Anderson	Griffin	Potgeter	Smith
Bass	Gross	Rhodes	Stephens
Conklin	Lamborn	Riley	Tapscott
Doderer	Miller	Robinson	Thordsen
Glenn	Nicholson	Shaff	Van Drie

Nays, 27:

Balloun	Erskine	Kyhl	Potter
Brownlee	Gaudineer	Lavery	Rabedeaux
Carlson	Gilley	Messerly	Schaben
Coleman	Graham	Mowry	Shawver
Curran	Hill	Neu	Van Gilst
Davis	Keith	Ollenburg	Walsh
DeKoster	Kennedy	Palmer	

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 2:

Arbuckle Briles

The amendment lost.

Senator Gaudineer offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1008 as follows:
- 2 1. Page 7, by inserting after line 18 the following
- 3 new section:
- 4 "Sec. 12. If any individual is a director or an

5 officer, or both, of a bank holding company, or of a
 6 bank which is owned or controlled by a bank holding
 7 company in any manner, and to the extent, specified
 8 by section seven (7) of this Act, such individual shall
 9 also be deemed to be a director or an officer, or both,
 10 as the case may be, of each bank so owned or controlled
 11 by that bank holding company, for the purposes of
 12 sections five hundred twenty-four point six hundred
 13 twelve (524.612), five hundred twenty-four point six
 14 hundred thirteen (524.613) and five hundred twenty-four
 15 point seven hundred six (524.706) of the Code."

16 2. Page 7, line 20, by striking the word and number
 17 "eleven (11)" and inserting in lieu thereof the word
 18 and number "twelve (12)".

19 3. Page 7, line 25, by striking the word and number
 20 "eleven (11)" and inserting in lieu thereof the word
 21 and number "twelve (12)".

22 4. Page 7, line 30, by striking the word and number
 23 "twelve (12)" and inserting in lieu thereof the word
 24 and number "thirteen (13)".

25 5. By renumbering sections in accordance with this

Page 2

1 amendment.

The amendment was adopted.

Senator Bass offered the following amendment:

1 Amend Senate File 1008 as follows:
 2 Page 3, line 18, by striking all after the period,
 3 by striking lines 19 and 20, and by striking on
 4 line 21 the words "which operates the office." and
 5 inserting in lieu thereof, "A bank office may operate
 6 for the sole and only purpose of receiving deposits
 7 and paying checks and performing such other clerical
 8 and routine duties not inconsistent with this section."

Senator Bass moved the adoption of his amendment and called for a division.

The amendment lost.

Senator Glenn offered the following amendment:

1 Amend Senate File 1008, page 7, line 18, by striking
 2 the words "two banks" and inserting in lieu thereof
 3 "one bank".

Senator Glenn moved the adoption of his amendment and requested a roll call.

On the question "Shall the Glenn amendment be adopted?" (S.F. 1008) the vote was:

Rule 24 was invoked.

Ayes, 18:

Bass	Gilley	Palmer	Smith
Coleman	Glenn	Potgeter	Stephens
Conklin	Griffin	Riley	Tapscott
Doderer	Miller	Robinson	Van Gilst
Gaudineer	Nicholson		

Nays, 28:

Anderson	Davis	Lamborn	Rabedeaux
Arbuckle	DeKoster	Laverty	Rhodes
Balloun	Erskine	Messerly	Shaff
Briles	Graham	Mowry	Shawver
Brownlee	Gross	Neu	Thordsen
Carlson	Hill	Ollenburg	Van Drie
Curran	Kyhl	Potter	Walsh

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 3:

Keith	Kennedy	Schaben
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The amendment lost.

Senator Riley offered the following amendment:

- 1 Amend Senate File 1008, page 7, by striking Sec. 11 and
- 2 insert in lieu thereof the words: "Nothing in this Act shall be con-
- 3 strued to authorize a bank holding company which was on or before
- 4 January 1, 1958, registered with the federal reserve board as a
- 5 bank holding company which owned at least two banks in this state
- 6 as part of the bank holding company, and on January 1, 1972, are
- 7 still registered as a bank holding company with the federal re-
- 8 serve board, owning at least two banks in this state as part of
- 9 the holding company, and the state in which the said out-of-state
- 10 bank holding company's total deposits of all such banking subsid-
- 11 iaries are largest, grants to a resident Iowa bank holding company
- 12 the same rights to acquire any of the voting shares of, any inter-
- 13 est in, all or substantially all of the assets of, or power to con-
- 14 trol in any manner the election of any of the directors of any bank
- 15 in that state."

Senator Riley moved the adoption of his amendment and requested a roll call.

On the question "Shall the Riley amendment be adopted?" (S.F. 1008) the vote was:

Ayes, 14:

Anderson	Gilley	Nicholson	Smith
Bass	Glenn	Potgeter	Stephens
Conklin	Griffin	Riley	Tapscott
Doderer	Miller		

Nays, 32:

Arbuckle	DeKoster	Lamborn	Rhodes
Balloun	Erskine	Laverty	Robinson
Briles	Gaudineer	Messerly	Shaff
Brownlee	Graham	Neu	Shawver
Carlson	Gross	Ollenburg	Thordsen
Coleman	Hill	Palmer	Van Drie
Curran	Kennedy	Potter	Van Gilst
Davis	Kyhl	Rabedeaux	Walsh

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 3:

Keith Mowry Schaben

The amendment lost.

Senator Thordsen asked and received unanimous consent to withdraw division 1 of his amendment filed February 7, 1972, and previously deferred.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1008) the vote was:

Ayes, 47:

Anderson	Doderer	Laverty	Robinson
Arbuckle	Erskine	Messerly	Schaben
Balloun	Gaudineer	Mowry	Shaff
Bass	Gilley	Neu	Shawver
Briles	Glenn	Nicholson	Smith
Brownlee	Graham	Ollenburg	Stephens
Carlson	Gross	Palmer	Tapscott
Coleman	Hill	Potgeter	Thordsen
Conklin	Keith	Potter	Van Drie
Curran	Kennedy	Rabedeaux	Van Gilst
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn	Riley	

Nays, 2:

Griffin Miller

Voting present, 1:

Milligan (under Rule 24)

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

Senator Brownlee moved that the vote by which Senate File 1008 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 1008) the vote was:

Rule 24 was invoked.

Ayes, 26:

Balloun	Erskine	Laverty	Robinson
Briles	Gilley	Neu	Shaff
Brownlee	Graham	Ollenburg	Shawver
Carlson	Griffin	Potter	Stephens
Curran	Keith	Rabedeaux	Van Drie
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn		

Nays, 22:

Anderson	Gaudineer	Mowry	Schaben
Arbuckle	Glenn	Nicholson	Smith
Bass	Gross	Palmer	Tapscott
Coleman	Hill	Potgeter	Thordsen
Conklin	Kennedy	Riley	Van Gilst
Doderer	Miller		

Voting present, 1:

Milligan (under Rule 24)

Absent or not voting, 1:

Messerly

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Joint Resolution 2; House Files 254, 677, 695, 1014, 1015 and 1016.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Joint Resolution 2; House Files 254, 677, 695, 1014, 1015 and 1016.

SENATE CONCURRENT RESOLUTION 106

By Committee on Schools

Whereas, the educational radio and television system of the state of Iowa has proved to be a valuable tool in enhancing the educational opportunities for elementary and secondary school pupils of this state, as well as educational opportunities for adults; and

Whereas, it is the stated intent of the general assembly pursuant to section eight A point one (8A.1) of the Code enacted in 1967 that the educational radio and television facility be established to serve the entire state; and

Whereas, the intent of the general assembly as stated in section eight A point one (8A.1) of the Code has not been realized and the people of this state who have not received the services of educational radio and television have expressed concern that they and their children are not receiving the same educational services as adults and children located within the areas covered by educational radio and television, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council create a study committee to consider the most feasible and economical method of extending educational radio and television to the entire state within the immediate future, and that such study committee make recommendations in the form of a report and bill drafts, if needed, for the implementation of a program which will provide the entire state with the services of educational radio and television coverage; and

Be It Further Resolved, That the study committee shall consist of not less than ten legislators selected by the legislative council, representing both houses of the general assembly, and both political parties, and citizen members if deemed desirable, and

Be It Further Resolved, That the study committee shall make periodic reports to the legislative council and it shall submit a final report, including necessary bill drafts to implement its recommendations, to the legislative council. Copies of the report approved by the legislative council shall be submitted to members of the general assembly meeting in the year 1973.

PROOF OF PUBLICATION

Published copy of Senate File 1110 and verified proof of publication of said bill in The Gowrie News, a weekly newspaper published at Gowrie, Iowa, on May 26, 1971, was filed with the Secretary of the Senate prior to the time said bill was placed on passage in the Senate.

CARROLL A. LANE, Secretary

BILLS ASSIGNED TO COMMITTEES

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

- S. F. 1112 Commerce
- S. F. 1113 Commerce
- S. F. 1114 Law enforcement
- S. F. 1115 Social services
- S. F. 1118 Ways and means

- S. F. 1119 Schools
- S. F. 1120 Higher education
- S. F. 1121 State government
- S. F. 1122 State government
- S. F. 1123 Commerce

REPORT OF COMMITTEE

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government, to which was referred **House File 494**, a bill for an act relating to the transfer of portions of the primary road system into the secondary road system, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 376 as follows:
- 2 1. Page 1, by inserting after line 16 the following
- 3 new sections:
- 4 Sec. 2. As used in sections two (2) through ten
- 5 (10) of this Act, unless the context otherwise requires:
- 6 1. "Commission" means the Iowa state commerce
- 7 commission.
- 8 2. "Common carrier by rail" means any railroad
- 9 company operating in this state.
- 10 3. "Motor vehicle" means any vehicle which is self-
- 11 propelled and designed primarily for highway use, and
- 12 which may or may not be equipped with retractable flanged
- 13 wheels for operation on railroad tracks.
- 14 4. "Owner" means any person having the lawful use
- 15 or control of a motor vehicle as holder of the legal
- 16 title of the motor vehicle or under contract or lease
- 17 or otherwise.
- 18 5. "Place of employment" means that location where
- 19 one or more workers are actually performing the labor
- 20 incident to their employment.
- 21 6. "Worker" means an individual employed for any
- 22 period in any work for which he is compensated, whether
- 23 full or part-time.
- 24 Sec. 3. Every motor vehicle provided by a railroad
- 25 company and used to transport one or more workers to

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- 1 and from their places of employment or during the course
- 2 of their employment shall be maintained in a safe
- 3 condition and operated in a safe manner at all times,
- 4 whether or not used upon a public highway.
- 5 Sec. 4. The commission shall adopt and enforce

6 reasonable rules and regulations relating to motor
7 vehicles used to transport workers to and from their
8 places of employment or during the course of their
9 employment. These rules and regulations shall establish
10 minimum standards:

11 1. For the construction and mechanical equipment
12 of a motor vehicle, including its coupling devices,
13 lighting devices and reflectors, motor exhaust system,
14 rear-vision mirrors, service and parking brakes, steering
15 mechanism, tires, warning and signaling devices and
16 windshield wipers. The motor vehicle shall be equipped
17 with safe space heating device or appliance capable
18 of maintaining a temperature of at least sixty degrees
19 Fahrenheit in those areas of the vehicle where workers
20 will be required to ride.

21 2. For the insurance coverage carried by employers
22 and owners to protect the employers from loss resulting
23 from bodily injury or death suffered because of a motor
24 vehicle accident.

25 3. For the operation of a motor vehicle, including

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1 driving rules, loading and carrying freight and
2 passengers, maximum daily hours of service by drivers,
3 minimum age and skill of drivers, physical condition
4 of drivers, refueling, road warning devices and the
5 transportation of gasoline and explosives.

6 4. For the safety of passengers in a motor vehicle,
7 including emergency exits, fire extinguishers, first
8 aid kits, facilities for communication between cab and
9 rear compartment, means of ingress and egress, side
10 walls, canopy, and a tailgate or other means of retaining
11 freight and passengers within the motor vehicle.

12 Sec. 5. Before formulating the rules and regulations,
13 the commission shall conduct hearings and invite the
14 participation of interested groups. These groups may
15 make recommendations relating to the minimum standards
16 to be embodied in the rules and regulations. The
17 commission shall consider the recommendations prior
18 to the issuance of any rules or regulations.

19 Sec. 6. The commission may amend the rules and
20 regulations at any time upon its own motion or upon
21 complaint by any individual or group, in the same manner
22 as it adopts other rules and regulations.

23 Sec. 7. The commission may, in enforcing the rules
24 and regulations, inspect any motor vehicle used to
25 transport workers to and from their places of employment

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1 or during the course of their employment.

2 Sec. 8. Whenever the commission finds that a motor
3 vehicle used to transport workers to and from their
4 places of employment or during the course of their
5 employment violates any provision of sections two (2)
6 through ten (10) of this Act or the rules and regulations

7 of the commission, the commission shall make, enter
8 and serve upon the owner of the motor vehicle any order
9 necessary to protect the safety of workers transported
10 in the motor vehicle. The commission may direct in
11 the order, as a condition to the continued use of the
12 motor vehicle for transporting workers to and from their
13 places of employment or during the course of their
14 employment, that the additions, repairs, improvements
15 or changes be made and any safety devices and safeguards
16 be furnished and used as are reasonably required to
17 satisfy the requirements of the rules and regulations,
18 in the manner and within the time specified in the
19 order. The order may also require that any driver of
20 the motor vehicle satisfy the minimum standards for
21 a driver under the rules and regulations.

22 Sec. 9. The commission shall have jurisdiction to
23 enforce rules and regulations adopted under sections
24 two (2) through ten (10) of this Act relating to motor
25 vehicles used to transport railroad workers to and from

Page 5

1 their place of employment or during the course of their
2 employment. The rules and regulations adopted by the
3 commission shall be subject to the provisions of chapter
4 seventeen A (17A) of the Code.

5 Sec. 10. Any violation by the owner of a motor
6 vehicle of any rule or regulation adopted by the
7 commission under sections two (2) through ten (10) of
8 this Act or any order issued by the commission under
9 section eight (8) of this Act, or willful failure to
10 comply with the order, is a misdemeanor and, upon
11 conviction thereof, the owner shall be subject to
12 imprisonment in the county jail for not more than one
13 year, or to a fine not exceeding five hundred dollars,
14 or both such imprisonment and fine.

15 2. Amend the title, on page 1, line 1, by inserting
16 after the word "requirements" the words "and safety
17 standards on specially designed vehicles, to the
18 authority of the Iowa state commerce commission, and
19 to provide penalties for violations".

TOM RILEY

1 Amend Senate File 1090 as follows:

2 1. Page 2, insert after line 18 the following new
3 section:

4 "Section two hundred twenty-six point thirty-five
5 (226.35), unnumbered paragraph one (1), Code 1971, is
6 amended to read as follows:

7 226.35 APPLICATION FOR ADMISSION. Any resident of
8 the state may apply for voluntary admission for the treat-
9 ment of alcoholism to Mental Health Institute, Cherokee,
10 Iowa; Mental Health Institute, Independence, Iowa; Mental
11 Health Institute, Clarinda, Iowa, or Mental Health
12 Institute, Mt. Pleasant, Iowa, the state hospital serving
13 the district in which he resides. This application shall

14 be made on forms provided by the state director and
 15 under such regulations as the director may prescribe,
 16 *and must be accompanied by a written statement from a*
 17 *facility, as defined in section 123B.1, subsection 2,*
 18 *recommending that the applicant be admitted.* If the
 19 superintendent shall be satisfied, after examination of
 20 the applicant by the staff, that he is in need of hospital
 21 treatment and will be benefited thereby, the superintend-
 22 ent may receive and care for the applicant in the state
 23 hospital for such a period of time as he shall deem
 24 necessary for the treatment, improvement or recovery of
 25 said patient."

Page 2

1 2. Renumber the remaining section.

QUENTIN V. ANDERSON
 C. JOSEPH COLEMAN

1 Amend Senate File 1095, page 1, line 14, by inserting after
 2 the word "at", the word "one-half".

QUENTIN V. ANDERSON

1 Amend House File 6, as amended and passed by the House as follows:
 2 Page 3, line 4, by striking the period and adding "except transmission
 3 and distribution structures of public utilities."

W. R. RABEDEAUX

1 Amend House File 1104 on page 1, by striking in line 21 the words,
 2 "[Before they are mounted in frames,]" all of lines 22 through 25
 inclusive.

3 Page 2, all of lines 1 through 6 inclusive and insert in lieu thereof:
 4 "Before they are mounted in frames, all plastic and heat treated glass
 5 lenses shall be capable of withstanding an impact test of a five-eighths
 6 inch steel ball dropped fifty inches. This test to be conducted at room
 7 temperature, with the lense supported by a plastic tube one inch inside
 8 diameter, one and one-fourth inch outside diameter, with a one-eighth
 inch

9 by one-eighth inch neoprene gasket on top edge."

LUCAS J. DeKOSTER
 MINNETTE DODERER

On motion of Senator Lamborn, the Senate adjourned until
 10:00 a.m., Wednesday, February 9, 1972.

JOURNAL OF THE SENATE

THIRTY-FIRST DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, FEBRUARY 9, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Richard D. Hogan, pastor of the First Christian Church, Council Bluffs, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, February 8, 1972, was approved.

DISTINGUISHED VISITOR

Senator Anderson rose on a point of personal privilege and presented to the Senate the Honorable Howard R. Vincent, former member of the Senate from Wayne County.

PRESENTATION OF VISITORS

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

Twelve students from Toledo High School, Toledo, Iowa, accompanied by Reverend Louis Haase. Senator Balloun.

Thirty-seven students from Logan-Magnolia High School, Logan, Iowa, accompanied by Lewis Hughes. Senator Schaben.

Forty-five students from Saylor Center Elementary School, Des Moines, Iowa, accompanied by Mrs. Pittman and Mr. Watkins. Senator Palmer.

Twenty-four students from Corning High School, Corning, Iowa, accompanied by Miss Winkler. Senator Briles.

Forty-five students from St. Mary's School, Marshalltown, Iowa. Senator Mowry.

Thirty students from Price Laboratory School, University of Northern Iowa, Cedar Falls, Iowa, accompanied by Dr. Ross Nielsen, Don Scovel, Phil Nelson, Charles Cacek and Ferd Riechmann. Senator Messerly.

Six students, members of Town and Country Y.W.C.A. Y-Teen, West Liberty, Iowa, accompanied by Mrs. Thomas Cousins.

PETITIONS

The following petitions were presented and placed on file:

By Senator Laverty, from twenty-two residents of Warren County opposing the sale of alcoholic beverages to eighteen-year-olds.

By Senator Anderson, from eighty-two residents of Ringgold and Decatur Counties favoring the use of studded tires.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Darryl E. Doorenbos, LeMars, Iowa.

INTRODUCTION OF BILLS

Senate File 1124, by Senator Conklin, a bill for an act relating to inheritance taxes, providing for the passing of property held jointly or as tenants in the entirety, and providing a marital deduction.

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

Senate File 1125, by committee on ways and means (committee on ways and means), a bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions.

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

CONSIDERATION OF BILLS

Senate File 1091

On motion of Senator Balloun, Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs, was taken up and considered.

Action on the bill was temporarily deferred for the preparation of an amendment.

REPORTS OF INVESTIGATING COMMITTEES

Senator Riley submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of George F. Garcia of Coralville, Johnson County, Iowa, for appointment as a member of the Civil Rights Commission for the State

of Iowa under the provisions of Section 105A.3, Code 1971, for the regular four-year term ending June 30, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

TOM RILEY, Chairman
CHARLES F. BALLOUN
MINNETTE DODERER
RALPH W. POTTER
RICHARD L. STEPHENS

The motion prevailed and the report was adopted.

Senator Riley moved the appointment of George F. Garcia as a member of the Civil Rights Commission be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Anderson	Gilley	Milligan	Robinson
Briles	Glenn	Mowry	Schaben
Brownlee	Graham	Neu	Shaff
Carlson	Griffin	Nicholson	Shawver
Coleman	Gross	Ollenburg	Smith
Curran	Hill	Palmer	Stephens
Davis	Keith	Potgeter	Tapscott
DeKoster	Kennedy	Potter	Thordsen
Doderer	Kyhl	Rabedeaux	Van Drie
Erskine	Lamborn	Rhodes	Van Gilst
Gaudineer	Miller	Riley	Walsh

Nays, none.

Absent or not voting, 6:

Arbuckle	Bass	Laverty	Messerly
Balloun	Conklin		

President Jepsen declared the appointment of George F. Garcia as a member of the Civil Rights Commission confirmed for the regular four-year term ending June 30, 1975.

Senator Rhodes submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mr. Stanley L. McCausland of Des Moines, Iowa, in Polk County, for appointment as Director of the Department of General Services for the State of Iowa under the provisions of Section 2 of House File 129 of the Sixty-fourth General Assembly, 1971, to serve at the pleasure of the Governor begs leave to report that it has made investigation and recommends that the appointment be confirmed.

JOHN C. RHODES, Chairman
QUENTIN V. ANDERSON
EUGENE M. HILL
CLIFTON C. LAMBORN
JOHN L. MOWRY

The motion prevailed and the report was adopted.

Senator Milligan took the chair at 10:40 a.m.

Senator Rhodes moved the appointment of Stanley L. McCausland as Director of the Department of General Services be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 44:

Anderson	Erskine	Miller	Robinson
Arbuckle	Gaudineer	Milligan	Schaben
Balloun	Gilley	Mowry	Shaff
Briles	Glenn	Neu	Shawver
Brownlee	Graham	Nicholson	Smith
Carlson	Griffin	Ollenburg	Stephens
Coleman	Gross	Palmer	Tapscott
Curran	Hill	Potgeter	Thordsen
Davis	Keith	Potter	Van Drie
DeKoster	Kyhl	Rabedaux	Van Gilst
Doderer	Lamborn	Rhodes	Walsh

Nays, none.

Absent or not voting, 6:

Bass	Kennedy	Messerly	Riley
Conklin	Laverty		

The Chair declared the appointment of Stanley L. McCausland as Director of the Department of General Services confirmed.

Senator Carlson submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Rolland A. Gallagher, Des Moines, Polk County, Iowa, for appointment as Director of the Liquor Department in accordance with Section 10, Chapter 131, Acts of the Sixty-fourth General Assembly, First Session, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

REINHOLD O. CARLSON, Chairman
 C. JOSEPH COLEMAN
 JAMES W. GRIFFIN, SR.
 RALPH W. POTTER
 HAROLD A. THORSEN

The motion prevailed and the report was adopted.

Senator Carlson moved the appointment of Rolland A. Gallagher as Director of the Liquor Department be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 47:

Anderson	Gaudineer	Miller	Robinson
Arbuckle	Gilley	Milligan	Schaben
Balloun	Glenn	Mowry	Shaff
Briles	Graham	Neu	Shawver
Brownlee	Griffin	Nicholson	Smith
Carlson	Gross	Ollenburg	Stephens
Coleman	Hill	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
Davis	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rabedeaux	Van Gilst
Doderer	Lamborn	Rhodes	Walsh
Erskine	Laverty	Riley	

Nays, none.

Absent or not voting, 3:

Bass	Conklin	Messerly
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The Chair declared the appointment of Rolland A. Gallagher as Director of the Liquor Department confirmed.

Senator Thordsen took the chair at 10:50 a.m.

Senator Milligan submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Dolph Pulliam of West Des Moines, Polk County, Iowa, for appointment as a member of the Council on Social Services for the State of Iowa under the provisions of Section 217.2, 1971 Code of Iowa for the unexpired term ending June 30, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

GEORGE F. MILLIGAN, Chairman
 REINHOLD O. CARLSON
 LEE H. GAUDINEER, JR.
 CHARLES O. LAVERTY
 JOHN C. RHODES

The motion prevailed and the report was adopted.

Senator Milligan moved the appointment of Dolph Pulliam as a member of the Council on Social Services be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Anderson	Carlson	DeKoster	Gilley
Arbuckle	Coleman	Doderer	Glenn
Briles	Curran	Erskine	Graham
Brownlee	Davis	Gaudineer	Griffin

Gross	Milligan	Potter	Smith
Hill	Mowry	Rabedeaux	Stephens
Keith	Neu	Rhodes	Tapscott
Kennedy	Nicholson	Robinson	Thordsen
Kyhl	Ollenburg	Schaben	Van Drie
Lamborn	Palmer	Shaff	Van Gilst
Laverty	Potgeter	Shawver	Walsh
Miller			

Nays, none.

Absent or not voting, 5:

Balloun	Conklin	Messerly	Riley
Bass			

The Chair declared the appointment of Dolph Pulliam as a member of the Council on Social Services confirmed for the unexpired portion of the term ending June 30, 1975.

CONSIDERATION OF BILLS

Senate File 1091

The Senate resumed consideration of Senate File 1091.

Senator Balloun offered the following amendment and moved its adoption:

- 1 Amend Senate File 1091, page 2, line 8, by adding
- 2 after the period, the following:
- 3 "Any school district participating in this program
- 4 and providing either breakfast or lunch to any student
- 5 in an attendance center, shall make available said
- 6 breakfast or lunch for all students.

The amendment was adopted.

President Jepsen took the chair at 11:10 a.m.

Senator Balloun moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1091) the vote was:

Ayes, 45:

Anderson	Gilley	Miller	Robinson
Arbuckle	Glenn	Milligan	Schaben
Balloun	Graham	Mowry	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Laverty	Riley	Walsh
Gaudineer			

Nays, none.

Absent or not voting, 5:

Bass	Erskine	Messerly	Rhodes
Conklin			

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

UNFINISHED BUSINESS

House File 1036

On motion of Senator Briles, House File 1036, a bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district, was taken up for further consideration.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1036) the vote was:

Ayes, 41:

Anderson	Glenn	Milligan	Robinson
Arbuckle	Graham	Mowry	Shaff
Balloun	Gross	Neu	Shawver
Briles	Hill	Ollenburg	Smith
Brownlee	Keith	Palmer	Stephens
Carlson	Kennedy	Potgeter	Tapscott
Coleman	Kyhl	Potter	Thordsen
Davis	Lamborn	Rabedeaux	Van Drie
DeKoster	Laverty	Rhodes	Van Gilst
Doderer	Miller	Riley	Walsh
Gilley			

Nays, 1:

Erskine

Absent or not voting, 8:

Bass	Curran	Griffin	Nicholson
Conklin	Gaudineer	Messerly	Schaben

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

SENATE FILE WITHDRAWN

Senator Briles asked and received unanimous consent that Senate File 1031 be withdrawn from further consideration of the Senate.

MOTION TO RECONSIDER ADOPTED

House File 1012

Senator Mowry called up the following motion to reconsider House File 1012, a bill for an act requiring posting a bond in conjunction with petition to establish a rural water district, filed by him on January 21, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1012 failed to pass the Senate.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1012) the vote was:

Ayes, 40:

Anderson	Glenn	Milligan	Schaben
Arbuckle	Graham	Mowry	Shaff
Balloun	Gross	Ollenburg	Shawver
Briles	Hill	Palmer	Smith
Brownlee	Keith	Potgeter	Stephens
Carlson	Kennedy	Potter	Tapscott
DeKoster	Kyhl	Rabedeaux	Thordsen
Doderer	Lamborn	Rhodes	Van Drie
Erskine	Laverty	Riley	Van Gilst
Gilley	Miller	Robinson	Walsh

Nays, none.

Absent or not voting, 10:

Bass	Curran	Griffin	Neu
Coleman	Davis	Messerly	Nicholson
Conklin	Gaudineer		

The motion prevailed.

On the question "Shall the bill pass?" (H.F. 1012) the vote was:

Ayes, 42:

Anderson	Graham	Mowry	Schaben
Arbuckle	Griffin	Nicholson	Shaff
Balloun	Gross	Ollenburg	Shawver
Briles	Hill	Palmer	Smith
Brownlee	Keith	Potgeter	Stephens
Carlson	Kennedy	Potter	Tapscott
Coleman	Kyhl	Rabedeaux	Thordsen
Doderer	Lamborn	Rhodes	Van Drie
Erskine	Laverty	Riley	Van Gilst
Gilley	Miller	Robinson	Walsh
Glenn	Milligan		

Nays, 1:

Neu

Absent or not voting, 7:

Bass	Curran	DeKoster	Messerly
Conklin	Davis	Gaudineer	

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

MOTION TO RECONSIDER LOST

House File 734

Senator Walsh asked unanimous consent to withdraw the following motion to reconsider filed by him on January 25, 1972:

MR. PRESIDENT: I move to reconsider the vote by which House File 734 passed the Senate.

Objection was raised.

Senator Walsh moved to reconsider the vote by which House File 734, a bill for an act relating to junkyards along interstate and federal aid primary highways, passed the Senate.

On the question "Shall the motion to reconsider be adopted?" (H.F. 734) the vote was:

Rule 24 was invoked.

Ayes, 15:

Anderson	Graham	Miller	Schaben
Coleman	Gross	Mowry	Shawver
Erskine	Kennedy	Palmer	Van Gilst
Gilley	Laverty	Robinson	

Nays, 25:

Balloun	Glenn	Milligan	Shaff
Brownlee	Griffin	Nicholson	Smith
Carlson	Hill	Potgeter	Stephens
Curran	Keith	Potter	Tapscott
Davis	Kyhl	Rhodes	Thordsen
DeKoster	Lamborn	Riley	Walsh
Doderer			

Absent or not voting, 10:

Arbuckle	Conklin	Neu	Rabedeaux
Bass	Gaudineer	Ollenburg	Van Drie
Briles	Messerly		

The motion lost.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 1003, by Senator Gaudineer, a joint resolution providing for a study of salaries of elective and appointive state officials.

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

Senate File 1126, by Senators Rhodes, Briles, Anderson, Laverty and Gaudineer (Rodgers, Roorda, Siglin, Christensen, Doyle, Dougherty, Middleswart, Moffitt, Kelly, Varley and Pierson), a bill for an act relating to judicial redistricting and judicial nominating commissions.

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

Senate File 1127, by Senator Anderson, a bill for an act relating to the discharge of firearms on secondary roads.

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

Senate File 1128, by Senator Gaudineer, a bill for an act relating to child labor and providing penalties for violating the child labor law.

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

Senate File 1129, by Senator Gaudineer, a bill for an act relating to the dispensing and sale of prescription drugs.

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

UNFINISHED BUSINESS

House File 33

On motion of Senator Van Drie, House File 33, a bill for an act relating to distance requirements for pipeline regulation, was taken up for further consideration.

Senator Van Drie offered the following amendment filed by Senators Van Drie and Lamborn and called for a division of the amendment into two divisions, section 1 to be considered as division 1, and sections 2 and 3 as division 2:

Division 1

- 1 Amend House File 33, as passed by the House, as follows:
- 2 1. Page 2, by inserting after line 11, the following new
- 3 paragraph: "*An informational meeting is not required when the*
- 4 *pipeline extends a distance of less than five miles across*
- 5 *privately owned property.*"

Division 2

6 2. Page 2, lines 26 and 27, by striking the words "across
7 *privately-owned real estate*".

8 3. Page 2, line 28, by striking the words "across privately-
9 *owned real estate*".

On motion of Senator Van Drie, division 1 of the amendment was adopted.

Senator Van Drie withdrew division 2 of the amendment.

Senator Van Drie offered the following amendment filed by him and moved its adoption:

1 Amend House File 33 as passed by the House as follows:

2 1. Page 1, line 5, by striking the words "is amended as follows:"
3 and insert in lieu thereof the following: "as amended by chapter
4 two hundred thirty-nine (239), section three (3), Acts of the
5 Sixty-fourth General Assembly, First Session, is further amended
6 as follows:".

7 2. Page 2, by striking lines 15 through 28, inclusive, and
8 insert in lieu thereof the following:

9 "The person, company, or corporation seeking the permit shall
10 give notice of the informational meeting to each person, company,
11 or corporation determined to be the landowner affected by the
12 proposed project and any person, company or corporation in pos-
13 session of or residing on the property. For the purposes of this
14 section, landowner means a person, company or corporation listed
15 on the tax assessment rolls as responsible for the payment of
16 real estate taxes imposed on the property and pipeline means any
17 line transporting any solid, liquid, or gaseous substance, except
18 water, under pressure in excess of one hundred fifty pounds per
19 square inch and extending a distance of not less than five miles or
20 future anticipated extension of an overall distance of five miles."

The amendment was adopted.

Senator Van Drie moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 33) the vote was:

Ayes, 33:

Anderson	Glenn	Milligan	Robinson
Balloun	Graham	Nicholson	Shaff
Carlson	Griffin	Ollenburg	Shawver
Coleman	Gross	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rhodes	Van Gilst
Erskine	Laverty	Riley	Walsh
Gilley			

Nays, 1:

Hill

Absent or not voting, 16:

Arbuckle	Conklin	Messerly	Rabedeaux
Bass	Doderer	Miller	Schaben
Briles	Gaudineer	Mowry	Smith
Brownlee	Kennedy	Neu	Stephens

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

SENATE FILE WITHDRAWN

Senator Lamborn asked and received unanimous consent that **Senate File 5** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

Senate File 1070

On motion of Senator Davis, Senate File 1070, a bill for an act relating to the approval, coordination, and supervision over electronic data processing for educational purposes, was taken up for further consideration.

Senator Davis offered the following amendment by the committee on schools and moved its adoption:

- 1 Amend Senate File 1070 by striking all after the
- 2 word "districts," in line 9 and striking lines 10 through
- 3 12 inclusive and inserting in lieu thereof the following:
- 4 "county or joint county school systems and merged
- 5 areas. In cooperation with the department of general
- 6 services, the superintendent of public instruction shall
- 7 prepare a plan, subject to the approval of the state board
- 8 of public instruction, to implement a common, state-wide
- 9 administrative-instructional system to provide the needed
- 10 and necessary services for such agencies and the department
- 11 of public instruction. These recommendations shall be
- 12 submitted to the General Assembly by December 1, 1972 and
- 13 annually thereafter by this date."

The amendment was adopted.

Senator Davis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1070) the vote was:

Ayes, 33:

Anderson	Coleman	Gilley	Gross
Arbuckle	Davis	Glenn	Hill
Balloun	DeKoster	Graham	Kennedy
Carlson	Erskine	Griffin	Kyhl

Lamborn	Palmer	Riley	Thordsen
Lavery	Potgeter	Robinson	Van Drie
Milligan	Potter	Schaben	Van Gilst
Nicholson	Rhodes	Shaff	Walsh
Ollenburg			

Nays, none.

Absent or not voting, 17:

Bass	Doderer	Miller	Shawver
Briles	Gaudineer	Mowry	Smith
Brownlee	Keith	Neu	Stephens
Conklin	Messerly	Rabedeaux	Tapscott
Curran			

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

CONSIDERATION OF BILLS

Senate File 1066

On motion of Senator Thordsen, Senate File 1066, a bill for an act relating to penalties for the commission of or the attempt to commit certain crimes when armed with firearms, was taken up and considered.

President Jepsen took the chair at 3:10 p.m.

Senator Gaudineer offered the following amendment:

- 1 Amend Senate File 1066 as follows:
- 2 1. Page 3, by inserting in line 21 after the word
- 3 "crime" the words, "All such sentences should be served
- 4 cumulatively and not concurrently."
- 5 2. By striking on page 3, lines 22 through 35,
- 6 inclusive.
- 7 3. By striking on page 4, lines 1 through 35, in-
- 8 clusive.
- 9 4. By striking on page 5, lines 1 through 32, in-
- 10 clusive.

Senator Nicholson took the chair at 3:30 p.m.

Senator Gaudineer moved the adoption of his amendment.

Roll call was requested.

President Jepsen took the chair at 3:50 p.m.

On the question "Shall the amendment be adopted?" (S.F. 1066) the vote was:

Rule 24 was invoked.

Ayes, 18:

Brownlee	Griffin	Ollenburg	Robinson
DeKoster	Gross	Palmer	Shaff
Erskine	Lamborn	Potgeter	Tapscott
Gaudineer	Milligan	Riley	Walsh
Glenn	Neu		

Nays, 21:

Arbuckle	Graham	Laverty	Schaben
Balloun	Hill	Nicholson	Shawver
Briles	Keith	Potter	Thordsen
Carlson	Kennedy	Rabedeaux	Van Drie
Davis	Kyhl	Rhodes	Van Gilst
Gilley			

Absent or not voting, 11:

Anderson	Conklin	Messerly	Smith
Bass	Curran	Miller	Stephens
Coleman	Doderer	Mowry	

The amendment lost.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1066) the vote was:

Rule 24 was invoked.

Ayes, 19:

Arbuckle	Gilley	Nicholson	Shawver
Balloun	Graham	Potter	Thordsen
Briles	Hill	Rabedeaux	Van Drie
Carlson	Keith	Rhodes	Van Gilst
Curran	Kyhl	Schaben	

Nays, 21:

Brownlee	Griffin	Milligan	Riley
Davis	Gross	Neu	Robinson
DeKoster	Kennedy	Ollenburg	Shaff
Erskine	Lamborn	Palmer	Tapscott
Gaudineer	Laverty	Potgeter	Walsh
Glenn			

Absent or not voting, 10:

Anderson	Conklin	Miller	Smith
Bass	Doderer	Mowry	Stephens
Coleman	Messerly		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

INTRODUCTION OF BILLS

Senate File 1130, by Senator Van Gilst, a bill for an act relating to old-age and survivors' insurance, and making an appropriation therefor.

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

Senate File 1131, by Senators Riley and Van Gilst, a bill for an act relating to liens on real estate owned by old age assistance recipients.

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

Senate File 1132, by committee on judiciary, a bill for an act correcting erroneous, inconsistent, and obsolete sections of the Code of Iowa, including some penalty sections.

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

Senate File 1133, by Senator DeKoster, a bill for an act relating to municipal tort liability.

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

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1091 passed the Senate February 9, 1972.

JOHN E. TAPSCOTT

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1066 failed to pass the Senate.

GENE V. KENNEDY

AMENDMENTS FILED

- 1 Amend Senate File 1101 as follows:
- 2 1. Page 2, line 16, after the word "the" insert the word "real".
- 3 2. Page 2, line 20, by striking all after the period and by
- 4 striking lines 21 through 26, inclusive. Insert in lieu thereof
- 5 the following:
- 6 *"The term 'consideration' as used in this chapter, means the*
- 7 *full amount of the actual sale price of the real property involved,*
- 8 *paid or to be paid, including the amount of an incumbrance or lien*
- 9 *on the property, whether assumed or not by the grantee. It shall*
- 10 *be presumed that the sale price so stated shall include the value*
- 11 *of all personal property transferred as part of the sale unless*
- 12 *the dollar value of said personal property is stated on the instru-*
- 13 *ment of conveyance. When the dollar value of the personal property*
- 14 *included in the sale is so stated, it shall be deducted from the*
- 15 *consideration shown on the instrument for the purpose of determining*
- 16 *the tax. In the case of a gift of realty, or any deed with nominal*

17 *consideration or without stated consideration, the consideration*
18 *shall be the current market value of the property transferred."*

RALPH W. POTTER
WAYNE D. KEITH

1 Amend the committee on transportation amendment
2 filed January 21, 1972, to House File 734, as follows:
3 Page 20, after line 23, by adding the following new
4 section and renumbering the subsequent sections
5 accordingly:
6 "Sec. Limit the states share of spending to five
7 (5) million dollars."

G. WILLIAM GROSS

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Thursday, February 10, 1972.

JOURNAL OF THE SENATE

THIRTY-SECOND DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, FEBRUARY 10, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Glen Lamb, pastor of the First United Methodist Church, Marion, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, February 9, 1972, was approved.

President pro tempore Kyhl took the chair at 9:43 a.m.

PRESENTATION OF VISITORS

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

Thirty students from St. Cecilia School, Ames, Iowa, accompanied by Sister M. Patrice, Mrs. John Thompson and Mrs. Allen Schroeder. Senator Van Drie.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James R. Bell, Des Moines, Iowa.

INTRODUCTION OF BILL

Senate File 1134, by committee on conservation and recreation, a bill for an act relating to the regulation of trout fishing.

Read first time and placed on calendar.

MOTION TO RECONSIDER ADOPTED

House File 48

Senator Thordsen called up the following motion to reconsider filed by him on February 2, 1972:

MR. PRESIDENT: I move to reconsider the vote by which House File 48 failed to pass the Senate.

Senator Gaudineer asked unanimous consent that action on the motion be deferred pending receipt of further information.

Objection was raised.

President Jepsen took the chair at 10:35 a.m.

Senator Gaudineer moved that action on the motion to reconsider be deferred and requested a roll call.

On the question "Shall the motion to defer the Thordsen motion to reconsider be adopted?" (H.F. 48) the vote was:

Ayes, 15:

Conklin	Glenn	Miller	Shawver
DeKoster	Gross	Palmer	Tapscott
Doderer	Hill	Riley	Thordsen
Gaudineer	Kennedy	Schaben	

Nays, 31:

Anderson	Erskine	Messerly	Rabedaux
Arbuckle	Gilley	Milligan	Rhodes
Bass	Graham	Mowry	Smith
Briles	Griffin	Neu	Stephens
Brownlee	Keith	Nicholson	Van Drie
Carlson	Kyhl	Ollenburg	Van Gilst
Curran	Lamborn	Potgeter	Walsh
Davis	Laverty	Potter	

Absent or not voting, 4:

Balloun	Coleman	Robinson	Shaff
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The motion lost.

On the question "Shall the motion to reconsider be adopted?" (H.F. 48) the vote was:

Ayes, 32:

Anderson	Erskine	Miller	Rhodes
Arbuckle	Gilley	Milligan	Robinson
Balloun	Graham	Mowry	Shawver
Bass	Griffin	Nicholson	Smith
Briles	Keith	Ollenburg	Thordsen
Brownlee	Kyhl	Potgeter	Van Drie
Carlson	Lamborn	Potter	Van Gilst
Curran	Laverty	Rabedaux	Walsh

Nays, 16:

Conklin	Gaudineer	Kennedy	Riley
Davis	Glenn	Messerly	Schaben
DeKoster	Gross	Neu	Stephens
Doderer	Hill	Palmer	Tapscott

Absent or not voting, 2:

Coleman	Shaff
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The motion prevailed.

Senator Doderer moved to reconsider the vote by which House File 48 went to its last reading.

Roll call was requested.

Senator Glenn asked unanimous consent that the motion to reconsider the vote by which House File 48 went to its last reading be adopted by acclamation.

Objection was raised.

Senator Glenn asked unanimous consent that the motion to reconsider the vote by which House File 48 went to its last reading be adopted by unanimous consent.

Objection was raised.

On the question "Shall the motion to reconsider the vote by which the bill went to its last reading be adopted?" (H.F. 48) the vote was:

Rule 24 was invoked.

Ayes, 27:

Brownlee	Glenn	Mowry	Schaben
Carlson	Graham	Neu	Shawver
Conklin	Gross	Nicholson	Stephens
Davis	Hill	Palmer	Tapscott
DeKoster	Kennedy	Potgeter	Thordsen
Doderer	Miller	Riley	Van Drie
Gaudineer	Milligan	Robinson	

Nays, 21:

Anderson	Erskine	Lamborn	Rabedaux
Arbuckle	Gilley	Laverty	Rhodes
Balloun	Griffin	Messerly	Smith
Bass	Keith	Ollenburg	Van Gilst
Briles	Kyhl	Potter	Walsh
Curran			

Absent or not voting, 2:

Coleman	Shaff
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The motion prevailed.

On motion of Senator Lamborn, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILLS

Senate File 1135, by Senators Robinson and Gross, a bill for an act relating to the termination of contracts with school teachers.

Read first time and passed on file.

Senate File 1136, by Senator Rabedeaux, a bill for an act providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam.

Read first time and passed on file.

Senate File 1137, by Senator Kennedy (Shaw and Knoke), a bill for an act establishing a workmen's compensation court, amending related sections, providing penalties and amending penal sections.

Read first time and passed on file.

On request of Senator Lamborn, the Chair directed the Secretary to call the roll to determine that a quorum was present.

RECONSIDERATION OF BILL

House File 48

On motion of Senator Keith, House File 48, a bill for an act relating to the movement of oversized mobile homes and vehicles, was taken up for reconsideration.

Senator Doderer moved to reconsider the vote by which the Curran, et al., amendment as amended was adopted by the Senate on February 1, 1972.

Roll call was requested.

On the question "Shall the motion to reconsider the Curran, et al., amendment as amended be adopted?" (H.F. 48) the vote was:

Ayes, 19:

Conklin	Gross	Neu	Schaben
DeKoster	Hill	Palmer	Shawver
Doderer	Kennedy	Potgeter	Tapscott
Gaudineer	Miller	Riley	Thordsen
Glenn	Mowry	Robinson	

Nays, 29:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gilley	Messerly	Shaff
Balloun	Graham	Milligan	Smith
Bass	Griffin	Nicholson	Stephens
Briles	Keith	Ollenburg	Van Drie
Brownlee	Kyhl	Potter	Van Gilst
Curran	Lamborn	Rabedeaux	Walsh
Davis			

Absent or not voting, 2:

Carlson	Coleman
---------	---------

The motion lost.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" the vote was:

Ayes, 28:

Anderson	Erskine	Laverty	Rabedeaux
Arbuckle	Gilley	Miller	Rhodes
Balloun	Graham	Milligan	Shaff
Bass	Griffin	Nicholson	Smith
Briles	Keith	Ollenburg	Van Drie
Brownlee	Kyhl	Potgeter	Van Gilst
Curran	Lamborn	Potter	Walsh

Nays, 20:

Conklin	Glenn	Mowry	Schaben
Davis	Gross	Neu	Shawver
DeKoster	Hill	Palmer	Stephens
Doderer	Kennedy	Riley	Tapscott
Gaudineer	Messerly	Robinson	Thordsen

Absent or not voting, 2:

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

CONSIDERATION OF BILLS

Senate File 1101

On motion of Senator Potter, Senate File 1101, a bill for an act relating to the taxation of real estate transfers and the penalty for failure to comply, was taken up and considered.

Senator Potter offered the following amendment filed by Senators Potter and Keith and moved its adoption:

- 1 Amend Senate File 1101 as follows:
- 2 1. Page 2, line 16, after the word "the" insert the word "real".
- 3 2. Page 2, line 20, by striking all after the period and by
- 4 striking lines 21 through 26, inclusive. Insert in lieu thereof
- 5 the following:
- 6 *"The term 'consideration' as used in this chapter, means the*
- 7 *full amount of the actual sale price of the real property involved,*
- 8 *paid or to be paid, including the amount of an incumbrance or lien*
- 9 *on the property, whether assumed or not by the grantee. It shall*
- 10 *be presumed that the sale price so stated shall include the value*
- 11 *of all personal property transferred as part of the sale unless*
- 12 *the dollar value of said personal property is stated on the instru-*
- 13 *ment of conveyance. When the dollar value of the personal property*
- 14 *included in the sale is so stated, it shall be deducted from the*
- 15 *consideration shown on the instrument for the purpose of determining*

16 *the tax. In the case of a gift of realty, or any deed with nominal*
 17 *consideration or without stated consideration, the consideration*
 18 *shall be the current market value of the property transferred."*

The amendment was adopted.

Senator Briles offered the following amendment and moved its adoption:

1 Amend Senate File 1101, page 4, after line 27, by adding
 2 the following new section:
 3 1. "Sec Section four hundred twenty-eight A point
 4 eight (428A.8), Code 1971, is amended by striking the
 5 section and inserting in lieu thereof:
 6 428A.8 DISTRIBUTION OF PROCEEDS. On or before the
 7 tenth day of each month the county recorder shall determine
 8 and pay to the treasurer of state seventy-five percent
 9 of the receipts from the sale of documentary stamps during
 10 the preceding month and the treasurer of state shall
 11 deposit such receipts in the state treasury to the credit
 12 of the general fund.
 13 The county recorder shall deposit the remaining twenty-
 14 five percent of the receipts to the credit of the county
 15 general fund.
 16 The county recorder shall keep such records and make
 17 such reports with respect to the documentary stamps
 18 entrusted to his custody and with respect to the sale of
 19 such stamps as the director of revenue shall prescribe."
 20 2. Renumber the remaining sections accordingly.

The amendment was adopted.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1101) the vote was:

Ayes, 41:

Anderson	Erskine	Lamborn	Robinson
Arbuckle	Gaudineer	Mowry	Schaben
Balloun	Gilley	Neu	Shaff
Bass	Glenn	Nicholson	Shawver
Briles	Graham	Ollenburg	Smith
Brownlee	Griffin	Palmer	Stephens
Conklin	Gross	Potter	Tapscott
Curran	Hill	Rabedeaux	Thordsen
Davis	Keith	Rhodes	Van Drie
DeKoster	Kyhl	Riley	Van Gilst
Doderer			

Nays, 2:

Messerly Milligan

Absent or not voting, 7:

Carlson	Kennedy	Miller	Walsh
Coleman	Laverty	Potgeter	

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

INTRODUCTION OF BILLS

Senate File 1138, by Senator Van Drie, a bill for an act relating to state participation in group insurance programs for state employees.

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

Senate File 1139, by Senator Van Drie, a bill for an act relating to vacation time for state employees.

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

Senate File 1140, by Senator Gross, a bill for an act to amend the uniform commercial code, relating to rights of a holder of certain instruments.

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Nicholson amendment to Senate File 184, filed May 26, 1971, as amended by the Miller amendment filed June 1, 1971, was adopted January 31, 1972.

EDWARD E. NICHOLSON

BILLS ASSIGNED TO COMMITTEES

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

S.J.R. 1003 State government
 S. F. 1124 Judiciary
 S. F. 1126 Judiciary
 S. F. 1127 County government
 S. F. 1128 Human and industrial relations
 S. F. 1130 Appropriations
 S. F. 1131 Social services
 S. F. 1133 Judiciary
 S. F. 1135 Schools
 S. F. 1136 Ways and means
 S. F. 1137 State government
 S. F. 1138 State government
 S. F. 1139 State government
 S. F. 1140 Commerce

AMENDMENTS FILED

1 Amend Senate File 184 as follows:
 2 1. Page 2, line 15 by inserting after the word
 3 "means" the word "exclusively".
 4 2. Page 7, line 24 by inserting after the word
 5 "aids" the words "or from making earmold impressions,".
 6 3. Page 8, by striking lines 17 through 21,
 7 inclusive, and inserting in lieu thereof the following:
 8 "A hearing aid shall not be sold by any person
 9 licensed under the provisions of this Act to any person
 10 under twelve years of age or under or to any person
 11 sixty-five years of age or older, except upon the
 12 written recommendation of a physician, surgeon, or
 13 osteopathic physicians and surgeons which states that
 14 the person has been examined and that such person is
 15 in need of a hearing aid. A replacement of an identical
 16 hearing aid within one year from the date of the purchase
 17 of the original hearing aid shall not be subject to the
 18 provisions of this section."

MINNETTE DODERER
 EDWARD E. NICHOLSON

1 Amend Senate File 184, page 7, by striking all of
 2 lines 26, 27, and 28, and inserting in lieu thereof the
 3 following:
 4 "This Act does not apply to licensed physicians,
 5 surgeons, osteopathic physicians, surgeons, and
 6 chiropractors unless they engage in the sale of hearing
 7 aids."

EDWARD E. NICHOLSON
 MINNETTE DODERER
 CHARLES P. MILLER

1 Amend Senate File 184, page 9, by striking from lines
 2 10 and 11 the words "the charges are sufficient" and insert-
 3 ing in lieu thereof the words "that the complaint alleges
 4 facts which, if proven, would be cause for the suspension
 5 or revocation of the license of the licensee,".

MINNETTE DODERER

1 Amend Senate File 1062, page 4, by striking lines 15
 2 through 17 inclusive and inserting in lieu thereof the
 3 following:
 4 "Properties described in sections four hundred twenty-
 5 eight point twenty (428.20), four hundred twenty-eight point
 6 twenty-four (428.24), four hundred twenty-eight point twenty-
 7 five (428.25), four hundred twenty-eight point twenty-six
 8 (428.26), four hundred thirty-four point fifteen (434.15),
 9 four hundred thirty-eight point fourteen (438.14), and three
 10 hundred fifty-eight A point two (358A.2), Code 1971, may not
 11 be included in a community improvement district, either
 12 initially or by later annexation thereto, without the written
 13 consent of the owner of said property."

JAMES W. GRIFFIN, SR.

1 Amend Senate File 1083, page 2, line 7, by
2 inserting after the word "ing" the words "and
3 serving".

MINNETTE DODERER

1 Amend the DeKoster-Doderer amendment filed February
2 8, 1972, to House File 1104 as follows:
3 By adding after the period in line 9 the following:
4 *"The state department of health shall adopt*
5 *standards and rules which specify impact resistance*
6 *for lenses and which provide the method of testing*
7 *lenses to determine if the lenses comply with such*
8 *standards and rules."*

MINNETTE DODERER

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Friday, February 11, 1972.

JOURNAL OF THE SENATE

THIRTY-THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, FRIDAY, FEBRUARY 11, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Dr. Deane Chapman, pastor of the Calvary United Methodist Church, Walcott, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, February 10, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Walsh for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Thirty-one students, members of Girl Scout Troops 604 and 614, from Story City, Iowa, accompanied by Mrs. Don Varnum, Mrs. Charles Erickson, Mrs. Willis Hollingsworth, Mrs. James Donald, Mrs. Charles Egemo, Mrs. Wilmer Peters, Mrs. Duane Sexe and Mrs. Mary Skorr. Senator Van Drie.

Ten students, members of Boy Scout Troop 117, from Cedar Rapids, Iowa, accompanied by Glen Stout and Gerry Freehouf. Senator Riley.

Forty-six students from Bondurant Elementary School, Bondurant, Iowa, accompanied by Mrs. Phares and Mrs. Boyd. Senator Palmer.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Thomas Viner, Leon, Iowa.

INTRODUCTION OF BILLS

Senate File 1141, by Senators Riley and Van Gilst, a bill for an act relating to payments for old age assistance grants, and to make an appropriation therefor.

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

The Chair directed the Secretary to call the roll to determine that a quorum was present.

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 566** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 498

On the motion of Senator Van Drie, **Senate File 498**, a bill for an act authorizing merged areas to issue general obligation bonds for the purchase of community vocational school or community college buildings, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

SENATE FILE WITHDRAWN

Senator Van Drie asked and received unanimous consent that **Senate File 498** be **withdrawn** from further consideration of the Senate.

HOUSE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **House File 6** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1062

On motion of Senator Griffin, **Senate File 1062**, a bill for an act relating to community improvement districts, and providing powers to issue bonds and levy taxes, with penalties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Griffin offered the following amendment filed by him:

- 1 Amend Senate File 1062, page 4, by striking lines 15
- 2 through 17 inclusive and inserting in lieu thereof the
- 3 following:
- 4 "Properties described in sections four hundred twenty-
- 5 eight point twenty (428.20), four hundred twenty-eight point
- 6 twenty-four (428.24), four hundred twenty-eight point twenty-
- 7 five (428.25), four hundred twenty-eight point twenty-six
- 8 (428.26), four hundred thirty-four point fifteen (434.15),

9 four hundred thirty-eight point fourteen (438.14), and three
10 hundred fifty-eight A point two (358A.2), Code 1971, may not
11 be included in a community improvement district, either
12 initially or by later annexation thereto, without the written
13 consent of the owner of said property.”

Senator Briles took the chair at 9:58 a.m.

REFERRED TO COMMITTEE

Senator Potter moved that Senate File 1062 be referred to the committee on cities and towns.

Senator Van Drie moved as a substitute motion that further action on Senate File 1062 be deferred and that the bill be placed on the calendar under unfinished business.

President Jepsen took the chair at 10:40 a.m.

Division was called for.

The motion to defer lost.

Senator Potter renewed his motion that Senate File 1062 be referred to the committee on cities and towns.

Senator Van Drie moved as a substitute motion that Senate File 1062 be re-referred to the committee on county government.

Division was called for.

The motion lost.

Senator Potter renewed his motion that Senate File 1062 be referred to the committee on cities and towns.

Division was called for.

The motion prevailed and **Senate File 1062** was referred to the committee on **cities and towns**.

CONSIDERATION OF BILLS

Senate File 1082

On motion of Senator Anderson, Senate File 1082, a bill for an act relating to financial responsibility for the program of aid to the disabled, was taken up and considered.

REFERRED TO COMMITTEE

Senator Messerly raised a point of order that Senate File 1082 should be referred to the committee on appropriations, under Senate Rule 37.

The Chair ruled the point well taken and **Senate File 1082** was referred to the committee on **appropriations**.

CONSIDERATION OF BILLS

Senate File 1087

On motion of Senator Riley, Senate File 1087, a bill for an act relating to the designation of the general assembly and acts thereof, was taken up and considered.

SENATE FILE DEFERRED

Senator Riley asked and received unanimous consent that further action on **Senate File 1087** be deferred and that the bill be placed on the calendar **under unfinished business**.

CONSIDERATION OF BILLS

Senate File 1089

On motion of Senator Riley, Senate File 1089, a bill for an act relating to the grand jury, was taken up and considered.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1089) the vote was:

Ayes, 37:

Anderson	Gaudineer	Lamborn	Rhodes
Arbuckle	Gilley	Messerly	Riley
Balloun	Glenn	Miller	Robinson
Bass	Graham	Milligan	Shaff
Briles	Griffin	Mowry	Shawver
Carlson	Gross	Ollenburg	Smith
Coleman	Hill	Palmer	Tapscott
Conklin	Keith	Potter	Thordsen
Davis	Kyhl	Rabedaux	Van Gilst
Erskine			

Nays, none.

Absent or not voting, 13:

Brownlee	Kennedy	Nicholson	Stephens
Curran	Laverty	Potgeter	Van Drie
DeKoster	Neu	Schaben	Walsh
Doderer			

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

Senate File 1088

On motion of Senator Glenn, Senate File 1088, a bill for an act relating to classification of claims against estates, was taken up and considered.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1088, line 8, by striking the
- 2 word, "*sixth*" and by inserting in lieu thereof the word,
- 3 "*eighth*".

The amendment was adopted.

Senator Glenn moved to reconsider the vote by which the Gaudineer amendment was adopted, which motion prevailed.

SENATE FILES DEFERRED

Senator Glenn asked and received unanimous consent that further action on Senate File 1088 be deferred and that the bill be placed on the calendar under unfinished business.

Senator Kyhl asked and received unanimous consent that further action on Senate File 1090 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1012, a bill for an act requiring posting of bond in conjunction with petition to establish a rural water district.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1036, a bill for an act requiring posting of a bond in conjunction with a petition to establish a private sanitary district.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1071, a bill for an act to legalize the indebtedness of the Audubon County Agricultural Society.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1078, a bill for an act relating to placing of permit numbers on containers of agriculture seeds.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1117, a bill for an act relating to the annual report of the commissioner of insurance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1120, a bill for an act relating to notification of property owners of adjustment of real property assessments.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1129, a bill for an act relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1142, by Senator Gross, a bill for an act relating to tax exemptions allowed for veterans.

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

Senate File 1143, by committee on Iowa development, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers and responsibilities.

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

HOUSE MESSAGES CONSIDERED

House File 1071, a bill for an act to legalize the indebtedness of the Audubon County Agricultural Society and to authorize an annual tax to pay said indebtedness.

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

House File 1078, a bill for an act relating to the placing of permit numbers on containers of agricultural seeds.

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

House File 1117, a bill for an act relating to the annual report of the commissioner of insurance.

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

House File 1120, a bill for an act relating to notification of property owners of adjustment of real property assessments.

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

House File 1129, a bill for an act relating to a maximum

mileage payment for members of the board of supervisors in counties of forty thousand population or less.

Read first time and passed on file.

BILL ASSIGNED TO COMMITTEE

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

S. F. 1129 Social services

EXPLANATION OF VOTE

I was attending the funeral of my grandfather, Joseph F. Walsh, when the final vote was taken on Senate File 1089.

JOHN M. WALSH

REPORT OF COMMITTEE

Senator Erskine submitted the following report:

MR. PRESIDENT: Your committee on conservation and recreation, to which was referred **Senate File 1045**, a bill for an act relating to trout fishing, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ALDEN J. ERSKINE, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1082 as follows:
- 2 Page 2, by adding after line 23, the following new
- 3 section:
- 4 "Sec. The provisions of this Act shall become
- 5 effective July 1, 1973."

QUENTIN V. ANDERSON

- 1 Amend Senate File 1090 as follows:
- 2 1. By striking all after the word, "liquors" in
- 3 line 4, and the word, "drugs" in line 5 and inserting in
- 4 lieu thereof the words, "[, morphine, cocaine, or other
- 5 narcotic drugs] or any controlled substance contained
- 6 in schedules I, II, III or IV, Senate File one (1), Act
- 7 of the Sixty-fourth General Assembly, First Session".
- 8 2. By inserting in line 7, after the word, "designate"
- 9 the words ", or to a private facility approved by the
- 10 commissioner upon application of a board of supervisors
- 11 wherein such facility is located".

LEE H. GAUDINEER, JR.

On motion of Senator Lamborn, the Senate adjourned until 10:00 a.m., Monday, February 14, 1972.

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, FEBRUARY 14, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Harold Opperman, pastor of the First Reformed Church, Meservey, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, February 11, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Graham for the day on request of Senator Briles.

PRESENTATION OF VISITORS

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

Twenty-two students, members of Boy Scout Troop 6, Cedar Rapids, Iowa, accompanied by Don Binder. Senator Riley.

Seven students from Clinton High School, Clinton, Iowa, accompanied by Robert Behr. Senator Shaff.

PETITIONS

The following petitions were presented and placed on file:

By Senator Stephens, from one hundred fifteen residents of Henry County favoring longevity pay for all state employees.

By Senator Anderson, from one hundred residents of Clarke, Ringgold and Decatur Counties in favor of issuing special deer hunting licenses to landowners.

By Senator Potgeter, from twenty-one residents of Hardin County favoring Senate File 1061, relating to the use of those funds distributed to cities and towns out of state liquor store sales.

By Senator Curran, from eleven residents of Cerro Gordo and Franklin Counties favoring legislation to extend educational television to northern Iowa.

By Senator Laverty, from fifty-five residents of Warren County opposing adult rights to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Manderscheid, Boone, Iowa.

A VALENTINE

President pro tempore Kyhl extended special thanks to several pages of the Senate who collaborated to make and decorate a cake for Lieutenant Governor Jepsen and cupcakes for all the Senators and members of the Senate staff in honor of St. Valentine's Day.

CONSIDERATION OF BILLS

House File 6

Senator Lamborn asked and received unanimous consent to take up out of order House File 6.

On motion of Senator Rabedaux, House File 6, a bill for an act to establish a state building code, provide for its administration, and provide a penalty for violation of the Code or orders issued thereunder, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

HOUSE FILE DEFERRED

Senator Rabedaux asked and received unanimous consent that further action on **House File 6** be deferred and that the bill be placed on the calendar under **unfinished business**.

MOTION TO RECONSIDER ADOPTED

House File 1104

Senator Doderer called up the following motion to reconsider filed by her on February 3, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1104 passed the Senate.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1104) the vote was:

Ayes, 45:

Anderson	Erskine	Lavery	Riley
Arbuckle	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shawver
Brownlee	Griffin	Mowry	Smith
Carlson	Gross	Neu	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Keith	Palmer	Thordsen
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rhodes	Walsh
Doderer			

Nays, none.

Absent or not voting, 5:

Briles	Nicholson	Rabedeaux	Shaff
Graham			

The motion prevailed.

Senator Doderer moved to reconsider the vote by which House File 1104 went to its last reading, which motion prevailed.

On motion of Senator Doderer, House File 1104, a bill for an act relating to protective eyeglass lenses, was taken up for reconsideration.

Senator DeKoster offered the following amendment filed by Senators DeKoster and Doderer:

- 1 Amend House File 1104 on page 1, by striking in line 21 the words,
- 2 "[Before they are mounted in frames,]" all of lines 22 through 25 inclusive.
- 3 Page 2, all of lines 1 through 6 inclusive and insert in lieu thereof:
- 4 "Before they are mounted in frames, all plastic and heat treated glass
- 5 lenses shall be capable of withstanding an impact test of a five-eighths
- 6 inch steel ball dropped fifty inches. This test to be conducted at room
- 7 temperature, with the lenses supported by a plastic tube one inch inside
- 8 diameter, one and one-fourth inch outside diameter, with a one-eighth
- inch
- 9 by one-eighth inch neoprene gasket on top edge."

Senator Doderer offered the following amendment to the amendment filed by her and moved its adoption:

- 1 Amend the DeKoster-Doderer amendment filed February
- 2 8, 1972, to House File 1104 as follows:
- 3 By adding after the period in line 9 the following:
- 4 "*The state department of health shall adopt*
- 5 *standards and rules which specify impact resistance*
- 6 *for lenses and which provide the method of testing*
- 7 *lenses to determine if the lenses comply with such*
- 8 *standards and rules.*"

The amendment to the amendment was adopted.

On motion of Senator DeKoster, the amendment as amended was adopted.

Senator Doderer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1104) the vote was:

Ayes, 43:

Anderson	Gaudineer	Messerly	Schaben
Arbuckle	Gilley	Milligan	Shaff
Balloun	Glenn	Neu	Shawver
Brownlee	Griffin	Ollenburg	Smith
Carlson	Gross	Palmer	Stephens
Coleman	Hill	Potgeter	Tapscott
Curran	Keith	Potter	Thordsen
Davis	Kennedy	Rabedeaux	Van Drie
DeKoster	Kyhl	Rhodes	Van Gilst
Doderer	Lamborn	Riley	Walsh
Erskine	Laverty	Robinson	

Nays, 1:

Bass

Absent or not voting, 6:

Briles	Graham	Mowry	Nicholson
Conklin	Miller		

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

MOTION TO RECONSIDER

Senate File 1066

Senator Kennedy called up the following motion to reconsider Senate File 1066, a bill for an act relating to penalties for the commission of or the attempt to commit certain crimes when armed with firearms:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1066 failed to pass the Senate.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 85, a bill for an act creating a department of environmental quality.

Also: That the House has insisted on its amendments to Senate File 431, a bill for an act relating to hunting restrictions, and requests a conference committee. Conferees on the part of the House are the Representative from Clayton, Mr. Tieden, chairman; the Representative from Union, Mr. Christensen; the Representative from O'Brien, Mr. Kruse, and the Representative from Dallas, Mr. Rodgers.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1023, a bill for an act relating to county motor vehicle registration fees.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 544, a bill for an act relating to the soldiers relief commission.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1047, a bill for an act relating to the lending and investing powers of savings and loan associations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1147, a bill for an act relating to the election laws.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 85

1 Amend Senate File 85, as amended and passed by the
2 Senate and reprinted, as follows:

3 1. Page 2A, line 16, by inserting after the period the
4 following new sentence:

5 "The salary of the executive director shall be established
6 by the governor, but it shall not exceed twenty-five thousand
7 dollars per annum."

8 2. Page 2A, by striking line 33 and inserting in lieu
9 thereof the following:

10 "with public agencies of this state to provide all lab-".

11 3. Page 2B, line 36, by inserting after the period the
12 following new sentence:

13 "If the executive director finds that public agencies
14 of this state cannot provide the laboratory, scientific field
15 measurement and environmental evaluation services required
16 by the department, he may contract, with the approval of the
17 executive committee, with any other public or private persons

18 or agencies for such services.”

19 4. Page 3A, line 6, by striking the word “legal.”

20 5. Page 3A, lines 19 and 20, by striking the words “the
21 chemical technology commission.”

22 6. Page 3A, by striking lines 22 through 35, inclusive, and
23 inserting in lieu thereof the following: “programs and
24 services assigned to it.

25 Each commission shall have seven members, each of whom shall

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1 be a qualified elector, appointed by the governor with consent
2 of two-thirds of the senate. Three of the appointees shall
3 be selected on the basis of their knowledge and experience
4 as active participants in private enterprise in the resource
5 area to be protected by, or in the problems of preventing,
6 controlling, or abating the type of pollution under the
7 jurisdiction of, the commission to which they are being
8 appointed. The remaining four members of each commission
9 shall be electors of this state. No person shall be
10 appointed to any of the commissions if he is a full-time
11 public employee. The members of each commission shall be
12 appointed for terms of four years, except that three members,
13 designated by the governor, of each initial commission
14 shall be appointed for two-year terms. No member shall be
15 appointed to serve more than two complete four-year terms.”

16 7. By striking all of page 3B and on page 4, by striking
17 lines 1 through 30, inclusive, and inserting in lieu thereof
18 the following:

19 “Any commission member may be removed by the governor for
20 cause. The term of office of each member of the commissions
21 shall commence on the first day of July of the year of the
22 appointment. Vacancies occurring during a term of office shall
23 be filled by appointment for the balance of the unexpired term
24 subject to confirmation by two-thirds of the senate.”

25 8. Page 5, line 25, by striking the word “four” and

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1 inserting in lieu thereof the word “three”.

2 9. Page 5, line 27, by inserting before the word “and”
3 the words “commissioner of public health, the dean of
4 college of agriculture, Iowa state university of science
5 and technology.”

6 10. Page 6A, line 5, by striking the word “forty” and
7 inserting in lieu thereof “thirty”.

8 11. Page 6A, by striking line 20.

9 12. Page 10, line 17, by inserting after the word
10 “instituted” the words “by the attorney general at the
11 request of the commission”.

12 13. Page 10, by striking lines 22 through 26, inclusive,
13 and inserting in lieu thereof the following:

14 “rule and regulation, the owner or operator of any air
15 contaminant source to establish and maintain such records,
16 make such reports, install, use and maintain such monitoring
17 equipment or methods, sample such emissions in accordance with
18 such methods at such locations and intervals, and using such

19 procedures as the commission shall prescribe, and provide
20 such other information as the commission may reasonably require.
21 Such classifications may be for application to".

22 14. Page 15, by striking from line 11 the word and number
23 "eighteen (18)" and inserting in lieu thereof the word and
24 number "seventeen (17)".

25 15. Page 20, line 9, by striking the word and number

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1 "July, 1971" and inserting in lieu thereof the word and
2 number "January, 1973".

3 16. Page 20, line 35, by inserting before the word
4 "commission" the words "air quality".

5 17. Page 23A, line 18, by inserting after the comma
6 the word "and".

7 18. Page 23A, lines 19 and 20, by striking the words
8 "and the ingredients in the package".

9 19. Page 28, line 19, by striking the word "unlawful"
10 and inserting in lieu thereof the word "lawful".

11 20. Page 30A, by inserting after line 10 the following
12 new section:

13 "Sec. 50. In all proceedings with respect to any alleged
14 violation of the provisions of sections thirty-one (31)
15 through forty-nine (49) of this Act or any rule or
16 regulation established by the commission or the department,
17 the burden of proof shall be upon the commission or the
18 department except in an action for contempt as provided in
19 section forty-five (45) of this Act."

20 21. Page 31B, line 41, by striking the number "1971"
21 and inserting in lieu thereof the number "1972".

22 22. Page 44A, by inserting after line 17 the following
23 sections:

24 Sec. 84. As used in sections eighty-five (85) through
25 ninety-three (93) of this Act, unless the context other-

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1 wise requires:

2 1. "Radiation" means any ionizing radiation including,
3 but not limited to, high-speed electrons, neutrons, protons
4 and other nuclear particles, but not sound waves.

5 2. "Radioactive material" means any solid, liquid,
6 or gaseous material which emits radiation spontaneously.

7 3. "Nuclear waste disposal site" means all facilities
8 and appurtenances including all real and personal property
9 connected with such facilities, which are acquired,
10 purchased, constructed, reconstructed, equipped, improved,
11 extended, maintained, or operated to facilitate the final
12 disposition of radioactive waste without creating a
13 significant hazard to the public health or safety, and which
14 are approved by the executive director.

15 4. "Commission" means solid waste disposal commission
16 of the department.

17 Sec. 85. The department shall be the agency of the state
18 to establish policy for the transportation, storage,
19 handling, and disposal of radioactive material for the pur-

20 pose of protecting the public health and safety.
 21 Sec. 86. The commission shall provide, by rule and
 22 regulation, for the proper methods of transporting, storage,
 23 and handling of radioactive material. In adopting such
 24 rules and regulations, the commission shall consider the
 25 methods and techniques used by the United States atomic

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1 energy commission and radiation control agencies of other
 2 states for the regulation of the transporting, handling,
 3 and storage of radioactive material. The commission shall
 4 also consult with the department of public safety in the
 5 development of rules and regulations for the transporting
 6 of radioactive material on the public roads of this state.
 7 All rules and regulations adopted by the commission under
 8 this section shall be subject to the provisions of chapter
 9 seventeen A (17A) of the Code and section seven (7),
 10 subsection four (4) of this Act.

11 Sec. 87. The commission may approve or prohibit the
 12 establishment and operation of a nuclear waste disposal
 13 site in this state by a private person. In determining
 14 whether to grant or deny a license to establish and
 15 operate a nuclear waste disposal site, the commission
 16 shall consider the need for a nuclear waste disposal
 17 site and the existing physical conditions, topography,
 18 soils and geology, climate, transportation, and land use
 19 at the proposed site. If the commission decides to issue
 20 a license to establish and operate a nuclear waste disposal
 21 site, it shall establish, by rule and regulation, standards
 22 and procedures for the safe operation and maintenance of
 23 the proposed site. The commission shall also require the
 24 licensee to provide a sufficient surety bond or other
 25 financial commitment to insure the perpetual maintenance

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1 and monitoring of the nuclear waste disposal site.

2 All rules and regulations adopted by the commission
 3 under this section shall be subject to the provisions of
 4 chapter seventeen A (17A) of the Code and section seven (7),
 5 subsection four (4) of this Act.

6 Sec. 88. The executive director:

7 1. Shall enforce any rules and regulations adopted
 8 under the provisions of sections eighty-four (84) through
 9 ninety-two (92) of this Act, and furnish a copy of such
 10 rules and regulations to each applicant for any license
 11 required under sections eighty-four (84) through ninety-
 12 three (93) of this Act.

13 2. May license any person transporting, handling, or
 14 storing any radioactive material under rules and
 15 regulations adopted by the commission.

16 3. May require the maintenance of records relating
 17 to the receipt, storage, transfer, or disposal of
 18 radioactive material.

19 4. May inspect any nuclear waste disposal site or
 20 other facilities relating to the transportation, storage

21 and handling of radioactive materials. The executive
22 director may enter at any reasonable time upon any private
23 or public property for the purpose of determining whether
24 or not a radiation hazard exists, or whether there is
25 compliance with, or violation of, any provisions of

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1 sections eighty-four (84) through ninety-two (92) of this
2 Act, or any rules or regulations adopted under sections
3 eighty-four (84) through ninety-three (93) of this Act.
4 5. May issue, modify, or revoke orders in accordance
5 with the provisions of sections eighty-four (84) through
6 ninety-three (93) of this Act or the rules and
7 regulations adopted under sections eighty-four (84)
8 through ninety-two (92) of this Act.

9 6. May require the submission of plans and speci-
10 fications for the design, construction, maintenance, and
11 monitoring of nuclear waste disposal sites for review
12 and appraisal.

13 Sec. 89. If the executive director determines that
14 there are reasonable grounds to believe a violation of
15 sections eighty-four (84) through ninety-three (93)
16 of this Act or of the rules and regulations issued under
17 sections eighty-four (84) through ninety-three (93) of
18 this Act has occurred, he shall give written notice by
19 certified mail to the alleged violator specifying the
20 alleged violations involved and specifying a period of
21 time in which to eliminate the violation. If the
22 alleged violator fails to comply within such specified
23 time, the executive director shall schedule a hearing
24 and give written notice to the alleged violator by
25 certified mail. In connection with the hearings, the

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1 executive director may issue subpoenas requiring the
2 attendance of witnesses and the production of records
3 pertinent to such hearing. On the basis of the findings,
4 the executive director shall issue a final order which
5 shall be forwarded to the alleged violator by certified
6 mail.

7 Sec. 90. Whenever the executive director finds that
8 an emergency exists requiring immediate action to
9 protect the public health and safety, he may, without
10 notice or hearing, issue an emergency order reciting that
11 an emergency exists and requiring that such action be
12 taken as he deems necessary to meet the emergency. The
13 order may be issued orally to the person whose operation
14 constitutes the emergency by the executive director and
15 confirmed by a copy of such order to be sent by
16 certified mail within twenty-four hours after the issuance
17 of the oral order. The emergency order shall be effective
18 immediately. Any person receiving an emergency order may
19 request a hearing before the commission within thirty days
20 following the receipt of the order. The commission shall
21 schedule a hearing within fourteen days after receipt of

22 the request for a hearing and give written notice to the
23 alleged violator by certified mail. The commission may
24 also schedule a hearing in the absence of a request by
25 the alleged violator. On the basis of the findings, the

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1 commission shall issue a final order which shall be
2 forwarded to the alleged violator by certified mail.
3 The executive director may, if an emergency exists,
4 impound or order the impounding of any radioactive
5 material in the possession of any person who is not
6 equipped to observe, or fails to observe, the provisions
7 of sections eighty-four (84) through ninety-three (93)
8 of this Act or any rules or regulations adopted under
9 sections eighty-four (84) through ninety-three (93) of
10 this Act.

11 Sec. 91. An appeal may be taken from any final order
12 of the commission to the district court of the county
13 in which the alleged violation was committed or such
14 final order was entered. Notice of appeal from a final
15 order shall be served upon the executive director by
16 certified mail. Failure to serve the notice of appeal
17 within thirty days after receipt of the final order
18 shall operate as a waiver of the right to appeal. A
19 final order by the commission shall not be stayed by an
20 appeal except by order of the district court after hearing
21 for good cause shown by the alleged violator. The hearing
22 on appeal shall be tried as a suit in equity. The court
23 may receive additional testimony and evidence and may affirm,
24 modify, or reverse the final order of the commission.

25 Sec. 92. Whenever, in the judgment of the executive

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1 director, any person has engaged in or is about to engage
2 in any acts or practices which constitute or will
3 constitute a violation of the provisions of sections
4 eighty-four (84) through ninety-three (93) of this
5 Act, or any rule, regulation, or order promulgated under
6 sections eighty-four (84) through ninety-three (93) of
7 this Act, he may request the attorney general to make
8 application in the name of the state to the district
9 court of the county in which such acts or practices may
10 be performed, for an order enjoining such acts or
11 practices notwithstanding the existence or pursuit of any
12 other remedy, and the attorney general shall make such
13 application.

14 Sec. 93. Any person who violates any provisions of
15 sections eighty-four (84) through ninety-three (93) of
16 this Act or rules or regulations adopted under sections
17 eighty-four (84) through ninety-three (93) of this Act,
18 or any order of the commission or executive director
19 issued pursuant to sections eighty-four (84) through
20 ninety-three (93) of this Act, shall be punished by a
21 fine of not more than five hundred dollars or by imprison-
22 ment not to exceed six months or punished by both such

23 fine and imprisonment and, in addition, he may be
 24 enjoined from continuing such violation. Each day of
 25 continued violation after notice that a violation is

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1 being committed shall constitute a separate violation.

2 23. Page 45, line 14, by inserting after the word
 3 "gathering" the following words " , or may suspend for
 4 not more than seven days the driver's license of any
 5 driver who is convicted of, or is responsible for,
 6 discarding litter from a motor vehicle."

7 24. Page 45, by striking lines 15 through 18,
 8 inclusive.

9 25. Page 45, line 21, by striking the word and
 10 number "eighty-seven (87)" and inserting in lieu there-
 11 of the word and number "eighty-nine (89)".

12 26. Page 45, by striking lines 24 through 35,
 13 inclusive, all of pages 46 through 61, and on page 62,
 14 lines 1 through 15, inclusive.

15 27. Page 64, lines 7 and 8, by striking the words
 16 and figures "two hundred six (206), two hundred six A
 17 (206A),".

18 28. Page 64, by striking lines 11, 12, and 13 and
 19 inserting in lieu thereof the following:

20 "Sec. 95. The effective date of this Act shall be the
 21 first of January, 1973, except that the governor may,
 22 prior to the first of January, 1973, by executive order,
 23 appoint the necessary commission".

24 29. Page 64, by striking from lines 15 and 16, the
 25 words "authorize the executive committee to appoint the

Page 13

1 executive director,".

2 30. Page 64, lines 20 and 21, by striking the word
 3 and number "July, 1971" and inserting in lieu thereof
 4 the word and number "January, 1973".

5 31. Page 64, line 23, by striking the word and
 6 number "July, 1971" and inserting in lieu thereof the
 7 word and number "January, 1973".

8 32. Page 64, line 31, by striking the word and
 9 number "July, 1971" and inserting in lieu thereof the
 10 word and number "January, 1973".

11 33. By renumbering sections and subsections and
 12 internal references to sections and subsections to
 13 conform to this amendment.

INTRODUCTION OF BILLS

Senate File 1144, by Senator Van Gilst, a bill for an act relat-
 ing to tort liability due to acts or omissions of directors, officers,
 employees, and members of nonprofit corporations.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 544, a bill for an act relating to the soldiers relief commission.

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

House File 1047, a bill for an act relating to the lending and investing powers of savings and loan associations.

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

House File 1147, a bill for an act relating to the election laws and providing penalties for violations thereof.

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

On request of Senator Hill, the Chair directed the Secretary to call the roll to determine that a quorum was present.

MOTION TO RECONSIDER CONTINUED

Senate File 1066

The Senate resumed consideration of the motion to reconsider Senate File 1066.

President Jepsen took the chair at 2:35 p.m.

Senator Kennedy moved to reconsider the vote by which Senate File 1066 failed to pass the Senate.

On the question "Shall the motion to reconsider be adopted?" (S.F. 1066) the vote was:

Ayes, 33:

Anderson	Gilley	Messerly	Shaff
Arbuckle	Gross	Miller	Shawver
Balloun	Hill	Mowry	Smith
Bass	Keith	Potter	Stephens
Briles	Kennedy	Rabedeaux	Thordsen
Carlson	Kyhl	Rhodes	Van Drie
Coleman	Lamborn	Riley	Van Gilst
Conklin	Lavery	Schaben	Walsh
Curran			

Nays, 11:

Brownlee	Glenn	Ollenburg	Robinson
Davis	Griffin	Palmer	Tapscott
Doderer	Milligan	Potgeter	

Absent or not voting, 6:

DeKoster	Gaudineer	Neu	Nicholson
Erskine	Graham		

The motion prevailed.

Senator Glenn asked unanimous consent to reconsider the vote by which Senate File 1066 went to its last reading.

Objection was raised.

Senator Glenn moved to reconsider the vote by which Senate File 1066 went to its last reading and requested a roll call.

On the question "Shall the motion to reconsider the vote by which the bill went to its last reading be adopted?" (S.F. 1066) the vote was:

Ayes, 26:

Brownlee	Gross	Ollenburg	Shaff
Coleman	Keith	Palmer	Shawver
Curran	Kennedy	Potgeter	Tapscott
DeKoster	Lamborn	Riley	Van Drie
Doderer	Laverty	Robinson	Van Gilst
Erskine	Miller	Schaben	Walsh
Glenn	Milligan		

Nays, 19:

Anderson	Carlson	Kyhl	Rhodes
Arbuckle	Conklin	Messerly	Smith
Balloun	Davis	Mowry	Stephens
Bass	Gilley	Potter	Thordsen
Briles	Hill	Rabedeaux	

Absent or not voting, 5:

Gaudineer	Griffin	Neu	Nicholson
Graham			

The motion prevailed.

(Senate File 1066 pending.)

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 77, 203 and 1013.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, the following bills: Senate Files 77, 203 and 1013.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 14th day of February, 1972, sent to the Governor for his approval: Senate Files 77, 203 and 1013.

JOHN C. RHODES, Chairman

Passed on file.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1133, a bill for an act making corrective amendments to the "Iowa Beer and Liquor Control Act".

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1145, by Senators Hill and Potgeter, a bill for an act relating to fees for legal assistance employed by the executive council and claims against the state.

Read first time and passed on file.

Senate File 1146, by Senator Shawver, a bill for an act to provide for the construction and reconstruction of state and interstate controlled-access highways, to provide for the payment of the cost, and to authorize the borrowing of money and the issuance of bonds for that purpose.

Read first time and passed on file.

Senate File 1147, by Senator Anderson, a bill for an act relating to motor vehicle registration reciprocity.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1133, a bill for an act making corrective amendments to the "Iowa Beer and Liquor Control Act" by defining the phrase "intoxicating liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of

liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing that certain refund provisions apply to all classes of retail beer permittees; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours.

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

VALENTINE GREETINGS

President Jepsen extended to the Senate his wishes for a happy Valentine Day and thanked Max Runciman, the Senate control board operator, and Senate Pages Keith Kale and Eleanor Jeffrey for the beautifully decorated Valentine cake.

APPOINTMENT OF CONFERENCE COMMITTEE

President Jepsen announced the appointment of the following conference committee on **Senate File 431**, on the part of the Senate: Senators Erskine, chairman; Balloun, Shawver and Miller.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 11, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- H. F. 254—Relating to the rate of interest which may be paid by a real estate investment trust.
- H. F. 677—Relating to corrective amendments to the statute on self-liquidating improvements.
- H. F. 695—To appropriate from the motor vehicle fuel tax fund for the biennium beginning July 1, 1971 and ending June 30, 1973, to the State Comptroller.
- H. F. 1014—Relating to disposition of obsolete instruments in the County Recorder's office.

H. F. 1015—Relating to disposition of obsolete copies of hunting, fishing and trapping licenses.

H. F. 1016—Relating to the use of fees and funds received by the Iowa Soldiers Home.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1141 Appropriations
- S. F. 1142 Ways and means
- S. F. 1144 Judiciary
- S. F. 1145 State government
- S. F. 1146 Transportation
- S. F. 1147 Transportation
- H. F. 544 County government
- H. F. 1047 Commerce
- H. F. 1071 Judiciary
- H. F. 1078 Agriculture
- H. F. 1117 Commerce
- H. F. 1129 County government
- H. F. 1133 State government
- H. F. 1147 State government

REPORTS OF COMMITTEE

Senator Mowry submitted the following reports:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 1049**, a bill for an act permitting the sale of mobile homes on Sundays, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 30**, a bill for an act relating to the inspection of pipeline construction over private property, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 House File 30 is amended by striking from page 1, lines 4
- 2 through 12, inclusive, and inserting in lieu thereof the following
- 3 new sections:
- 4 Section 1. Section four hundred ninety point four (490.4),
- 5 Code 1971, is amended by adding the following new paragraphs:
- 6 "A board of supervisors may, by majority vote, submit a request

7 in writing to the commission requesting that the services of a
8 qualified inspector be provided to inspect pipeline construction
9 within that county. Upon receipt of the request, the commission
10 shall make such inspector available.

11 Inspection of underground improvements altered during construction
12 of pipeline shall be conducted at the time of the replacement or
13 repair of such underground improvements.

14 All faulty construction, as determined by the inspector, shall
15 be repaired immediately by the contractor operating for the pipeline
16 company and the cost of such repairs shall be paid by said contractor.
17 If such repairs are not made by contractor, the commission shall
18 proceed to collect under the provisions of section four hundred
19 ninety point twenty-seven (490.27) of the Code."

20 Sec. 2. Section four hundred ninety point twenty-seven (490.27),
21 Code 1971, is amended as follows:

22 490.27 FINANCIAL CONDITION OF PERMITTEEBOND.

Before any

23 permit is granted under the provisions of this chapter the applicant
24 must satisfy the state commerce commission that the applicant has
25 property within this state other than pipe lines, subject to execu-

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1 tion of a value in excess of fifty thousand dollars, or said applicant
2 must file and maintain with said commission a surety bond in the
3 penal sum of fifty thousand dollars with surety approved by the
4 commission, conditioned that said applicant will pay any and all
5 damages legally recovered against it growing out of the *construction*
6 *or operation* of its said pipe line and gas storage facilities in the
7 state of Iowa. When such pipe-line company deposits with said
8 state commerce commission security satisfactory to said commission
9 as a guaranty for the payment of said damages, or furnishes to
10 said commission satisfactory proofs of its solvency and financial
11 ability to pay said damages, the said pipe-line company shall be
12 relieved of the said provisions requiring bond.

JOHN L. MOWRY, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 1056, page 1, by inserting after
2 line 6, the following new paragraph:
3 "For the purposes of this Act, the legal holidays
4 provided for in chapter thirty-three (33) of the Code are
5 legal holidays for state employees."

LEIGH R. CURRAN

1 Amend Senate File 1111, page 2, after line 15 by adding
2 the following new section:
3 "Sec. 2. Section two point ten (2.10), subsections one (1)
4 and three (3), Code 1971, are amended to read as follows:
5 Commencing with the [Sixty-fourth] *Sixty-fifth* General Assembly,
6 members of the general assembly and the lieutenant governor shall
7 receive salaries and expenses as provided by this section.
8 1. Every member of the general assembly except the speaker

9 of the house and majority and minority floor leaders of the senate
 10 and house shall receive an annual salary of [five] *ten* thousand
 11 [five hundred] dollars for each year while serving as a member of
 12 the general assembly. The majority and minority floor leaders of
 13 the senate and house shall receive an annual salary of [six] *eleven*
 14 thousand [five hundred] dollars for each year while serving in such
 15 capacity. In addition, each such member shall receive the sum of
 16 [fifteen] *twenty-five* dollars per day for expenses of office, except
 17 travel, for each day the general assembly is actually in session.
 18 However, members from Polk county shall receive seven and one-half
 19 dollars per day. Expenses shall not be paid for more than five
 20 days per week. Weekly travel expenses shall be paid at the rate of
 21 ten cents per mile for actual travel in going to and returning from
 22 the seat of government by the nearest [travveled] *traveled* route.

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1 3. The speaker of the house shall receive an annual salary
 2 of [eleven] *twenty* thousand dollars for each year while serving as
 3 the speaker of the house. Expense and travel allowances shall be
 4 the same for the speaker of the house as provided for other members
 5 of the general assembly."

JAMES W. GRIFFIN, SR.
 JOHN M. WALSH

1 Amend the committee on commerce amendment, filed February
 2 2, 1972 to House File 6, as follows:
 3 1. Page 1, line 22, by striking the number "19" and insert in
 4 lieu thereof the number "21" and by striking the number "22" and
 5 insert in lieu thereof the number "24".
 6 2. Page 5, line 8, by striking the number "33" and insert in
 7 lieu thereof the number "35".

JOHN L. MOWRY

1 Amend House File 6 as amended and passed by the House as follows:
 2 1. Page 2, line 11, by striking the word, "town".
 3 2. Page 4, line 19, by striking the words, "where required
 4 by federal statutes".
 5 3. Page 4, by adding after line 37 the following new paragraph:
 6 "A city or county may enact and enforce its own building
 7 code. A building code or any part thereof of a city or county shall
 8 not contain any standards or requirements lower than those in the
 9 state building code. A building code of a city or county may contain
 10 standards or requirements higher than those contained in the state
 11 building code except those standards or provisions pertaining to
 12 factory-built structures and mobile homes which shall be the same
 13 as those in the state building code."

LEE H. GAUDINEER, JR.
 RALPH W. POTTER

1 Amend House File 6, as amended and passed by the House,
 2 page 10, line 6, by striking the word "forty" and inserting
 3 in lieu thereof the word "thirty".

JAMES A. POTGETER

1 Amend House File 571 as amended and passed by the House
2 as follows:

3 1. Page 3, line 29, by inserting after the period the
4 following: "Except that this affirmative defense shall
5 in no instance provide justification in the case of
6 minors."

7 2. Page 3, line 33 by striking the word "seventeen"
8 and inserting in lieu thereof the word "eighteen".

9 3. Page 5, by adding after line 21 the following new
10 subsection:

11 "d. Exhibits a preview or an excerpt of a motion
12 picture which has received either an 'R' or 'X' rating,
13 or which is unrated pursuant to the code of the motion
14 picture association of America to audiences of 'G' or
15 'GP' rated motion pictures."

EUGENE M. HILL

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Tuesday, February 15, 1972.

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, FEBRUARY 15, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Robert Snyder, pastor of the Zion Lutheran Church, Humboldt, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, February 14, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Anderson for the day on request of Senator Balloun.

SPECIAL GUESTS

President Jepsen welcomed to the Senate the following official representatives of the eight Scout Councils serving Iowa: Mark Draper, Council Bluffs, Mid America Council; Curtis Liscum, Fort Dodge, Prairie Gold Council; Dan Larson, Cresco, Winnebago Council; Chip Bunce, Des Moines, Mid Iowa Council; Thomas Larson, Cedar Rapids, Hawkeye Area Council; Bart Balog, Fort Madison, Southeast Iowa Council; Jack Munter, Strawberry Point, Northeast Iowa Council; and Randy Odem, Davenport, Illowa Council.

The young men were in the State House to make the Annual Scouting Report to the Governor, and were accompanied by Scout leaders from all over Iowa.

PRESENTATION OF VISITORS

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

Twelve students, members of Boy Scout Troop 44, from Central City, Iowa, accompanied by Charles Groff. Senator Riley.

Twenty-four students, members of Boy Scout Troop 766, from Cedar Rapids, Iowa, accompanied by Dick Westurn. Senator Riley.

Twenty-nine students from Mechanicsville Community School, Mechanicsville, Iowa, accompanied by Chuck Swehla. Senator Riley.

Sixty students from Pleasantville Community School, Pleasantville, Iowa, accompanied by Mr. Martin and Mr. Gruebel. Senator Laverty.

PETITION

The following petition was presented and placed on file:

By Senator Potgeter, from nineteen residents of Hamilton County opposing a property tax levy against church parsonages or church supported retirement homes.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Hill, Boone, Iowa.

INTRODUCTION OF BILL

Senate File 1148, by committee on human and industrial relations, a bill for an act relating to the civil rights of physically and mentally handicapped persons.

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

UNFINISHED BUSINESS

Senate File 1066

On motion of Senator Kennedy, Senate File 1066, a bill for an act relating to penalties for the commission of or the attempt to commit certain crimes when armed with firearms, was taken up for reconsideration.

Senator Lamborn offered the following amendment and moved its adoption:

1 Amend Senate File 1066 as follows:

2 1. Page 3, line 35, by inserting after the word
3 "*servng*" the words "*the first year of an*".

4 2. Page 4, line 1, by striking the word "*terms*"
5 and inserting in lieu thereof the word "*term*".

6 3. Page 4, line 3, by inserting after the word
7 "*reformatory*" the words "*including persons sentenced*
8 *to minimum sentences under sections seven (7), eight*
9 *(8), nine (9), and ten (10) of this Act after having*

- 10 served one year of the minimum sentence".
 11 4. Page 6, line 18, by striking the words "sentence
 12 provided" and inserting in lieu thereof the words "of
 13 one year".
 14 5. Page 7, line 1, by striking the word "sentence"
 15 and inserting in lieu thereof the words "of one year".
 16 6. Page 7, line 2, by striking the word "provided".

Roll call was requested.

On the question "Shall the Lamborn amendment be adopted?"
 (S.F. 1066) the vote was:

Rule 24 was invoked.

Ayes, 24:

Brownlee	Doderer	Miller	Potter
Carlson	Glenn	Milligan	Riley
Coleman	Griffin	Neu	Robinson
Curran	Gross	Ollenburg	Schaben
Davis	Keith	Palmer	Shaff
DeKoster	Lamborn	Potgeter	Walsh

Nays, 20:

Arbuckle	Gilley	Messerly	Smith
Balloun	Graham	Mowry	Stephens
Bass	Hill	Rabedeaux	Thordsen
Briles	Kennedy	Rhodes	Van Drie
Conklin	Kyhl	Shawver	Van Gilst

Absent or not voting, 6:

Anderson	Gaudineer	Nicholson	Tapscott
Erskine	Laverty		

The amendment was adopted.

Senator Coleman offered the following amendment by Senators
 Coleman, Shawver and Doderer:

- 1 Amend Senate File 1066 as follows:
 2 1. Page 2, line 11, by adding a new subsection 2 as
 3 follows:
 4 " 'Knife' means any dagger, dirk, razor or stiletto,
 5 or knife having a blade of three inches or more."
 6 2. Page 2, line 11, by renumbering subsection 2 as
 7 subsection 3.
 8 3. Page 3, line 9, by adding after the word "firearm"
 9 the words "or knife".
 10 4. Page 3, line 17, by adding after the word "firearm"
 11 the words "or knife".
 12 5. Page 3, line 18, by adding after the word "Firearms"
 13 the words "or knives".
 14 6. Page 5, line 12, by adding after the word "*firearm*"
 15 the words "*or knife*".
 16 7. Page 5, line 27, by adding after the word "firearm"
 17 the words "or knife".

- 18 8. Page 6, line 1, by adding after the word "firearm"
 19 the words "or knife".
 20 9. Page 6, line 2, by adding after the word "firearm"
 21 the words "or knife".
 22 10. Page 6, line 25, by adding after the word "firearm"
 23 the words "or knife".
 24 11. Page 6, line 26, by adding after the word "firearm"
 25 the words "or knife".

Page 2

- 1 12. Amend the title, line 2, by adding after "firearms"
 2 the words, "or knives".

Senator Neu raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Coleman moved the adoption of the amendment.

Roll call was requested.

On the question "Shall the Coleman, et al., amendment be adopted?" (S.F. 1066) the vote was:

Ayes, 25:

Balloun	Glenn	Messerly	Riley
Brownlee	Gross	Miller	Robinson
Carlson	Kennedy	Milligan	Schaben
Coleman	Kyhl	Ollenburg	Shawver
DeKoster	Lamborn	Palmer	Tapscott
Doderer	Laverty	Potter	Walsh
Erskine			

Nays, 20:

Arbuckle	Gilley	Mowry	Smith
Bass	Graham	Neu	Stephens
Briles	Griffin	Potgeter	Thordsen
Conklin	Hill	Rabedeaux	Van Drie
Curran	Keith	Rhodes	Van Gilst

Absent or not voting, 5:

Anderson	Gaudineer	Nicholson	Shaff
Davis			

The amendment was adopted.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1066, page 5, by striking lines
 2 2, 3 and 4 and inserting in lieu thereof the following:
 3 "armed with a [pistol, revolver, or other firearm,
 4 dagger, dirk, razor, stiletto, or knife having a blade
 5 of three inches in length or other] dangerous or deadly
 6 instrument shall be guilty".

The amendment was adopted.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1066) the vote was:

Rule 24 was invoked.

Ayes, 30:

Arbuckle	Gilley	Messerly	Shaff
Balloun	Graham	Miller	Shawver
Bass	Gross	Mowry	Smith
Briles	Hill	Potter	Stephens
Carlson	Keith	Rabedeaux	Thordsen
Coleman	Kennedy	Rhodes	Van Drie
Conklin	Kyhl	Schaben	Van Gilst
Curran	Lamborn		

Nays, 16:

Brownlee	Erskine	Neu	Riley
Davis	Glenn	Ollenburg	Robinson
DeKoster	Laverty	Palmer	Tapscott
Doderer	Milligan	Potgeter	Walsh

Absent or not voting, 4:

Anderson	Gaudineer	Griffin	Nicholson
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

House File 6

On motion of Senator Rabedeaux, House File 6, a bill for an act to establish a state building code, provide for its administration, and provide a penalty for violation of the Code or orders issued thereunder, was taken up for further consideration.

President Jepsen took the chair at 11:45 a.m.

REFERRED TO COMMITTEE

Senator Doderer raised a point of order that House File 6 should be referred to the committee on state government, under Senate Rule 37.

The Chair ruled the point well taken and referred House File 6 to the committee on state government.

Senator Mowry moved that the rules be suspended and that consideration of House File 6 be continued.

On the question "Shall the motion to suspend the rules be adopted?" (H.F. 6) the vote was:

Rule 24 was invoked.

Ayes, 30:

Arbuckle	Erskine	Miller	Shaff
Balloun	Gilley	Milligan	Shawver
Bass	Graham	Mowry	Smith
Carlson	Griffin	Ollenburg	Stephens
Conklin	Keith	Rabedeaux	Thordsen
Curran	Kyhl	Rhodes	Van Drie
Davis	Laverty	Schaben	Walsh
DeKoster	Messerly		

Nays, 13:

Coleman	Hill	Palmer	Robinson
Doderer	Kennedy	Potgeter	Tapscott
Glenn	Lamborn	Riley	Van Gilst
Gross			

Absent or not voting, 7:

Anderson	Brownlee	Neu	Potter
Briles	Gaudineer	Nicholson	

The motion lost, having failed to receive a two-thirds majority.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1104, a bill for an act relating to protective eyeglass lenses.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1169, a bill for an act requiring a report of the disposition of all persons whose arrest has been reported to the division of criminal investigation.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1149, by Senator Briles (Rex and Pelton), a bill for an act relating to salaries of certain county officers.

Read first time and passed on file.

Senate File 1150, by committee on county government (committee on county government), a bill for an act relating to motor vehicle registration fees.

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

Senate File 1151, by Senators Graham, Potgeter, Walsh, and Potter (Winkelman, Curtis, Nielsen, Rodgers, Tieden, Roorda, Husak, Knoblauch, Waugh, Scott, Mayberry, Wirtz, and Cochran), a bill for an act to exempt the storage of grain from the tax on services.

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

HOUSE MESSAGE CONSIDERED

House File 1169, a bill for an act requiring a report of the disposition of all persons whose arrest has been reported to the division of criminal investigation and the bureau of identification.

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

CONSIDERATION OF JOINT RESOLUTION

Senator Lamborn asked and received unanimous consent to take up out of order House Joint Resolution 1004.

House Joint Resolution 1004

On motion of Senator Smith, House Joint Resolution 1004, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide means for the **General Assembly** to convene itself into special sessions between regular sessions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Smith moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

House Joint Resolution 1004, A Joint Resolution proposing an amendment to the Constitution of the State of Iowa to provide means for the General Assembly to convene itself into special session between regular sessions.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

Section two (2) of Article three (III) of the Constitution of the State of Iowa, as amended by amendment number one (1)

of the Amendments of 1968 to the Constitution of the State of Iowa, is repealed and the following adopted in lieu thereof:

The General Assembly shall meet in session on the second Monday of January of each year. Upon the written request to the presiding officer of each House of the General Assembly by two-thirds of the members of each House, the General Assembly shall convene in special session. The Governor of the state may convene the General Assembly by proclamation in the interim.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months before the date of said election as provided by law.

On the question "Shall the resolution be adopted?" (H. J. R. 1004) the vote was:

Yeas, 38:

Arbuckle	DeKoster	Lavery	Rabedeaux
Balloun	Erskine	Messerly	Rhodes
Bass	Gilley	Miller	Riley
Briles	Graham	Milligan	Robinson
Brownlee	Griffin	Mowry	Shawver
Carlson	Gross	Neu	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn		

Nays, none.

Absent or not voting, 12:

Anderson	Glenn	Potter	Thordsen
Doderer	Kennedy	Schaben	Van Gilst
Gaudineer	Nicholson	Shaff	Walsh

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senate File 1090

On motion of Senator Briles, Senate File 1090, a bill for an act relating to commitment of alcohol and drug addicts, was taken up and considered.

Senator Coleman offered the following amendment filed by Senators Anderson and Coleman:

1 Amend Senate File 1090 as follows:

2 1. Page 2, insert after line 18 the following new
3 section:

4 "Section two hundred twenty-six point thirty-five
5 (226.35), unnumbered paragraph one (1), Code 1971, is
6 amended to read as follows:

7 226.35 APPLICATION FOR ADMISSION. Any resident of
8 the state may apply for voluntary admission for the treat-
9 ment of alcoholism to Mental Health Institute, Cherokee,
10 Iowa; Mental Health Institute, Independence, Iowa; Mental
11 Health Institute, Clarinda, Iowa, or Mental Health
12 Institute, Mt. Pleasant, Iowa, the state hospital serving
13 the district in which he resides. This application shall
14 be made on forms provided by the state director and
15 under such regulations as the director may prescribe,
16 and must be accompanied by a written statement from a
17 facility, as defined in section 123B.1, subsection 2,
18 recommending that the applicant be admitted. If the
19 superintendent shall be satisfied, after examination of
20 the applicant by the staff, that he is in need of hospital
21 treatment and will be benefited thereby, the superintend-
22 ent may receive and care for the applicant in the state
23 hospital for such a period of time as he shall deem
24 necessary for the treatment, improvement or recovery of
25 said patient."

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1 2. Renumber the remaining section.

Senator Rhodes took the chair at 2:28 p.m.

Senator Potgeter raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Briles offered the following amendment filed by Senator Gaudineer and moved its adoption:

1 Amend Senate File 1090 as follows:

2 1. By striking all after the word, "liquors" in
3 line 4, and the word, "drugs" in line 5 and inserting in
4 lieu thereof the words, "[, morphine, cocaine, or other
5 narcotic drugs] or any controlled substance contained
6 in schedules I, II, III or IV, Senate File one (1), Act
7 of the Sixty-fourth General Assembly, First Session".
8 2. By inserting in line 7, after the word, "designate"
9 the words ", or to a private facility approved by the
10 commissioner upon application of a board of supervisors
11 wherein such facility is located".

The amendment was adopted.

Senator Potgeter moved to reconsider the vote by which the Gaudineer amendment was adopted.

Roll call was requested.

On the motion "Shall the motion to reconsider the Gaudineer amendment be adopted?" (S.F. 1090) the vote was:

Ayes, 12:

Balloun	Keith	Palmer	Tapscott
DeKoster	Kyhl	Potgeter	Van Drie
Doderer	Neu	Robinson	Walsh

Nays, 27:

Arbuckle	Curran	Lamborn	Rhodes
Bass	Erskine	Laverty	Riley
Briles	Gilley	Miller	Schaben
Brownlee	Graham	Milligan	Shawver
Carlson	Griffin	Mowry	Smith
Coleman	Gross	Ollenburg	Stephens
Conklin	Hill	Rabedeaux	

Voting present, 1:

Shaff

Absent or not voting, 10:

Anderson	Glenn	Nicholson	Thordsen
Davis	Kennedy	Potter	Van Gilst
Gaudineer	Messerly		

The motion lost.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1090) the vote was:

Ayes, 42:

Arbuckle	Erskine	Milligan	Schaben
Balloun	Gilley	Mowry	Shaff
Bass	Graham	Neu	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Gross	Palmer	Stephens
Carlson	Hill	Potgeter	Tapscott
Coleman	Kyhl	Rabedeaux	Thordsen
Conklin	Lamborn	Rhodes	Van Drie
Curran	Laverty	Riley	Van Gilst
DeKoster	Messerly	Robinson	Walsh
Doderer	Miller		

Nays, none.

Absent or not voting, 8:

Anderson	Gaudineer	Keith	Nicholson
Davis	Glenn	Kennedy	Potter

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1046, a bill for an act permitting the commissioner of social services to grant water and sewage easement to the municipal corporation of Eldora and Marshalltown.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1046

- 1 Amend Senate File 1046 as follows:
- 2 1. Page 2, add the following new section:
- 3 "Sec. The commissioner of social services may,
- 4 subject to the approval of the executive council, grant
- 5 easement rights for the drainage of waters across or
- 6 through the lands belonging to the state connected with,
- 7 or a part of, the grounds of the Women's Reformatory
- 8 located at Rockwell City, Iowa and for water and sewage
- 9 lines to the city of Cherokee across or through lands
- 10 belonging to the state connected with, or a part of, the
- 11 grounds of the Mental Health Institute located at said
- 12 city."
- 13 2. Page 2, by striking Section 4.
- 14 3. Page 1, by striking all of lines 2 and 3 and
- 15 inserting in lieu thereof the following:
- 16 "grant easements for water or sewage lines and for
- 17 drainage across certain lands belonging to the state."

INTRODUCTION OF BILLS

Senate File 1152, by Senator Van Drie (Egenes), a bill for an act authorizing shuttle carrier service without a certificate of public convenience and necessity.

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

Senate File 1153, by Senator Van Drie, a bill for an act relating to the establishment of a state highway commission employee representative.

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

Senate File 1154, by Senators Arbuckle, Carlson, Conklin, Davis and Riley, a bill for an act relating to the practice of optometry and providing penalties.

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

SENATE FILE WITHDRAWN

Senator Shaff asked and received unanimous consent that **Senate File 410** be withdrawn from further consideration of the Senate.

SENATE CONCURRENT RESOLUTION 107

By Arbuckle, Glenn, Kennedy, Lamborn, and Potter
(Christensen, Doyle, Kelly, McCormick, and Schwieger)

Whereas, institutional counselors are necessary for rehabilitative services at the state's penal and correctional institutions; and

Whereas, the case load of the penal and correctional institutions counselors is too high to allow for the adequate and effective counseling that is necessary; and

Whereas, parole under the supervision of parole agents is one of the most efficient and effective means of helping inmates to return to the communities of this state as productive citizens; and

Whereas, the case load of the state's parole agents is too high to allow the parole agents to operate as effectively as possible; and

Whereas, the Iowa crime commission has subgrants available for the hiring of additional counselors and parole agents by the department of social services, *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the department of social services is urged to apply for, on a priority basis, the subgrants available from the Iowa crime commission for the hiring of additional counselors and parole agents.

MOTION TO RECONSIDER

I move to reconsider the vote by which the Mowry motion to suspend the rules on House File 6 failed to be adopted by the Senate.

CLIFTON C. LAMBORN

REPORTS OF COMMITTEES

Senator Stephens submitted the following report:

MR. PRESIDENT: Your committee on agriculture, to which was referred **House File 145**, a bill for an act to provide an excise tax on the sale of turkeys and providing a penalty for certain violations of this act, begs leave to report it has had the same under consideration and recommends the same **do pass**.

RICHARD L. STEPHENS, Chairman

Ordered passed on file.

Senator Erskine submitted the following reports:

MR. PRESIDENT: Your committee on conservation and recreation, to which was referred **House File 680**, a bill for an act to clarify the status of law-enforcement officers appointed by the state conservation commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ALDEN J. ERSKINE, Chairman

Ordered passed on file.

MR. PRESIDENT: Your committee on conservation and recreation, to which was referred **House File 726**, a bill for an act imposing damage liability for the unlawful destruction, taking, or possession of wildlife owned by the state of Iowa, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ALDEN J. ERSKINE, Chairman

Ordered passed on file.

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government, to which was referred **Senate File 185**, a bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 520**, a bill for an act relating to the Iowa Tort Claims Act, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1057**, a bill for an act relating to exceptions to the time limits during which certain civil actions must be brought, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend Senate File 1057, page 2, line 4, by inserting after
- 2 the word "or" the following:
- 3 "*in the case of personal injuries resulting during the*
- 4 *commission of indictable misdemeanor or felony,*"

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1065**, a bill for an act relating to time served on parole, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. De KOSTER, Chairman

Ordered passed on file.

Senator Potgeter submitted the following reports:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 217**, a bill for an act relating to the board of parole, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 367**, a bill for an act relating to joint planning commissions, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

1 Amend House File 367, as passed by the House, by adding
2 after line 19 thereof the following new sections:
3 "Sec. Section four hundred seventy-three A point
4 four (473A.4), Code 1971, is amended by adding the following
5 new paragraph:
6 A planning commission formed under the provisions of this
7 chapter shall, upon designation as such by the governor, serve
8 as a district, regional or metropolitan agency for comprehensive
9 planning for its area for the purpose of carrying out the func-
10 tions as defined for such an agency by federal laws and regula-
11 tions."

12 "Sec. Chapter twenty-eight E (28E), Code 1971, is
13 amended by adding the following new section:

14 A planning commission, council of governments or similar
15 organization formed under the provisions of this chapter shall,
16 upon designation as such by the governor, serve as a district,
17 regional or metropolitan agency for comprehensive planning for
18 its area for the purpose of carrying out the functions as
19 defined for such agency by federal laws and regulations."

20 "Sec..... This Act, being deemed of immediate importance,
21 shall take effect and be in force from and after its publication
22 in the Hampton Chronicle, a newspaper published in Hampton, Iowa,
23 and in the Chariton Herald-Patriot, a newspaper published in
24 Chariton, Iowa."

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 1096 as follows:
2 Page 3, line 20, by striking all after the period and
3 by striking lines 21 through 34 inclusive and inserting in
4 lieu thereof the following:
5 "In any year, after the year in which an assessment has

6 been made of all the real estate in any assessing jurisdiction,
 7 it shall be the duty of the assessor to value and assess or
 8 revalue and reassess, as the case may require, and real estate
 9 that he finds was incorrectly valued or assessed, or was not
 10 listed, valued and assessed, in the real estate assessment year
 11 immediately preceding, also any real estate he finds has changed
 12 in value subsequent to January 1 of the preceding real estate
 13 assessment year. The assessor shall determine the actual value
 14 and compute the taxable value thereof. The assessment shall be
 15 completed as specified in section four hundred forty-one point
 16 twenty-eight (441.28) of the Code, but no reduction or increase
 17 in actual value shall be made for prior years. If an assessor
 18 makes a change in the valuation of the real estate as provided
 19 for herein, the provisions of sections four hundred forty-one
 20 point twenty-three (441.23) as amended by chapter two hundred
 21 seventeen (217), section one (1), Acts of the Sixty-fourth
 22 General Assembly, First Session, four hundred forty-one point
 23 thirty-seven (441.37), four hundred forty-one point thirty-
 24 eight (441.38) and four hundred forty-one point thirty-
 25 nine (441.39) of the Code shall apply."

Page 2

1 2. Page 10, line 7, by inserting after the period the
 2 following:
 3 "If the property taxes on such a building become
 4 delinquent for a tax year the county treasurer shall offer
 5 the building at public sale in accordance with section four
 6 hundred forty-six point seven (446.7) of the Code."

ROGER J. SHAFF

1 Amend Senate File 1125 as follows:

2 1. Page 2, line 6, by inserting after the word "end-
 3 ing" the words "the following".
 4 2. Page 2, line 21, by inserting after the word
 5 "end" the words "the following".
 6 3. Page 2, line 30, by inserting after the word
 7 "on" the words "the following".
 8 4. Page 2, line 30, by inserting after the period
 9 the following:
 10 "The provisions relating to the budget for the ex-
 11 tended fiscal year shall apply to only those cities
 12 and towns, counties, and other political subdivisions
 13 which are on the effective date of this Act operating
 14 on a calendar year budget. If any cities and towns,
 15 counties, or other political subdivisions are operating
 16 on a budget for a fiscal year commencing on July first
 17 and ending on the following June thirtieth, the extended
 18 fiscal year budget shall not apply."
 19 5. Page 3, line 5, by inserting after the word
 20 "limitation" the words ", including those for emergency
 21 levies,".
 22 6. Page 3, line 35, by striking the words "not be
 23 collected, and the" and inserting in lieu thereof the
 24 words "be cancelled, void, not spread, and never
 25 collected".

Page 2

- 1 7. Page 4, by striking lines 1 and 2.
- 2 8. Page 4, line 34, by inserting after the period
- 3 the following new sentence:
- 4 "However, if the total amount of loans approved by
- 5 the state appeal board exceeds eighty percent of the
- 6 amount deposited in the permanent school fund, the state
- 7 comptroller shall reduce the amount of each school dis-
- 8 trict's approved loan proportionately so that the total
- 9 amount loaned shall not exceed eighty percent of the
- 10 permanent school fund."
- 11 9. Page 5, by inserting after line 29, the follow-
- 12 ing new section:
- 13 "Sec. EXISTING OBLIGATIONS. No state aid,
- 14 grant or reimbursement of moneys paid or required to
- 15 be paid shall be eliminated or changed irrespective
- 16 of the extended fiscal year. No money owed to any
- 17 political subdivision for any improvement shall be
- 18 eliminated or changed, irrespective of the extended
- 19 fiscal year."
- 20 10. Page 8, line 6, by inserting after the word
- 21 "cash" the words "*and unencumbered*".
- 22 11. Page 11, by striking lines 22 through 35, inclu-
- 23 sive.
- 24 12. Page 12, by striking lines 1 through 6, inclu-
- 25 sive.

Page 3

- 1 13. Page 16, by inserting after line 6, the following
- 2 new paragraph:
- 3 "*For the extended fiscal year commencing January*
- 4 *1, 1974 and ending June 30, 1975, the board of*
- 5 *supervisors may in December, 1974, by resolution, compute*
- 6 *the salaries of all county officers whose salaries are*
- 7 *based on population or taxable valuation of the county,*
- 8 *or both, and effect any changes so indicated commencing*
- 9 *January 1, 1975.*"
- 10 14. Page 16, by striking line 19 and inserting in
- 11 lieu thereof the words "current year,".
- 12 15. Page 16, by inserting after line 33, the
- 13 following new paragraph:
- 14 "*For the extended fiscal year commencing January*
- 15 *1, 1974 and ending June 30, 1975, the board of*
- 16 *supervisors no later than January 31, 1974, shall*
- 17 *appropriate by resolution such amounts as are deemed*
- 18 *necessary for each of the different county officers*
- 19 *and departments, and shall specify from which of the*
- 20 *different county funds established by law the*
- 21 *appropriated sums shall be derived. The appropriations*
- 22 *to each separate county office or department shall be*
- 23 *itemized in the manner that the accounts are itemized*
- 24 *on the records of the county auditor.*"
- 25 16. Page 17, by inserting after line 6 the following

Page 4

1 new section:

2 "Sec. Section three hundred forty-three point
3 eleven (343.11), Code 1971, is amended by adding the
4 following new subsection:

5 Contracts let on the basis of the budget submitted
6 pursuant to section three hundred nine point ninety-
7 three (309.93) of the Code."

8 17. By renumbering sections as necessary.

COMMITTEE ON WAYS AND MEANS
ROGER J. SHAFF, Chairman

1 Amend House File 6, as amended and passed by the
2 House, page 17, by striking lines 17 through 22 inclusive.

JOHN E. TAPSCOTT

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Wednesday, February 16, 1972.

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, FEBRUARY 16, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend John McCallum, pastor of the Church of Christ Uniting, Lake City, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, February 15, 1972, was approved.

PRESENTATION OF VISITORS

Thirty students from Clarksville Community School, Clarkesville, Iowa, accompanied by Steve Mohning. Senator Kyhl.

Thirty students from Hampton Community High School, Hampton, Iowa, accompanied by Mr. Wedgebury and Mr. Crandall. Senator Curran.

Fifty students from Hubbell Elementary School, Des Moines, Iowa, accompanied by Mrs. Chisolm and Mrs. McWilliams. Senator Milligan.

Thirty-seven students from Sidney High School, Sidney, Iowa, accompanied by Mr. Houchin and Mr. Ridnour. Senator Bass.

Thirty students, members of Y-Teen, from Creston High School, Creston, Iowa, accompanied by Mrs. Larry Hicks. Senator Anderson.

Sixteen students, members of Y-Teen, from Atlantic High School, Atlantic, Iowa, accompanied by Mrs. Gail Morse. Senator Briles.

Twenty-six students, members of Boy Scout Troop 60, from Marion, Iowa, accompanied by DeWayne Johanos, scoutmaster, and Ken McMurray. Senator Riley.

Eleven students, members of Boy Scout Troop 111, from Marion, Iowa, accompanied by Mr. and Mrs. Eugene DeYoung. Senator Riley.

Twenty-six students from Prairie Community School, Gowrie, Iowa, accompanied by Rod Drake. Senator Coleman.

PETITION

The following petition was presented and placed on file:

By Senator Bass, from fifty-seven residents of Montgomery, Mills, Fremont, and Page Counties opposing the sale of alcoholic beverages to eighteen-year-olds.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. T. E. Kane, Boone, Iowa.

INTRODUCTION OF BILLS

Senate File 1155, by Senators Tapscott, Walsh, Robinson, and Kennedy, a bill for an act to increase the compensation of members of the general assembly and the lieutenant governor, to remove the provisions relating to per diem pay for members of the general assembly, and to abolish the budget and financial control committee.

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

Senate File 1156, by Senator Tapscott, a bill for an act relating to the publishing of names and providing a penalty.

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

Senate File 1157, by Senator Potgeter (Ellsworth), a bill for an act relating to regulation of premium rates for credit life and credit accident and health insurance.

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

Senate File 1158, by committee on Iowa development, a bill for an act authorizing cities and towns to acquire, improve, equip and lease pollution control facilities, and issue revenue bonds in connection therewith.

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1082, a bill for an act relating to a course for persons con-

victed of operating a motor vehicle while under the influence of an alcoholic beverage.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1128, a bill for an act relating to the annual certificate of authority of insurance companies.

HOUSE MESSAGES CONSIDERED

House File 1082, a bill for an act relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty.

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

House File 1128, a bill for an act relating to the annual certificate of authority of insurance companies.

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

COMMUNICATION

The following communication was presented:

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

February 15, 1972

Honorable Roger W. Jepsen
Lieutenant Governor of Iowa
State Capitol
Local

Dear Governor Jepsen:

It is my pleasure to submit to the Senate for their consideration the name of Mrs. Wayne Bonnell of Fort Dodge, Webster County, Iowa, for reappointment as a member of the Commission for the Blind for the State of Iowa under the provisions of Section 93.1, 1971 Code of Iowa, for a regular three-year term beginning July 1, 1972, and ending June 30, 1975.

Sincerely,
ROBERT D. RAY
Governor

ANNOUNCEMENT OF INVESTIGATING COMMITTEE

President Jepsen, in accordance with section 2.32, Code 1971, announced the appointment of the following Senators to an investigating committee:

As a member of the Commission for the Blind:

Mrs. Wayne Bonnell of Fort Dodge, Webster County, Iowa, for a regular

three-year term ending June 30, 1975.

Senator Coleman, Chairman
 Senator Arbuckle
 Senator Keith
 Senator Ollenburg
 Senator Van Drie

UNFINISHED BUSINESS

Senate File 1088

On motion of Senator Glenn, Senate File 1088, a bill for an act relating to classification of claims against estates, was taken up for further consideration.

Senator Messerly offered the following amendment by Senators Messerly, Glenn and Gaudineer and moved its adoption:

- 1 Amend Senate File 1088 on page 1, by inserting
- 2 after line 9 the following new section:
- 3 "Sec. 2. Section six hundred thirty-three
- 4 point four hundred twenty-five (633.425), Code 1971,
- 5 is amended by striking subsection eight (8) and
- 6 inserting in lieu thereof the following new subsec-
- 7 tions:
- 8 '8. Claims allowed pursuant to section two
- 9 hundred thirty point thirty (230.30) of the Code.
- 10 9. All other claims allowed.'"

The amendment was adopted.

Senator Gaudineer moved the adoption of the following amendment which was adopted and reconsidered on February 11, 1972:

- 1 Amend Senate File 1088, line 8, by striking the
- 2 word "*sixth*" and by inserting in lieu thereof the word,
- 3 "*eighth*".

The amendment was adopted.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1088) the vote was:

Ayes, 44:

Anderson	Erskine	Messerly	Rhodes
Balloun	Gaudineer	Miller	Riley
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shaff
Brownlee	Griffin	Neu	Shawver
Carlson	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kyhl	Potgeter	Thordsen
Davis	Lamborn	Potter	Van Drie
DeKoster	Laverty	Rabedeaux	Van Gilst

Nays, 1:

Arbuckle

Voting present, 1:

Gilley

Absent or not voting, 4:

Doderer

Kennedy

Robinson

Walsh

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

CONSIDERATION OF BILLS

Senate File 1125

On motion of Senator Keith, Senate File 1125, a bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions, was taken up and considered.

Senator Keith asked and received unanimous consent that Marvin Selden, State Comptroller, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator Keith offered the following amendment by the committee on ways and means and moved its adoption:

1 Amend Senate File 1125 as follows:

2 1. Page 2, line 6, by inserting after the word "end-
3 ing" the words "the following".

4 2. Page 2, line 21, by inserting after the word
5 "end" the words "the following".

6 3. Page 2, line 30, by inserting after the word
7 "on" the words "the following".

8 4. Page 2, line 30, by inserting after the period
9 the following:

10 "The provisions relating to the budget for the ex-
11 tended fiscal year shall apply to only those cities
12 and towns, counties, and other political subdivisions
13 which are on the effective date of this Act operating
14 on a calendar year budget. If any cities and towns,
15 counties, or other political subdivisions are operating
16 on a budget for a fiscal year commencing on July first
17 and ending on the following June thirtieth, the extended
18 fiscal year budget shall not apply."

19 5. Page 3, line 5, by inserting after the word
20 "limitation" the words ", including those for emergency
21 levies,".

22 6. Page 3, line 35, by striking the words "not be
23 collected, and the" and inserting in lieu thereof the
24 words "be cancelled, void, not spread, and never
25 collected".

Page 2

1 7. Page 4, by striking lines 1 and 2.

2 8. Page 4, line 34, by inserting after the period

- 3 the following new sentence:
 4 "However, if the total amount of loans approved by
 5 the state appeal board exceeds eighty percent of the
 6 amount deposited in the permanent school fund, the state
 7 comptroller shall reduce the amount of each school dis-
 8 trict's approved loan proportionately so that the total
 9 amount loaned shall not exceed eighty percent of the
 10 permanent school fund."
 11 9. Page 5, by inserting after line 29, the follow-
 12 ing new section:
 13 "Sec. EXISTING OBLIGATIONS. No state aid,
 14 grant or reimbursement of moneys paid or required to
 15 be paid shall be eliminated or changed irrespective
 16 of the extended fiscal year. No money owed to any
 17 political subdivision for any improvement shall be
 18 eliminated or changed, irrespective of the extended
 19 fiscal year."
 20 10. Page 8, line 6, by inserting after the word
 21 "cash" the words "*and unencumbered*".
 22 11. Page 11, by striking lines 22 through 35, inclu-
 23 sive.
 24 12. Page 12, by striking lines 1 through 6, inclu-
 25 sive.

Page 3

- 1 18. Page 16, by inserting after line 6, the following
 2 new paragraph:
 3 "*For the extended fiscal year commencing January*
 4 *1, 1974 and ending June 30, 1975, the board of*
 5 *supervisors may in December, 1974, by resolution, compute*
 6 *the salaries of all county officers whose salaries are*
 7 *based on population or taxable valuation of the county,*
 8 *or both, and effect any changes so indicated commencing*
 9 *January 1, 1975."*
 10 14. Page 16, by striking line 19 and inserting in
 11 lieu thereof the words "current year,".
 12 15. Page 16, by inserting after line 33, the
 13 following new paragraph:
 14 "*For the extended fiscal year commencing January*
 15 *1, 1974 and ending June 30, 1975, the board of*
 16 *supervisors no later than January 31, 1974, shall*
 17 *appropriate by resolution such amounts as are deemed*
 18 *necessary for each of the different county officers*
 19 *and department, and shall specify from which of the*
 20 *different county funds established by law the*
 21 *appropriated sums shall be derived. The appropriations*
 22 *to each separate county office or department shall be*
 23 *itemized in the manner that the accounts are itemized*
 24 *on the records of the county auditor."*
 25 16. Page 17, by inserting after line 6 the following

Page 4

- 1 new section:
 2 "Sec. Section three hundred forty-three point
 3 eleven (343.11), Code 1971, is amended by adding the
 4 following new subsection:

- 5 Contracts let on the basis of the budget submitted
 6 pursuant to section three hundred nine point ninety-
 7 three (309.93) of the Code.”
 8 17. By renumbering sections as necessary.

The amendment was adopted.

Senator Keith offered the following amendment and moved its adoption:

- 1 Amend Senate File 1125 as follows:
 2 1. Page 2, lines 6 and 7, by striking the words
 3 and figures “six (6) through one hundred twenty-four
 4 (124)” and inserting in lieu thereof the words and
 5 figures “nine (9) through ninety-two (92)”.
 6 2. Page 2, lines 10 and 11, by striking the
 7 words and figures “six (6) through one hundred
 8 twenty-four (124)” and inserting in lieu thereof
 9 the words and figures “nine (9) through ninety-
 10 two (92)”.
 11 3. Page 5, line 27, by inserting after the
 12 word “for” the words “cities and towns, counties
 13 and other political subdivisions operating under”.
 14 4. Page 5, line 29, by inserting after the
 15 word “tax” the word “credit”.
 16 5. Page 10, line 2, by striking the word
 17 “December” and inserting in lieu thereof the
 18 word “January”.
 19 6. Page 10, line 4, by inserting after the
 20 figure “[31]” the words “the following”.
 21 7. Page 16, line 25, by striking the words
 22 “June thirtieth” and inserting in lieu thereof
 23 the words “July thirty-first”.

Page 2

- 1 8. Page 17, line 10, by inserting after the word
 2 “each” the word “fiscal”.

The amendment was adopted.

SENATE FILE 1125 DEFERRED

Senator Keith asked and received unanimous consent that further action on **Senate File 1125** be deferred and that the bill retain its place on the calendar.

President Jepsen took the chair at 10:44 a.m.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports

that it has examined and finds correctly enrolled: Senate File 1023.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILL SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bill: Senate File 1023.

BILL SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 16th day of February, 1972, sent to the Governor for his approval: Senate File 1023.

JOHN C. RHODES, Chairman

Passed on file.

HOUSE AMENDMENTS CONSIDERED

Senate File 85

Senator Laverty called up for consideration Senate File 85, a bill for an act creating a department of environmental quality, specifying its powers, duties and functions, and providing penalties for violations thereof, amended by the House, and moved that the Senate refuse to concur in the House amendment found on pages 365-371, inclusive, of the Senate Journal.

Roll call was requested.

On the question "Shall the motion to refuse to concur in the House amendment be adopted?" (S.F. 85) the vote was:

Ayes, 38:

Anderson	Erskine	Milligan	Robinson
Bass	Gaudineer	Neu	Schaben
Brownlee	Glenn	Ollenburg	Shaff
Carlson	Gross	Palmer	Shawver
Coleman	Hill	Potgeter	Tapscott
Conklin	Keith	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Drie
Davis	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh
Doderer	Messerly		

Nays, 9:

Arbuckle	Gilley	Mowry	Smith
Balloun	Graham	Nicholson	Stephens
Briles			

Absent or not voting, 3:

Griffin	Kennedy	Miller
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The motion prevailed and the Senate refused to concur in the House amendment.

Senate File 1046

Senator Potgeter called up for consideration Senate File 1046, a bill for an act permitting the commissioner of social services to grant water and sewage easement to the municipal corporations of Eldora and Marshalltown, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1046 as follows:
- 2 1. Page 2, add the following new section:
- 3 "Sec. The commissioner of social services may,
- 4 subject to the approval of the executive council, grant
- 5 easement rights for the drainage of waters across or
- 6 through the lands belonging to the state connected with,
- 7 or a part of, the grounds of the Women's Reformatory
- 8 located at Rockwell City, Iowa and for water and sewage
- 9 lines to the city of Cherokee across or through lands
- 10 belonging to the state connected with, or a part of, the
- 11 grounds of the Mental Health Institute located at said
- 12 city."
- 13 2. Page 2, by striking Section 4.
- 14 3. Page 1, by striking all of lines 2 and 3 and
- 15 inserting in lieu thereof the following:
- 16 "grant easements for water or sewage lines and for
- 17 drainage across certain lands belonging to the state."

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1046) the vote was:

Ayes, 44:

Anderson	Coleman	Glenn	Laverty
Arbuckle	Conklin	Graham	Miller
Balloun	Davis	Griffin	Milligan
Bass	DeKoster	Gross	Mowry
Briles	Doderer	Hill	Neu
Brownlee	Erskine	Kyhl	Nicholson
Carlson	Gilley	Lamborn	Ollenburg

Palmer	Riley	Shawver	Thordsen
Potgeter	Robinson	Smith	Van Drie
Potter	Schaben	Stephens	Van Gilst
Rhodes	Shaff	Tapscott	Walsh

Nays, none.

Absent or not voting, 6:

Curran	Keith	Messerly	Rabedeaux
Gaudineer	Kennedy		

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

MOTION TO RECONSIDER ADOPTED

Senate File 1091

Senator Tapscott called up the following motion to reconsider filed by him on February 9, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1091 passed the Senate February 9, 1972.

On the question "Shall the motion to reconsider be adopted?" (S.F. 1091) the vote was:

Ayes, 35:

Balloun	Glenn	Neu	Schaben
Brownlee	Gross	Nicholson	Shaff
Carlson	Hill	Palmer	Shawver
Coleman	Kyhl	Potgeter	Tapscott
Conklin	Lamborn	Potter	Thordsen
Curran	Laverty	Rabedeaux	Van Drie
DeKoster	Messerly	Rhodes	Van Gilst
Doderer	Miller	Riley	Walsh
Gaudineer	Milligan	Robinson	

Nays, 10:

Anderson	Gilley	Mowry	Smith
Arbuckle	Graham	Ollenburg	Stephens
Erskine	Griffin		

Absent or not voting, 5:

Bass	Davis	Keith	Kennedy
Briles			

The motion prevailed.

Senator Balloun moved to reconsider the vote by which Senate File 1091 went to its last reading, which motion prevailed.

On motion of Senator Balloun, Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs, was taken up for reconsideration.

Senator Balloun moved to reconsider the vote by which the following Balloun amendment was adopted by the Senate on February 9, 1972, which motion prevailed:

- 1 Amend Senate File 1091, page 2, line 8, by adding
- 2 after the period, the following:
- 3 "Any school district participating in this program
- 4 and providing either breakfast or lunch to any student
- 5 in an attendance center, shall make available said
- 6 breakfast or lunch for all students.

Senator Balloun asked and received unanimous consent to withdraw the amendment.

Senator Balloun offered the following amendment and moved its adoption:

- 1 Amend Senate File 1091, as amended and passed by the Senate,
- 2 page 2, by adding after line 14 a new section as follows:
- 3 "Sec. Every school district of the state shall, by the
- 4 beginning of the 1973 school year, make school lunch available
- 5 to any student."

The amendment was adopted.

Action on Senate File 1091 was temporarily deferred.

On motion of Senator Lamborn, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 67, a bill for an act relating to the fees and mileage allowances of jurors.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1099, a bill for an act providing for an appraisal staff and manual in the department of revenue.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 67, a bill for an act relating to the fees and mileage allowances of jurors.

Read first time and passed on file.

House File 1099, a bill for an act providing for an appraisal staff and appraisal manual in the department of revenue, and to make an appropriation therefor.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 1159, by Senator Van Drie, a bill for an act to provide office space and a leave of absence for officers of certain state public employee organizations.

Read first time and passed on file.

Senate File 1160, by Senator Van Drie, a bill for an act relating to leave of absence by reason of sickness or injury for state employees.

Read first time and passed on file.

Senate File 1161, by Senator Riley, a bill for an act relating to platting.

Read first time and passed on file.

Senate File 1162, by Senator Nicholson (Gluba), a bill for an act to require passenger restraining devices in school buses, and providing a penalty for noncompliance with the requirement.

Read first time and passed on file.

Senate File 1163, by Senators Riley and Van Gilst, a bill for an act relating to the commission on the aging.

Read first time and passed on file.

The Chair directed the Secretary to call the roll to determine that a quorum was present.

MOTION TO RECONSIDER CONTINUED

Senate File 1091

The Senate resumed consideration of Senate File 1091 temporarily deferred.

Senator Balloun moved to reconsider the vote by which the Balloun amendment was adopted during the morning session, which motion prevailed.

Senator Balloun asked and received unanimous consent to withdraw the amendment.

Senator Balloun offered the following amendment and moved its adoption.

- 1 Amend Senate File 1091, as amended and passed by the Senate,
- 2 page 2, by adding after line 14 a new section as follows:
- 3 "Sec. Section two hundred eighty-three A point two (283A.2),
- 4 Code 1971, is hereby amended as follows:
- 5 283A.2 SCHOOL BOARDS. School boards shall have power to
operate
- 6 or provide for the operation of school lunch programs in schools
- 7 under their jurisdiction, and may use therefor funds disbursed to
- 8 them under the provisions of this chapter, gifts, funds received
- 9 from sale of school lunches under such programs, and any other
- 10 funds legally available. *Beginning with the school year, 1973,*
- 11 *all school boards shall operate or provide for the operation of*
- 12 *school lunch programs for all students.*

The amendment was adopted.

Senator Balloun moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1091) the vote was:

Ayes, 34:

Anderson	Graham	Ollenburg	Shaff
Balloun	Gross	Palmer	Shawver
Brownlee	Hill	Potgeter	Smith
Curran	Keith	Potter	Stephens
Doderer	Kyhl	Rabedeaux	Tapscott
Erskine	Lamborn	Rhodes	Thordsen
Gaudineer	Laverty	Robinson	Van Drie
Gilley	Milligan	Schaben	Van Gilst
Glenn	Nicholson		

Nays, 1:

Mowry

Absent or not voting, 15:

Arbuckle	Coleman	Griffin	Neu
Bass	Conklin	Kennedy	Riley
Briles	Davis	Messerly	Walsh
Carlson	DeKoster	Miller	

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

CONSIDERATION OF BILLS

Senate File 1095

On motion of Senator Erskine, Senate File 1095, a bill for an act relating to the drawing to determine the number of persons

who may receive deer hunting licenses, was taken up and considered.

President Jepsen took the chair at 2:25 p.m.

Senator Anderson offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1095, page 1, line 14, by inserting after
- 2 the word "at", the word "one-half".

Division was called for.

The amendment was adopted.

Senator Schaben offered the following amendment and moved its adoption:

- 1 Amend Senate File 1095, page 1, line 12 by adding
- 2 after the word "unit" the words "and all members of
- 3 his immediate family".

The amendment was adopted.

Division was called for.

Senator Van Drie moved that Senate File 1095 be re-referred to the committee on conservation and recreation.

SENATE FILE DEFERRED

Senator Potgeter moved as a substitute motion that further action on Senate File 1095 be deferred and that the bill be placed on the calendar under unfinished business, which motion prevailed.

CONSIDERATION OF BILLS

Senate File 566

On motion of Senator Davis, Senate File 566, a bill for an act relating to private employment agency fees and appeals from decisions of the labor commissioner, was taken up for further consideration.

Senator Robinson offered the following amendment filed by him:

- 1 Amend Senate File 566 as follows:
- 2 Page 2, line 11, by striking the word "eight" and inserting in lieu
- 3 thereof the word "five".

Senator Robinson moved the adoption of his amendment and called for a division.

The amendment lost.

Senator DeKoster withdrew the following amendment filed June 10, 1971:

1 Amend Senate File 566 as follows:

- 2 1. Page 2, line 17, by striking the word "payee" and inserting
- 3 in lieu thereof the word "payer".
- 4 2. Page 2, line 23, by striking the word "payor" and inserting
- 5 in lieu thereof the word "payer".
- 6 3. Page 2, line 24, by adding before the word "injury", the
- 7 word "demotion,".

Senator DeKoster offered the following amendment and moved its adoption:

1 Amend Senate File 566 as follows:

- 2 1. Page 2, line 17, by striking the word "payee" and inserting
- 3 in lieu thereof the word "applicant".
- 4 2. Page 2, line 23, by striking the word "payor" and inserting
- 5 in lieu thereof the word "applicant".
- 6 3. Page 2, line 24, by adding before the word "injury", the
- 7 word "demotion,".

The amendment was adopted.

Senator Gaudineer offered the following amendment filed by him:

Division 1

1 Amend Senate File 566 as follows:

- 2 1. Page 2, line 25, by inserting after the word
- 3 "strike," the words "acceptance of better employment,".
- 4 2. Page 2, by inserting after the period in line 26
- 5 the following new sentence:
- 6 "If the employment is terminated by the applicant to
- 7 accept better employment after sixty calendar days, a fee
- 8 equal to fifty percent of the eight percent of the
- 9 projected annual gross earnings or eight percent of the
- 10 gross earnings to date, whichever is greater, shall be
- 11 due."

Division 2

- 12 3. Page 3, by striking lines 4 through 19, inclusive.
- 13 4. Page 4, line 6, by striking the word "three" and
- 14 inserting in lieu thereof the word "two".

Division 3

- 15 5. Page 4, by inserting after the period in line 13
- 16 the following new sentence:
- 17 "The decision of the commission shall be final."
- 18 6. Page 4, by striking lines 14 through 22, inclusive.

Senator Davis called for a division of the amendment, sections 1 and 2 to be considered as division 1, sections 3 through 6 to be considered as division 2.

Senator Gaudineer moved the adoption of division 1 of his amendment and requested a roll call.

On the question "Shall division 1 of the Gaudineer amendment be adopted?" (S.F. 566) the vote was:

Rule 24 was invoked.

Ayes, 14:

Coleman	Gilley	Miller	Robinson
DeKoster	Glenn	Palmer	Tapscott
Doderer	Gross	Potgeter	Van Gilst
Gaudineer	Hill		

Nays, 29:

Anderson	Davis	Milligan	Shaff
Arbuckle	Graham	Neu	Shawver
Balloun	Griffin	Nicholson	Smith
Bass	Keith	Ollenburg	Stephens
Briles	Kyhl	Potter	Thordsen
Brownlee	Lamborn	Rabedeaux	Van Drie
Carlson	Laverty	Rhodes	Walsh
Conklin			

Absent or not voting, 7:

Curran	Kennedy	Mowry	Schaben
Erskine	Messerly	Riley	

Division 1 of the amendment lost.

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

The Senate resumed session, President Jepsen presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 412, a bill for an act relating to administrative rules of departments of the state.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 412

- 1 Amend the Senate amendment to House File 412 as follows:
- 2 1. Strike lines 8, 9 and 10 and insert in lieu thereof
- 3 the following:
- 4 "of general application that implements or interprets
- 5 law or policy, or the amendment,".
- 6 2. Strike lines 21 and 22 and insert in lieu thereof
- 7 the following:
- 8 Sec. 2. The rules review committee shall at the
- 9 request of any standing committee of the General Assembly,

10 or may on its own motion, require a department to meet
 11 with the rules review committee to discuss”.

The Chair directed the secretary to call the roll to determine that a quorum was present.

CONSIDERATION OF BILLS

Senate File 566

The Senate resumed consideration of Senate File 566 and the amendment by Senator Gaudineer.

Senator Gaudineer called for a further division of the amendment into three divisions, sections 3 and 4 to be considered as division 2, and sections 5 and 6, as division 3.

Senator Gaudineer moved the adoption of division 2 of the amendment and requested a roll call.

On the question “Shall division 2 of the Gaudineer amendment be adopted?” (S.F. 566) the vote was:

Rule 24 was invoked.

Ayes, 19:

Brownlee	Doderer	Hill	Robinson
Carlson	Gaudineer	Miller	Schaben
Coleman	Gilley	Neu	Tapscott
Conklin	Glenn	Palmer	Van Gilst
DeKoster	Gross	Potgeter	

Nays, 27:

Anderson	Erskine	Mowry	Shawver
Arbuckle	Graham	Nicholson	Smith
Balloun	Griffin	Ollenburg	Stephens
Bass	Keith	Potter	Thordsen
Briles	Kyhl	Rabedeaux	Van Drie
Curran	Lamborn	Rhodes	Walsh
Davis	Laverty	Shaff	

Absent or not voting, 4:

Kennedy	Messerly	Milligan	Riley
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Division 2 of the amendment lost.

Senator Gaudineer withdrew division 3 of the amendment.

Senator Doderer withdrew the following amendment filed January 28, 1972:

- 1 Amend Senate File 566, page 2, line 25, by adding
- 2 after the word “strike,” the following:
- 3 “misrepresentation of the job by the employment
- 4 agency or the employer.”.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 566 as follows:
- 2 Page 3, line 23, by striking the period and
- 3 inserting in lieu thereof the following:
- 4 " , or misrepresentation of the job by the
- 5 employment agency or the employer."

The amendment was adopted.

Senator Doderer offered the following amendment filed January 28, 1972:

- 1 Amend Senate File 566, page 3, by striking lines
- 2 4 through 19 inclusive and inserting in lieu thereof
- 3 the following:
- 4 "Two persons representative of the public appointed
- 5 by the governor, who shall be paid necessary expenses."

Senator Doderer moved the adoption of the amendment and requested a roll call.

On the question "Shall the Doderer amendment be adopted?" (S.F. 566) the vote was:

Ayes, 17:

Anderson	Glenn	Neu	Robinson
Coleman	Gross	Nicholson	Shawver
DeKoster	Hill	Palmer	Tapscott
Doderer	Miller	Potgeter	Van Gilst
Gaudineer			

Nays, 27:

Arbuckle	Davis	Lamborn	Rhodes
Balloun	Erskine	Laverty	Smith
Bass	Gilley	Messerly	Stephens
Briles	Graham	Mowry	Thordsen
Brownlee	Griffin	Ollenburg	Van Drie
Carlson	Keith	Potter	Walsh
Curran	Kyhl	Rabedeaux	

Absent or not voting, 6:

Conklin	Milligan	Schaben	Shaff
Kennedy	Riley		

The amendment lost.

Senator Glenn offered the following amendment by Senators Glenn and Gaudineer and moved its adoption:

- 1 Amend Senate File 566 as follows:
- 2 Page 2, line 13, by striking the words "upon commence-
- 3 ment of employment" and insert in lieu thereof the following:
- 4 "not later than at the end of the first six months of
- 5 employment,".

The amendment lost.

Senator Gaudineer offered the following amendment:

- 1 Amend Senate File 566, page 2, line 24 by inserting
- 2 after the word, "illness" the words, "termination by the
- 3 employer for reasons other than misconduct."

Senator Gaudineer moved the adoption of his amendment and requested a roll call.

On the question "Shall the Gaudineer amendment be adopted?" (S.F. 566) the vote was:

Ayes, 17:

Coleman	Glenn	Palmer	Schaben
DeKoster	Gross	Potgeter	Tapscott
Doderer	Hill	Rhodes	Thordsen
Gaudineer	Neu	Robinson	Van Gilst
Gilley			

Nays, 27:

Arbuckle	Curran	Lamborn	Rabedeaux
Balloun	Davis	Lavery	Shawver
Bass	Erskine	Messerly	Smith
Briles	Graham	Mowry	Stephens
Brownlee	Griffin	Nicholson	Van Drie
Carlson	Keith	Ollenburg	Walsh
Conklin	Kyhl	Potter	

Absent or not voting, 6:

Anderson	Miller	Riley	Shaff
Kennedy	Milligan		

The amendment lost.

Senator Doderer offered the following amendment by Senators Glenn and Doderer and moved its adoption:

- 1 Amend Senate File 566, page 3, line 19, by adding
- 2 after the period the following sentence:
- 3 "In the event that the appeal concerns an employment
- 4 agency with whom a commission member is affiliated,
- 5 said commission member shall disqualify himself in hearing
- 6 such matter."

The amendment was adopted.

Senator Davis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 566) the vote was:

Rule 24 was invoked.

Ayes, 32:

Anderson	Briles	Curran	Graham
Arbuckle	Brownlee	Davis	Griffin
Balloun	Carlson	Erskine	Gross
Bass	Conklin	Gilley	Keith

Kyhl	Mowry	Rabedeaux	Stephens
Lamborn	Nicholson	Rhodes	Thordsen
Laverty	Ollenburg	Shawver	Van Drie
Messerly	Potter	Smith	Walsh

Nays, 13:

Coleman	Glenn	Neu	Robinson
DeKoster	Hill	Palmer	Schaben
Doderer	Miller	Potgeter	Tapscott
Gaudineer			

Absent or not voting, 5:

Kennedy	Riley	Shaff	Van Gilst
Milligan			

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

Senator Davis moved that the vote by which Senate File 566 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 566) the vote was:

Ayes, 28:

Anderson	DeKoster	Laverty	Rhodes
Balloun	Erskine	Messerly	Shawver
Bass	Gilley	Mowry	Smith
Brownlee	Griffin	Nicholson	Stephens
Conklin	Keith	Ollenburg	Thordsen
Curran	Kyhl	Potter	Van Drie
Davis	Lamborn	Rabedeaux	Walsh

Nays, 12:

Coleman	Glenn	Miller	Robinson
Doderer	Gross	Neu	Schaben
Gaudineer	Hill	Potgeter	Tapscott

Absent or not voting, 10:

Arbuckle	Graham	Palmer	Shaff
Briles	Kennedy	Riley	Van Gilst
Carlson	Milligan		

The motion prevailed.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 392

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 392, a bill for an act relating to the eradication of hog

cholera and the control and eradication of the swine diseases, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendments.
 2. That Senate File 392 as amended, passed, and reprinted by the Senate be amended as follows:

a. Page 4A, line 5, by inserting after the period the following:

"The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section."

b. Page 4A, line 19, by inserting after the period the following:

"All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department."

c. Page 4A, line 27, by inserting after the period the following:

"In addition, native Iowa swine moved from farm to farm may be excepted from the identification requirement if the seller and purchaser sign a statement providing that feeder pigs will not be commingled for a period of thirty days and such fact is stated on the health certificate."

On the Part of the Senate:

RICHARD L. STEPHENS,
 Chairman
 ROGER SHAFF
 BASS VAN GILST

On the Part of the House:

CHARLES F. STROTHMAN,
 Chairman
 LaVERNE SCHROEDER
 JOHN CAMP
 KEITH DUNTON

SENATE CONCURRENT RESOLUTION 108

By Riley and Van Gilst

Whereas, there are 350,293 persons age sixty-five or over living in Iowa; and

Whereas, there are approximately 137,067 active and retired members of the three state retirement systems; and

Whereas, senior citizens living in Iowa are an important source of information regarding the adequacy of retirement benefits; and

Whereas, the question of the proper functioning of retirement systems available to state employees has come before the Commission on the Aging Legislative Committee on many occasions; and

Whereas, the efficient administration of retirement systems is directly related to the adequacy of benefit payments disbursed to members; and

Whereas, the loss of experienced personnel because of inadequate retirement benefits and the reluctance of qualified personnel to seek state employment may have a severe impact upon the functioning of state offices, *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the Sixty-fourth General Assembly authorize the Commission on Aging to conduct a comprehensive study of all retirement systems available to state employees, in order to determine the level of an adequate retirement income in relation to cost-of-living indexes and in order to determine if the State of Iowa offers retirement benefits which are competitive with the benefits offered by other states for comparable positions in state offices and with benefits offered by the private sector; and

Be It Further Resolved, That a report of the study shall be prepared and

submitted to members of the Sixty-fifth General Assembly meeting in 1974 and shall be accompanied by recommendations of the Commission on Aging for organization of the several state retirement systems and for an equalization of retirement benefits offered to state employees.

SENATE CONCURRENT RESOLUTION 109

By Walsh, Potgeter, and Thordsen

Whereas, approximately one out of eight citizens in Iowa is sixty-five years of age and older and this segment of the population is greater in comparison to the same age group in most other states; and

Whereas, the 1971 White House Conference on Aging is concerned with an evaluation of and improvements in programs offered during the past decade to senior citizens throughout the country; and

Whereas, Iowa has a permanent state agency designed to cooperate with federal, local, and private agencies in administering and demonstrating programs which offer services to senior citizens and which foster continued participation of senior citizens in family and community life; and

Whereas, gaining public awareness of these programs and of the contributions made by senior citizens to the local community insures support for the continued productive place senior citizens hold in the community, *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the Sixty-fourth General Assembly respectfully requests the Governor of the State of Iowa to declare the fourth day of July, 1972, as Senior Citizens Recognition Day and urges civic-minded organizations and the general public throughout the State of Iowa to join in community projects recognizing the contributions and programs of senior citizens.

BILLS ASSIGNED TO COMMITTEE

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

- S.C.R. 107 Law enforcement
- S.C.R. 108 State government
- S. F. 1149 County government
- S. F. 1151 Ways and means
- S. F. 1152 Commerce
- S. F. 1153 Transportation
- S. F. 1155 State government
- S. F. 1156 Social services
- S. F. 1157 Commerce
- S. F. 1158 Cities and towns
- H. F. 1082 Schools
- H. F. 1128 Commerce
- H. F. 1169 Law enforcement

REPORTS OF COMMITTEES

Senator Thordsen submitted the following reports:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **Senate File 1034**, a bill for an act relating to facilities required of class "B" beer permit holders, begs leave to report it has had the same under consideration and recommends the same **do pass**.

HAROLD A. THORDSEN, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **House File 1057**, a bill for an act relating to the use of snowmobiles on railroad rights-of-way, begs leave to report it has had the same under consideration and recommends the same **do pass**.

HAROLD A. THORDSEN, Chairman

Ordered passed on file.

Senator Bass submitted the following reports:

MR. PRESIDENT: Your committee on social services, to which was referred **House File 556**, a bill for an act relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL G. BASS, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on social services, to which was referred **Senate File 1076**, a bill for an act relating to the sale or distribution of contraceptive products, begs leave to report it has had the same under consideration and recommends the same **do pass**.

EARL G. BASS, Chairman

Ordered passed on file.

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was referred **House File 684**, a bill for an act relating to the enforcement of the fuel tax laws, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the Doderer amendment filed February 3, 1972
- 2 to Senate File 184 by striking lines 8 through 17
- 3 inclusively and inserting in lieu thereof the following:
- 4 "No hearing aid shall be sold by any individual

5 licensed under this bill to a person twelve (12) years
6 or younger, unless within the preceding six months a
7 recommendation for a hearing aid has been made by a
8 physician specializing in otolaryngology. A replacement
9 of an identical hearing aid within one year shall be an
10 exception to this requirement.”.

EDWARD E. NICHOLSON

1 Amend Senate File 1060, page 1, line 20, by striking
2 the words “*being paid at an hourly rate*”.

RUDY VAN DRIE

1 Amend Senate File 1083, page 3, by striking lines 20
2 and 21, and inserting in lieu thereof the following:
3 “Sec. 8. Section eighty-eight point four (88.4), Code
4 1971, is amended to read as follows:
5 88.4 SEATS FOR [FEMALE] EMPLOYEES. All employers [of
6 females] in any workshops, mercantile, or manufacturing bus-
7 iness or establishment shall provide and maintain suitable
8 seats, when practicable, for the use of such [female] employees,
9 at or beside the counter or workbench where employed, and
10 permit the use thereof by such employees to such extent as
11 the work engaged in may reasonably admit.”

MINNETTE DODERER

1 Amend Senate File 1087 page 2, line 23 by striking the word “*may*”
2 and inserting in lieu thereof the word “*shall*”.

TOM RILEY
LUCAS DeKOSTER

1 Amend Senate File 1125 as follows:
2 1. Page 2, line 2, by striking the words, “and
3 towns”.
4 2. Page 2, line 20, by striking the words, “and
5 towns”.
6 3. Page 2, line 27, by striking the words, “and
7 towns”.
8 4. Page 3, line 10, by striking the words, “and
9 towns”.

LEE H. GAUDINEER, JR.

1 Amend Senate File 1125 as follows:
2 1. Page 2, line 7, by inserting after the word “Act”
3 the words “, except sections fifty-one (51) through
4 fifty-eight (58), inclusive, and sections ninety (90)
5 and ninety-one (91) of this Act,”.
6 2. Page 2, line 11, by inserting after the period
7 the following new sentence:
8 “Sections fifty-one (51) through fifty-eight (58),
9 inclusive, and sections ninety (90) and ninety-one (91)
10 of this Act, shall become effective December 1, 1974,
11 with respect to all special assessments levied after
12 December 1, 1974, or bonds issued in anticipation of
13 the payment of such assessments.”

14 3. Page 2, by inserting after line 15 the following
15 new sentence:

16 "For the purpose of this Act, the term school dis-
17 trict, when applicable, shall apply to merged area
18 schools and joint county systems."

19 4. Page 5, by inserting after line 29 the following
20 new sections:

21 "Sec. In the event that funds are not
22 available during the extended fiscal year for cities,
23 counties, and other political subdivisions
24 to make their legal and timely payments upon the
25 principal or interest of any special assessment or

Page 2

1 general obligation bonds as due by reason of the tax
2 collection periods established in this Act, then the
3 affected city, county, or other political
4 subdivision shall transfer funds from any other source
5 to meet this obligation, notwithstanding any other
6 statute. Any such funds so transferred shall be
7 repayable from the general tax collections or applicable
8 special assessment collections, when received. This
9 section shall not be printed as a permanent part of
10 the Code and shall be printed in the session laws only."

11 "Sec. Any new construction or reconstruction
12 or additions to existing structures that are started,
13 partial or additional construction accomplished thereon,
14 or completed after January 1, 1973 shall be valued,
15 assessed, and placed upon the tax rolls during the
16 extended fiscal year and the initial fiscal year
17 thereafter upon January 1, 1974, July 1, 1974, and Jan-
18 uary 1, 1975 and thereafter as provided by law. Any
19 taxpayer who desires to contest or protest the valua-
20 tions so placed upon his property, shall pay the tax
21 due thereon upon the valuation and assessment as made,
22 under protest. Such taxpayer shall, thereafter, have
23 the right to file a protest or appeal of such valua-
24 tions or assessments with the appropriate tax review
25 board during the calendar year 1974 or 1975, as pro-

Page 3

1 vided by law, any other statute limiting the time limit
2 for such appeal or protest to the contrary notwith-
3 standing. If the appropriate review board or court
4 reduces or eliminates the valuation or assessment in
5 favor of the taxpayer, the taxing body or bodies that
6 received the increased revenue or revenues by reason
7 of the increased valuation or assessment, shall repay
8 to the taxpayer the difference between the revenue
9 actually raised and that which would have been raised
10 upon the basis of the lower or eliminated valuation.
11 In the event that the appropriate board of review or
12 court raises the valuation previously set by the as-
13 sessor, the taxpayer shall immediately pay to the
14 treasurer for distribution to the appropriate taxing
15 bodies the difference between what the taxpayer actually

16 paid and what he should have paid by reason of the
 17 increased valuation or assessment. This section granting
 18 additional time to a taxpayer to appeal or protest the
 19 valuation or assessment of his property shall be
 20 effective for the calendar years 1974 and 1975, only.
 21 The taxing bodies to which the extended fiscal year
 22 applies shall take into consideration the growth of
 23 their tax base which reasonably will occur by reason
 24 of this section and shall determine their levy
 25 accordingly. This section shall not be printed as a

Page 4

1 permanent part of the Code and shall be printed in the
 2 session laws only.”
 3 5. Page 9, line 23, by inserting after the period
 4 the following new sentence:
 5 *“However, the governing authority of a political*
 6 *subdivision may adjust any levy of taxes made under*
 7 *the provisions of the section prior to July 1, 1975,*
 8 *for the purpose of adjusting the annual levies and*
 9 *collections in accordance with the provisions of this*
 10 *Act and the extended fiscal year provided herein.”*
 11 6. By renumbering sections and correcting internal
 12 references as necessary.

LEE H. GAUDINEER, JR.
 WAYNE D. KEITH
 RALPH W. POTTER

1 Amend House File 1147 as amended and passed by the House
 2 as follows:
 3 1. Page 3, following line 4, by inserting the following
 4 new sections:
 5 Sec. 4. Section fifty-six point seven (56.7), Code 1971,
 6 is amended to read as follows:
 7 “56.7 LIMITATION ON EXPENSES. It shall be unlawful for
 8 any candidate to expend in connection with any primary elec-
 9 tion campaign more than [fifty percent of] the annual salary
 10 applicable to the position for which he is a candidate, and
 11 unlawful for him to expend in connection with his campaign
 12 for election to any office more than [fifty percent of] the
 13 annual salary applicable to the position for which he is a
 14 candidate.”
 15 Sec. 5. Section fifty-six point eight (56.8), Code 1971,
 16 is repealed.
 17 Sec. 6. Chapter fifty-six (56), Code 1971, is amended by
 18 adding the following new section:
 19 “DISCLOSURE OF CONTRIBUTIONS AND ELECTION EX-
 20 PENSES. Every
 21 organization, committee, or corporation which has contributed
 22 funds to the political campaign of any candidate for public
 23 office or expended funds on behalf of any candidate for public
 24 office shall file a statement of expenses as provided in this
 25 chapter.
 Every individual who has contributed funds in the amount

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1 of one hundred dollars or more to the political campaign of
2 any candidate for public office or has expended one hundred
3 dollars or more on behalf of any candidate for public office
4 shall file a statement of expenses as provided in this
5 chapter."

6 Sec. 7. Section sixty-six point one (66.1), Code 1971,
7 is amended by adding the following new subsection:
8 "7. Upon conviction of violating the provisions of chapter
9 fifty-six (56) of the Code."

10 2. By renumbering the following sections thereafter
11 in accordance with this amendment.

GENE W. GLENN
JOHN E. TAPSCOTT
LEE H. GAUDINEER, JR.

1 Amend House File 1147 as amended, passed and reprinted
2 by the House as follows:

3 Page 3, after line 29, insert the following new sub-
4 section:

5 "5. Persons not residents of the state of Iowa at the
6 time of matriculation at an institution of learning, or
7 at the time of enrollment, admission, entrance, or in-
8 carceration to or in any other institution within the
9 state supported in whole or in part, directly or indirectly,
10 by taxes levied within the state by whatever division or
11 subdivision of state government, and whether or not the
12 support is received directly by the institution or by
13 the person who matriculates, enrolls, is admitted, gains
14 entrance or is incarcerated shall be deemed to have
15 residence elsewhere so long as they are enrolled and
16 pursuing a course of study at an institution of learning,
17 or are enrollees or inmates and are receiving services
18 from other tax supported institutions."

EUGENE M. HILL

1 Amend House File 1169 as follows:

2 Page 1, line 25, by adding after the period the
3 following:

4 "Whenever a person who is arrested is found
5 innocent, or a complaint or information against a
6 person is dismissed, any record regarding such arrest,
7 complaint, or information shall be expunged."

MINNETTE DODERER
RALPH W. POTTER
JAMES A. POTGETER
ARTHUR A. NEU

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Thursday, February 17, 1972.

JOURNAL OF THE SENATE

THIRTY-NINTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, FEBRUARY 17, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Peter Kempter, pastor of the First Baptist Church, Harlan, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, February 16, 1972, was approved.

SPECIAL GUESTS

The Chair presented to the Senate Mr. and Mrs. Charles Decker, who were promoting the Old Settlers and Threshers Reunion, held annually at Mount Pleasant, Iowa, for a five-day period through Labor Day.

Mr. Decker, or "Charlie", is a conductor on the narrow gauge railway on the grounds, and Mrs. Decker, better known as "Miss Kitty", is hostess at the Pioneer Village. They extended an invitation to share the nostalgia of the Old Settlers and Threshers Reunion.

PRESENTATION OF VISITORS

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

Fifty-eight students from Whittier School, Indianola, Iowa, accompanied by Mrs. Ryan and Mrs. Conley. Senator Laverty.

Forty students from Wayne Community High School, Corydon, Iowa, accompanied by Jean Robb. Senator Anderson.

Thirty students from Eddyville High School, Eddyville, Iowa, accompanied by Dennis Heiner. Senator Van Gilst.

Twenty-nine students from Walnut High School, Walnut, Iowa, accompanied by Mr. and Mrs. Frank Johnson. Senator Schaben.

Thirty-one students from Clear Lake High School, Clear Lake, Iowa, accompanied by Christina Brun and Richard Abild. Senator Curran.

Twenty-two students from Hedrick High School, Hedrick, Iowa, accompanied by Mr. Haines. Senator Van Gilst.

Thirty students from West Burlington High School, Burlington, Iowa, accompanied by Donald Hopkins and Richard Whittaker. Senator Miller.

Seventeen students, members of Boy Scout Troop 84, from Cedar Rapids, Iowa, accompanied by Marvin Zitek. Senator Riley.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Wilson, Manson, Iowa.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 392

Senator Stephens called up for consideration the following report:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 392

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 392, a bill for an act relating to the eradication of hog cholera and the control and eradication of the swine diseases, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendments.
2. That Senate File 392 as amended, passed, and reprinted by the Senate be amended as follows:

a. Page 4A, line 5, by inserting after the period the following:

"The department shall make ear tags available at convenient locations within each county and shall sell such tags at a price not exceeding the cost to producers and others to comply with this section."

b. Page 4A, line 19, by inserting after the period the following:

"All such movement of swine shall be completed within seventy-two hours unless an extension of time for movement is granted by the department."

c. Page 4A, line 27, by inserting after the period the following:

"In addition, native Iowa swine moved from farm to farm may be excepted from the identification requirement if the seller and purchaser sign a statement providing that feeder pigs will not be commingled for a period

of thirty days and such fact is stated on the health certificate.”

On the Part of the Senate:

RICHARD L. STEPHENS, Chairman
ROGER SHAFF
BASS VAN GILST

On the Part of the House:

CHARLES F. STROTHMAN, Chairman
LAVERNE SCHROEDER
JOHN CAMP
KEITH DUNTON

Senator Stephens moved the adoption of the report and requested a roll call.

On the question “Shall the conference committee report be adopted?” (S.F. 392) the vote was:

Rule 24 was invoked.

Ayes, 36:

Arbuckle	Gaudineer	Laverty	Rhodes
Balloun	Gilley	Milligan	Riley
Bass	Glenn	Mowry	Shaff
Brownlee	Graham	Neu	Shawver
Carlson	Griffin	Nicholson	Smith
Conklin	Hill	Ollenburg	Stephens
Curran	Keith	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Gilst
Erskine	Lamborn	Rabedeaux	Walsh

Nays, 11:

Anderson	Doderer	Palmer	Tapscott
Briles	Gross	Robinson	Van Drie
Coleman	Miller	Schaben	

Absent or not voting, 3:

Davis	Kennedy	Messerly
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The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Stephens moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 392) the vote was:

Ayes, 39:

Arbuckle	Gilley	Milligan	Riley
Balloun	Glenn	Mowry	Shaff
Bass	Graham	Neu	Shawver
Brownlee	Griffin	Nicholson	Smith
Carlson	Gross	Ollenburg	Stephens
Conklin	Hill	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Gilst
Erskine	Lamborn	Rabedeaux	Walsh
Gaudineer	Laverty	Rhodes	

Nays, 7:

Anderson	Coleman	Robinson	Van Drie
Briles	Miller	Schaben	

Absent or not voting, 4:

Davis

Doderer

Kennedy

Messerly

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

Senator Stephens asked and received unanimous consent that **Senate File 392** be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS

Senate File 1125

On motion of Senator Keith, Senate File 1125, a bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions, was taken up for further consideration.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer, Keith and Potter and moved its adoption:

- 1 Amend Senate File 1125 as follows:
- 2 1. Page 2, line 7, by inserting after the word "Act"
- 3 the words ", except sections fifty-one (51) through
- 4 fifty-eight (58), inclusive, and sections ninety (90)
- 5 and ninety-one (91) of this Act,".
- 6 2. Page 2, line 11, by inserting after the period
- 7 the following new sentence:
- 8 "Sections fifty-one (51) through fifty-eight (58),
- 9 inclusive, and sections ninety (90) and ninety-one (91)
- 10 of this Act, shall become effective December 1, 1974,
- 11 with respect to all special assessments levied after
- 12 December 1, 1974, or bonds issued in anticipation of
- 13 the payment of such assessments."
- 14 3. Page 2, by inserting after line 15 the following
- 15 new sentence:
- 16 "For the purpose of this Act, the term school dis-
- 17 trict, when applicable, shall apply to merged area
- 18 schools and joint county systems."
- 19 4. Page 5, by inserting after line 29 the following
- 20 new sections:
- 21 "Sec. In the event that funds are not
- 22 available during the extended fiscal year for cities,
- 23 counties, and other political subdivisions
- 24 to make their legal and timely payments upon the
- 25 principal or interest of any special assessment or

Page 2

- 1 general obligation bonds as due by reason of the tax
- 2 collection periods established in this Act, then the
- 3 affected city, county, or other political
- 4 subdivision shall transfer funds from any other source
- 5 to meet this obligation, notwithstanding any other
- 6 statute. Any such funds so transferred shall be
- 7 repayable from the general tax collections or applicable

8 special assessment collections, when received. This
 9 section shall not be printed as a permanent part of
 10 the Code and shall be printed in the session laws only.”
 11 “Sec. Any new construction or reconstruction
 12 or additions to existing structures that are started,
 13 partial or additional construction accomplished thereon,
 14 or completed after January 1, 1973 shall be valued,
 15 assessed, and placed upon the tax rolls during the
 16 extended fiscal year and the initial fiscal year
 17 thereafter upon January 1, 1974, July 1, 1974, and Jan-
 18 uary 1, 1975 and thereafter as provided by law. Any
 19 taxpayer who desires to contest or protest the valua-
 20 tions so placed upon his property, shall pay the tax
 21 due thereon upon the valuation and assessment as made,
 22 under protest. Such taxpayer shall, thereafter, have
 23 the right to file a protest or appeal of such valua-
 24 tions or assessments with the appropriate tax review
 25 board during the calendar year 1974 or 1975, as pro-

Page 3

1 vided by law, any other statute limiting the time limit
 2 for such appeal or protest to the contrary notwith-
 3 standing. If the appropriate review board or court
 4 reduces or eliminates the valuation or assessment in
 5 favor of the taxpayer, the taxing body or bodies that
 6 received the increased revenue or revenues by reason
 7 of the increased valuation or assessment, shall repay
 8 to the taxpayer the difference between the revenue
 9 actually raised and that which would have been raised
 10 upon the basis of the lower or eliminated valuation.
 11 In the event that the appropriate board of review or
 12 court raises the valuation previously set by the as-
 13 sessor, the taxpayer shall immediately pay to the
 14 treasurer for distribution to the appropriate taxing
 15 bodies the difference between what the taxpayer actually
 16 paid and what he should have paid by reason of the
 17 increased valuation or assessment. This section granting
 18 additional time to a taxpayer to appeal or protest the
 19 valuation or assessment of his property shall be
 20 effective for the calendar years 1974 and 1975, only.
 21 The taxing bodies to which the extended fiscal year
 22 applies shall take into consideration the growth of
 23 their tax base which reasonably will occur by reason
 24 of this section and shall determine their levy
 25 accordingly. This section shall not be printed as a

Page 4

1 permanent part of the Code and shall be printed in the
 2 session laws only.”
 3 5. Page 9, line 23, by inserting after the period
 4 the following new sentence:
 5 “*However, the governing authority of a political*
 6 *subdivision may adjust any levy of taxes made under*
 7 *the provisions of the section prior to July 1, 1975,*
 8 *for the purpose of adjusting the annual levies and*
 9 *collections in accordance with the provisions of this*

- 10 *Act and the extended fiscal year provided herein."*
 11 6. By renumbering sections and correcting internal
 12 references as necessary.

The amendment was adopted.

Senator Gaudineer offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1125 as follows:
 2 1. Page 2, line 2, by striking the words, "and
 3 towns".
 4 2. Page 2, line 20, by striking the words, "and
 5 towns".
 6 3. Page 2, line 27, by striking the words, "and
 7 towns".
 8 4. Page 3, line 10, by striking the words, "and
 9 towns".

The amendment was adopted.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1125) the vote was:

Ayes, 45:

Anderson	Gaudineer	Miller	Robinson
Arbuckle	Gilley	Milligan	Schaben
Balloun	Glenn	Mowry	Shaff
Bass	Graham	Neu	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Gross	Ollenburg	Stephens
Carlson	Hill	Palmer	Tapscott
Coleman	Keith	Potgeter	Thordsen
Conklin	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedaux	Van Gilst
Doderer	Messerly	Riley	Walsh
Erskine			

Nays, none.

Absent or not voting, 5:

Curran	Kennedy	Laverty	Rhodes
Davis			

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

MOTION TO RECONSIDER WITHDRAWN

Senator Van Drie called up the following motion to reconsider filed by him on February 4, 1972:

MR. PRESIDENT: I move to reconsider the vote by which Mrs. Earl G. Sievers of Avoca, Pottawattamie County, Iowa, was confirmed to the State Board of Public Instruction.

President Jepsen took the chair at 11:11 a.m.

Senator Van Drie asked and received unanimous consent to withdraw the motion to reconsider.

UNFINISHED BUSINESS

Senate File 184

On motion of Senator Nicholson, Senate File 184, a bill for an act relating to licensing and regulation of hearing aid dealers, appropriating license fees for purposes of administration, and providing penalties for a violation, was taken up for further consideration.

The Senate resumed consideration of the following amendment offered by Senators Doderer and Messerly on January 31, 1972:

- 1 Amend Senate File 184 as follows:
- 2 1. Page 4, by striking all after the period in line
- 3 14 and all of lines 15 through 26 inclusive.
- 4 2. Further amend Senate File 184, page 4, by striking
- 5 lines 27 and 28 and inserting in lieu thereof the words,
- 6 "Sec. 5. An applicant may obtain".
- 7 3. Further amend Senate File 184, page 4, line 34
- 8 by striking the words "twenty-one" and inserting in lieu
- 9 thereof the word "eighteen".

Senator Doderer moved the adoption of the amendment.

Roll call was requested.

On the question "Shall the Doderer-Messerly amendment be adopted?" (S.F. 184) the vote was:

Ayes, 19:

Balloun	Gross	Palmer	Tapscott
Brownlee	Hill	Potgeter	Van Drie
DeKoster	Messerly	Riley	Van Gilst
Gaudineer	Miller	Robinson	Walsh
Glenn	Neu	Shawver	

Nays, 25:

Anderson	Gilley	Lavery	Rabedeaux
Arbuckle	Graham	Milligan	Rhodes
Bass	Griffin	Mowry	Shaff
Briles	Keith	Nicholson	Smith
Carlson	Kyhl	Ollenburg	Stephens
Coleman	Lamborn	Potter	Thorsen
Doderer			

Absent or not voting, 6:

Conklin	Davis	Kennedy	Schaben
Curran	Erskine		

The amendment lost.

Senator Nicholson offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 184, page 6, line 31, by striking the
- 2 numeral "1972" and inserting in lieu thereof the numeral
- 3 "1973".

The amendment was adopted.

Senator Nicholson asked and received unanimous consent to reconsider the vote by which the Nicholson amendment of May 26, 1971, as amended by the Miller amendment of June 1, 1971, was adopted January 31, 1972.

Senator Nicholson asked and received unanimous consent to withdraw the amendment as amended.

Senator Nicholson offered the following amendment filed by Senators Nicholson, Doderer and Miller and moved its adoption:

- 1 Amend Senate File 184, page 7, by striking all of
- 2 lines 26, 27, and 28, and inserting in lieu thereof the
- 3 following:
- 4 "This Act does not apply to licensed physicians,
- 5 surgeons, osteopathic physicians, surgeons, and
- 6 chiropractors unless they engage in the sale of hearing
- 7 aids."

The amendment was adopted.

Senator Doderer withdrew the amendment filed by Senators Doderer and Nicholson on February 10, 1972, and found on page 352 of the Senate Journal.

Senator Doderer offered the following amendment filed by her on February 3 and called for a division of the amendment, sections 1 and 2 to be considered as division 1, and section 3 to be considered as division 2:

Division 1

- 1 Amend Senate File 184 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "means" the word "exclusively".
- 4 2. Page 7, line 24, by inserting after the word
- 5 "aids" the words "or from making earmold impressions,".

Division 2

- 6 3. Page 8, by striking lines 17 through 21 and
- 7 inserting in lieu thereof the following:
- 8 "No hearing aid shall be sold by any individual
- 9 licensed under this bill to a person twelve (12) years
- 10 or younger, or a person sixty-five (65) years or

- 11 older, unless within the preceding six months a
 12 recommendation for a hearing aid has been made by a
 13 board-certified, or a board-eligible physician
 14 specializing in otolaryngology or an audiologist board-
 15 certified by the American Speech and Hearing Association.
 16 A replacement of an identical hearing aid within one
 17 year shall be an exception to this requirement.”.

On motion of Senator Doderer, division 1 of the amendment was adopted.

Senator Nicholson offered the following amendment to division 2 of the amendment:

- 1 Amend the Doderer amendment filed February 3, 1972
 2 to Senate File 184 by striking lines 8 through 17
 3 inclusively and inserting in lieu thereof the following:
 4 “No hearing aid shall be sold by any individual
 5 licensed under this bill to a person twelve (12) years
 6 or younger, unless within the preceding six months a
 7 recommendation for a hearing aid has been made by a
 8 physician specializing in otolaryngology. A replacement
 9 of an identical hearing aid within one year shall be an
 10 exception to this requirement.”.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1074, a bill for an act to legalize and validate proceedings of the Board of Directors of the United Community School District in the counties of Boone and Story.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1164, by Senator Walsh, a bill for an act relating to persons sixty-five years of age and older, allowing use of facilities and equipment by, and prohibiting discrimination against such persons.

Read first time and passed on file.

Senate File 1165, by Senator Walsh, a bill for an act to make

an appropriation to the department of social services to provide services to senior citizens.

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

Senate File 1166, by Senators Walsh, Shawver, Kennedy, and Gilley (Ellsworth, Menefee, Mendenhall, McCormick, Taylor, Blouin, Kennedy, Tieden, and Patton), a bill for an act to make an appropriation to merged area I for the purpose of implementing the provisions of law requiring an area vocational attendance center.

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

Senate File 1167, by Senator Walsh (Ellsworth), a bill for an act making an appropriation to the Iowa liquor control commission for a state liquor store in Dubuque, Iowa.

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

Senate File 1168, by Senator Walsh, a bill for an act relating to fishing licenses and fees.

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

HOUSE MESSAGES CONSIDERED

House File 1074, a bill for an act to legalize and validate proceedings of the Board of Directors of the United Community School District in the Counties of Boone and Story, State of Iowa, authorized and providing for the sale and issuance of School Building Bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said School District.

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

The Chair directed the Secretary to call the roll to determine that a quorum was present.

UNFINISHED BUSINESS

Senate File 184

The Senate resumed consideration of Senate File 184 and the Nicholson amendment to division 2 of the Doderer amendment.

Senator Nicholson moved the adoption of the amendment to division 2 of the amendment and requested a roll call.

On the question "Shall the Nicholson amendment to division 2 of the amendment be adopted?" (S.F. 184) the vote was:

Ayes, 30:

Anderson	DeKoster	Mowry	Riley
Balloun	Erskine	Nicholson	Shawver
Briles	Gilley	Ollenburg	Smith
Brownlee	Graham	Potgeter	Stephens
Carlson	Kyhl	Potter	Thordsen
Coleman	Lamborn	Rabedeaux	Van Drie
Conklin	Messerly	Rhodes	Van Gilst
Curran	Miller		

Nays, 9:

Doderer	Gross	Neu	Schaben
Glenn	Hill	Palmer	Tapscott
Griffin			

Voting present, 1:

Walsh

Absent or not voting, 10:

Arbuckle	Gaudineer	Laverty	Robinson
Bass	Keith	Milligan	Shaff
Davis	Kennedy		

The amendment to division 2 of the amendment was adopted.

On motion of Senator Doderer, division 2 of the amendment as amended was adopted.

Senator Doderer offered the following amendment and called for a division of the amendment into two divisions:

Division 1

- 1 Amend Senate File 184 as follows:
- 2 1. Page 6, by striking lines 1 through 5 inclusive.

Division 2

- 3 2. Page 7, by striking lines 22 through 25 inclusive.

Senator Doderer moved the adoption of division 1 of the amendment.

Division was called for.

Division 1 of the amendment was adopted.

Senator Doderer withdrew division 2 of the amendment.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 184, page 9, by striking from lines
- 2 10 and 11 the words "the charges are sufficient" and insert-
- 3 ing in lieu thereof the words "that the complaint alleges
- 4 facts which, if proven, would be cause for the suspension
- 5 or revocation of the license of the licensee,".

The amendment was adopted.

Senator Doderer moved to reconsider the vote by which the Doderer-Messerly amendment filed January 31, 1972, failed to be adopted.

Roll call was requested.

On the question "Shall the motion to reconsider the Doderer-Messerly amendment be adopted?" (S.F. 184) the vote was:

Rule 24 was invoked.

Ayes, 24:

Anderson	Erskine	Kennedy	Schaben
Balloun	Gaudineer	Messerly	Shawver
Conklin	Glenn	Miller	Tapscott
Curran	Griffin	Palmer	Van Drie
DeKoster	Gross	Potgeter	Van Gilst
Doderer	Hill	Robinson	Walsh

Nays, 21:

Arbuckle	Graham	Mowry	Rhodes
Bass	Kyhl	Nicholson	Riley
Briles	Lamborn	Ollenburg	Smith
Carlson	Laverty	Potter	Stephens
Coleman	Milligan	Rabedeaux	Thordsen
Gilley			

Absent or not voting, 5:

Brownlee	Keith	Neu	Shaff
Davis			

The motion prevailed and the amendment was taken up for reconsideration.

Senator Doderer called for a division of the amendment into three divisions, as follows:

Division 1

- 1 Amend Senate File 184 as follows:
- 2 1. Page 4, by striking all after the period in line
- 3 14 and all of lines 15 through 26 inclusive.

Division 2

- 4 2. Further amend Senate File 184, page 4, by striking
- 5 lines 27 and 28 and inserting in lieu thereof the words,
- 6 "Sec. 5. An applicant may obtain".

Division 3

- 7 3. Further amend Senate File 184, page 4, line 34
- 8 by striking the words "twenty-one" and inserting in lieu
- 9 thereof the word "eighteen".

Senator Messerly moved the adoption of division 1 of the amendment and requested a roll call.

On the question "Shall division 1 of the amendment be adopted?" (S.F. 184) the vote was:

Rule 24 was invoked.

Ayes, 24:

Anderson	Erskine	Kennedy	Schaben
Brownlee	Gaudineer	Messerly	Shawver
Conklin	Glenn	Palmer	Tapscott
Curran	Griffin	Potgeter	Van Drie
DeKoster	Gross	Riley	Van Gilst
Doderer	Hill	Robinson	Walsh

Nays, 24:

Arbuckle	Gilley	Miller	Rabedeaux
Balloun	Graham	Milligan	Rhodes
Bass	Keith	Mowry	Shaff
Briles	Kyhl	Nicholson	Smith
Carlson	Lamborn	Ollenburg	Stephens
Coleman	Laverty	Potter	Thordsen

Absent or not voting, 2:

Davis	Neu
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Division 1 of the amendment lost.

Senator Doderer asked and received unanimous consent to withdraw division 2 of the amendment.

Senator Doderer moved the adoption of division 3 of the amendment.

The Chair called for a division.

Division 3 of the amendment was adopted.

Senator Doderer withdrew the following amendment filed by Senators Doderer and Messerly:

- 1 Amend Senate File 184 as follows:
- 2 Page 4, line 32, by inserting after the word "school"
- 3 the words "except an applicant who has been principally
- 4 engaged as a hearing aid dealer for a total period of at
- 5 least two years in the state of Iowa, within a period of
- 6 five years immediately prior to the effective date of
- 7 this Act".

Senator Mowry offered the following amendment and moved its adoption:

- 1 Amend Senate File 184, page 4, line 18, by striking the
- 2 word "principally".

Roll call was requested.

On the question "Shall the Mowry amendment be adopted?" (S.F. 184) the vote was:

Rule 24 was invoked.

Ayes, 24:

Anderson	Coleman	Lamborn	Rabedeaux
Arbuckle	Conklin	Milligan	Rhodes
Balloun	Gilley	Mowry	Riley
Bass	Graham	Nicholson	Smith
Briles	Keith	Ollenburg	Stephens
Carlson	Kyhl	Potter	Van Drie

Nays, 22:

Curran	Griffin	Palmer	Shawver
DeKoster	Gross	Potgeter	Tapscott
Doderer	Hill	Robinson	Thordsen
Erskine	Kennedy	Schaben	Van Gilst
Gaudineer	Messerly	Shaff	Walsh
Glenn	Miller		

Absent or not voting, 4:

Brownlee	Davis	Laverty	Neu
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The amendment was adopted.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 184 as follows:
- 2 Page 4, by striking in lines 19 and 20, the words "two
- 3 years in the State of Iowa, within a period of five
- 4 years" and insert in lieu thereof the words "seven years".

Division was called for.

The amendment lost.

Senator Nicholson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 184) the vote was:

Ayes, 46:

Anderson	Erskine	Miller	Robinson
Arbuckle	Gaudineer	Milligan	Schaben
Balloun	Gilley	Mowry	Shaff
Bass	Graham	Nicholson	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Gross	Palmer	Stephens
Carlson	Keith	Potgeter	Tapscott
Coleman	Kennedy	Potter	Thordsen
Conklin	Kyhl	Rabedeaux	Van Drie
Curran	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh
Doderer	Messerly		

Nays, 2:

Glenn	Hill
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Absent or not voting, 2:

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

Senator Nicholson moved that the vote by which Senate File 184 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 184) the vote was:

Ayes, 32:

Anderson	Curran	Lamborn	Rhodes
Arbuckle	DeKoster	Milligan	Riley
Balloun	Erskine	Mowry	Shaff
Bass	Gilley	Nicholson	Smith
Briles	Graham	Ollenburg	Stephens
Brownlee	Griffin	Potgeter	Thordsen
Carlson	Keith	Potter	Van Drie
Conklin	Kyhl	Rabedeaux	Walsh

Nays, 12:

Coleman	Glenn	Kennedy	Shawver
Doderer	Gross	Palmer	Tapscott
Gaudineer	Hill	Robinson	Van Gilst

Absent or not voting, 6:

Davis	Messerly	Neu	Schaben
Laverty	Miller		

President Jepsen took the chair at 3:40 p.m.

The motion prevailed.

MOTION TO SUSPEND THE RULES LOST

Senator Tapscott moved that the rules be suspended and that Senate File 34 be withdrawn from the committee on state government and placed on the calendar.

Senator Lamborn moved the previous question on the motion to suspend the rules.

Roll call was requested.

On the question "Shall debate be closed on the pending question?" (S.F. 34) the vote was:

Ayes, 33:

Anderson	DeKoster	Lamborn	Rabedeaux
Arbuckle	Erskine	Laverty	Rhodes
Balloun	Gilley	Messerly	Shaff
Bass	Graham	Milligan	Shawver
Briles	Griffin	Mowry	Smith
Brownlee	Hill	Nicholson	Stephens
Carlson	Keith	Ollenburg	Thordsen
Conklin	Kyhl	Potter	Van Drie
Curran			

Nays, 15:

Coleman	Gross	Potgeter	Tapscott
Doderer	Kennedy	Riley	Van Gilst
Gaudineer	Miller	Robinson	Walsh
Glenn	Palmer	Schaben	

Absent or not voting, 2:

Davis	Neu
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The motion prevailed.

Senator Gaudineer raised a point of order that the motion for the previous question was out of order under Senate Rule 16.

The Chair ruled the point not well taken.

Senator Hill moved to reconsider the vote by which the motion for the previous question was adopted.

The Chair ruled the motion to reconsider out of order.

On the question "Shall the rules be suspended and Senate File 34 be withdrawn from the committee on state government?" the vote was:

Ayes, 13:

Coleman	Gross	Miller	Schaben
Doderer	Hill	Palmer	Tapscott
Gaudineer	Kennedy	Robinson	Van Gilst
Glenn			

Nays, 34:

Arbuckle	Erskine	Milligan	Riley
Balloun	Gilley	Mowry	Shaff
Bass	Graham	Nicholson	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Keith	Potgeter	Stephens
Carlson	Kyhl	Potter	Thordsen
Conklin	Lamborn	Rabedeaux	Van Drie
Curran	Laverty	Rhodes	Walsh
DeKoster	Messerly		

Absent or not voting, 3:

Anderson	Davis	Neu
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The motion lost.

UNFINISHED BUSINESS

Senate File 1087

On motion of Senator Riley, Senate File 1087, a bill for an act relating to the designation of the general assembly and acts thereof, was taken up and considered.

Senator Brownlee took the chair at 4:25 p.m.

Senator Riley withdrew the following amendment filed by Senators Riley and DeKoster on February 16, 1972:

- 1 Amend Senate File 1087 page 2, line 23 by striking the word "may"
- 2 and inserting in lieu thereof the word "shall"

Senator Riley offered the following amendment and moved its adoption:

- 1 Amend Senate File 1087 as follows:
- 2 Strike from page 2 lines 1 to 30 and insert the
- 3 following:
- 4 Section 1. Section two point two (2.2), Code 1971,
- 5 is amended by striking the section and inserting in
- 6 lieu thereof the following:
- 7 Each regular session of the general assembly shall
- 8 be designated by the year in which it convenes and by a
- 9 number with a new consecutive number assigned with
- 10 the session beginning in each odd-numbered year.
- 11 A special session of the general assembly shall be
- 12 designated as an extraordinary session in the partic-
- 13 ular year of a numbered general assembly.

The amendment was adopted.

Senator Riley offered the following amendment and moved its adoption:

- 1 Amend Senate File 1087, page 3, by striking line 6, and insert
- 2 in lieu thereof the following:
- 3 "general assembly shall be known and cited as
- 4 '..... Session of the'".

The amendment was adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1087) the vote was:

Ayes, 46:

Anderson	Gaudineer	Miller	Robinson
Arbuckle	Gilley	Milligan	Schaben
Balloun	Glenn	Mowry	Shaff
Bass	Griffin	Nicholson	Shawver
Brownlee	Gross	Ollenburg	Smith
Carlson	Hill	Palmer	Stephens
Coleman	Keith	Potgeter	Tapscott
Conklin	Kenneth	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Drie
DeKoster	Lamborn	Rhodes	Van Gilst
Doderer	Laverty	Riley	Walsh
Erskine	Messerly		

Nays, none.

Absent or not voting, 4:

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

CONSIDERATION OF BILLS

Senate File 1010

On motion of Senator Potter, Senate File 1010, a bill for an act relating to real estate broker trust funds, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster offered the following amendment filed by the committee on judiciary:

- 1 Amend Senate File 1010, line 11, by striking the word
- 2 "over" and line 12 by striking the words "and above one hundred
- 3 dollars" and inserting in lieu thereof the following:
- 4 "not to exceed six hundred dollars (\$600.00)".

SENATE FILE DEFERRED

Senator Potter asked and received unanimous consent that further action on **Senate File 1010** be deferred and that the bill be placed on the calendar under **unfinished business**.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has insisted on its amendments to Senate File 85, a bill for an act creating a department of environmental quality, and requests a conference committee:

Conferees on the part of the House are: the Representative from Bremer, Mr. Kehe, chairman; the Representative from Mahaska, Mr. Pierson; the Representative from Lucas, Mr. Siglin; and the Representative from Cerro Gordo, Mr. Scott.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 235, a bill for an act relating to rehearing and appeal procedures from Iowa state commerce commission action or decisions.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1044, a bill for an act authorizing counties to acquire private property by condemnation for sanitary landfill purposes.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1169, by committee on ways and means, a bill for an act relating to references to the Internal Revenue Code in the

computation of individual and corporate income tax and franchise tax.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 235, a bill for an act relating to rehearing and appeal procedures from Iowa state commerce commission action or decisions.

Read first time and passed on file.

House File 1044, a bill for an act authorizing counties to acquire private property by condemnation for sanitary landfill purposes.

Read first time and passed on file.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1125 passed the Senate.

W. R. RABEDEAUX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 17, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 77—To repeal the referendum for approval of low-rent housing projects and to substitute an alternate procedure therefor.
- S. F. 203—Relating to administrative rules and regulations.
- S. F. 1013—Relating to the rate of interest on public utility refunds to customers.
- S. F. 1023—Relating to county motor vehicle registration fees.

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1159 State government
- S. F. 1160 State government
- S. F. 1161 Cities and towns
- S. F. 1162 Transportation
- S. F. 1163 Social services
- S. F. 1164 Social services

S. F. 1165 Appropriations
 S. F. 1166 Appropriations
 S. F. 1167 Appropriations
 S. F. 1168 Conservation and recreation
 H. F. 67 Judiciary
 H. F. 1074 Judiciary
 H. F. 1099 Appropriations

REASSIGNMENT OF BILL

President Jepsen announced the reassignment of Senate File 1158 from the cities and towns committee to the calendar.

REPORT OF COMMITTEE

Senator Thordsen submitted the following report:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **House File 1006**, a bill for an act relating to the breaking and entering of vending machines, and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **be amended as follows and when so amended the bill do pass:**

1 Amend House File 1006 as passed by the House by striking
 2 all after the enacting clause and adding new sections as
 3 follows:
 4 1. "Section 1. If any person breaks and enters or attempts
 5 to break and enter any vending machine, he shall, upon con-
 6 viction, be imprisoned in the county jail not more than six
 7 months, or be fined not exceeding five hundred dollars."
 8 Sec. 2. Section seven hundred thirteen point
 9 thirty-five (713.35), Code 1971, is amended as follows:
 10 "713.35 OPERATING COIN MACHINE BY FALSE MEANS—
 11 PENALTY. Whoever, by means of any token, slug, false or
 12 counterfeited coin, or by any other means, method, trick
 13 or device whatsoever not lawfully authorized by the owner,
 14 lessee, or licensee of any parking meter, vending machine,
 15 coin-box telephone or other lawful receptacle designed to
 16 receive or be operated by lawful coin of the United States of
 17 America in furtherance of or in connection with the sale, use
 18 or enjoyment of property or service, knowingly shall operate
 19 or cause to be operated, or shall attempt to operate or attempt
 20 to cause to be operated, any parking meter, vending machine,
 21 coin-box telephone, or other lawful receptacle designed to
 22 receive or be operated by lawful coin of the United States of
 23 America, or whoever shall take, obtain, use or receive, from
 24 or by means of any such meter, machine, coin box or receptacle
 25 any article of value or service, or the use or enjoyment of any

Page 2

1 facility or service, without depositing in, delivering to
 2 and payment into such meter, machine, coin box or receptacle,
 3 the amount of lawful coin of the United States of America
 4 required therefor by the owner, lessee or licensee of such

5 meter, machine, coin box or receptacle shall be fined not
6 more than [one] *five* hundred dollars, or imprisoned not more
7 than [thirty days] *six months*."

8 Sec. 3. Section seven hundred thirteen point thirty-
9 six (713.36), unnumbered paragraph one (1), Code 1971, is
10 amended as follows:

11 "Whoever, with intent to cheat or defraud the owner,
12 lessee, licensee or other person entitled to the contents
13 of any parking meter, vending machine, coin-box telephone or
14 other lawful receptacle designed to receive or be operated
15 by lawful coin of the United States of America in furtherance
16 of or in connection with the sale, use or enjoyment of property
17 or service or other facilities, or whoever, knowingly or
18 having cause to believe that the same is intended for fraudulent
19 or unlawful use on the part of the purchaser, donee or user
20 thereof, shall sell, offer for sale, advertise for sale, possess
21 or give away any token, slug, false or counterfeited coin or
22 any device or substance whatsoever which, when placed, deposited
23 or used in any such meter, machine, coin box or receptacle,
24 will cause the same to operate or function, shall be fined not
25 more than [one] *five* hundred dollars, or imprisoned not more

Page 3

1 than [thirty days] *six months*."

2 2. Amend the title as follows:

3 Page 1, line 1, by adding after the comma the words

4 "the operation of vending machines by false means,".

HAROLD A. THORSEN, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend the Griffin-Walsh amendment filed February 14,
2 1972, to Senate File 1111 on line 18 striking the words
3 "seven and one-half" and insert in lieu thereof "[seven and
4 one-half] *twelve and one-half*".

JAMES W. GRIFFIN, SR.
LEE H. GAUDINEER, JR.
JOHN M. WALSH

1 Amend the committee on commerce amendment filed
2 February 14, 1972, to House File 30 as follows:
3 Page 1, line 8, by striking the words "qualified inspec-
4 tor" and inserting in lieu thereof the words "registered
5 civil engineer".

6 Page 1, line 10, by inserting after the period the fol-
7 lowing: "All costs of inspection shall be paid by the pipeline
8 company and assessed to the company by the commission."

CLIFTON C. LAMBORN

1 Amend House File 217 as passed by the House as follows:

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

3 "The board of parole shall employ not less than two persons who
4 shall serve as liaison personnel between the board, inmates and
5 staff at the state's penal and correctional facilities and who

6 shall perform other duties designated by the board of parole.”

7 2. Page 1, by inserting after line 12 the following new
8 section:

9 Sec. Section two hundred forty-seven A point three
10 (247A.3), Code 1971, is amended to read as follows:

11 “247A.3 COMMITTEE. A committee shall be designated by the
12 department consisting of one [representative] *member* of the parole
13 board *or its designee*, one representative of the division of
14 [rehabilitation services] *corrections*, and one representative of
15 the institution in which the inmate is confined at the time of
16 application.”

CLIFTON C. LAMBORN

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Friday, February 18, 1972.

JOURNAL OF THE SENATE

FORTIETH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, FEBRUARY 18, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Harry Strong, pastor of the United Prebyterian Church, Denison, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, February 17, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirty-five students from the Iowa School for the Deaf, Council Bluffs, Iowa, accompanied by their instructors, Mr. Stewart, Mr. Clausen, Miss Adams, Mr. Giffin and Mr. Hines. Senator Griffin.

Thirty-six students, members of the Horizon Club, Cedar Rapids, Iowa, accompanied by Anne Miller. Senator Riley.

Twenty students from Maple Grove Elementary School, Des Moines, Iowa, accompanied by Marcia Ohde. Senator Tapscott.

Forty students from Pierce School, Cedar Rapids, Iowa. Senator Riley.

Eighteen students from Trinity Lutheran School, Davenport, Iowa, accompanied by Walter Paul. Senator Nicholson.

Thirty-two students from Perry Elementary School, Perry, Iowa, accompanied by Mrs. Hart. Senator Rhodes.

PETITION

The following petition was presented and placed on file:

By Senator Briles, from one thousand five hundred seventeen residents of southwest Iowa in favor of statewide educational television.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hennessey, Manilla, Iowa.

CONSIDERATION OF BILLS

Senate File 1096

On motion of Senator Shaff, Senate File 1096, a bill for an act relating to tax assessment procedures, was taken up and considered.

Senator Shaff offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1096 as follows:
- 2 Page 3, line 20, by striking all after the period and
- 3 by striking lines 21 through 34 inclusive and inserting in
- 4 lieu thereof the following:
- 5 "In any year, after the year in which an assessment has
- 6 been made of all of the real estate in any assessing jurisdiction,
- 7 it shall be the duty of the assessor to value and assess or
- 8 revalue and reassess, as the case may require, any real estate
- 9 that he finds was incorrectly valued or assessed, or was not
- 10 listed, valued and assessed, in the real estate assessment year
- 11 immediately preceding, also any real estate he finds has changed
- 12 in value subsequent to January 1 of the preceding real estate
- 13 assessment year. The assessor shall determine the actual value
- 14 and compute the taxable value thereof. The assessment shall be
- 15 completed as specified in section four hundred forty-one point
- 16 twenty-eight (441.28) of the Code, but no reduction or increase
- 17 in actual value shall be made for prior years. If an assessor
- 18 makes a change in the valuation of the real estate as provided
- 19 for herein, the provisions of sections four hundred forty-one
- 20 point twenty-three (441.23) as amended by chapter two hundred
- 21 seventeen (217), section one (1), Acts of the Sixty-fourth
- 22 General Assembly, First Session, four hundred forty-one point
- 23 thirty-seven (441.37), four hundred forty-one point thirty-
- 24 eight (441.38) and four hundred forty-one point thirty-
- 25 nine (441.39) of the Code shall apply."

Page 2

- 1 2. Page 10, line 7, by inserting after the period the
- 2 following:
- 3 "If the property taxes on such a building become
- 4 delinquent for a tax year the county treasurer shall offer
- 5 the building at public sale in accordance with section four
- 6 hundred forty-six point seven (446.7) of the Code."

The amendment was adopted.

Senator Schaben offered the following amendment:

- 1 Amend Senate File 1096, by adding the following new
- 2 section, page 10, after line 7:
- 3 "Sec. Previously tax exempt property placed on the

4 tax assessment rolls will be prorated monthly from the time
5 of the transfer."

Senator Schaben offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Schaben amendment to Senate File 1096, filed
- 2 February 18, 1972, line 5, by striking the period and
- 3 adding the following words: "or beneficial possession."

The amendment to the amendment was adopted.

On motion of Senator Schaben, the amendment as amended was adopted.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1096) the vote was:

Ayes, 44:

Anderson	Erskine	Lamborn	Riley
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Gilley	Milligan	Schaben
Bass	Glenn	Mowry	Shaff
Briles	Graham	Nicholson	Shawver
Brownlee	Griffin	Ollenburg	Smith
Carlson	Gross	Palmer	Stephens
Coleman	Hill	Potgeter	Tapscott
Conklin	Keith	Potter	Van Drie
DeKoster	Kennedy	Rabedeaux	Van Gilst
Doderer	Kyhl	Rhodes	Walsh

Nays, none.

Absent or not voting, 6:

Curran	Laverty	Neu	Thordsen
Davis	Messerly		

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

House File 684

On motion of Senator Keith, House File 684, a bill for an act relating to enforcement of the motor fuel tax laws, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 684) the vote was:

Ayes, 44:

Anderson	Erskine	Lamborn	Rabedeaux
Arbuckle	Gaudineer	Laverty	Rhodes
Balloun	Gilley	Messerly	Riley
Bass	Glenn	Miller	Shaff
Briles	Graham	Milligan	Shawver
Brownlee	Griffin	Mowry	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Keith	Palmer	Van Drie
DeKoster	Kennedy	Potgeter	Van Gilst
Doderer	Kyhl	Potter	Walsh

Nays, none.

Absent or not voting, 6:

Curran	Neu	Schaben	Thordsen
Davis	Robinson		

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 412

Senator Potgeter called up for consideration House File 412, a bill for an act relating to the administrative rules of departments of the state, amended by the Senate and further amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend the Senate amendment to House File 412 as follows:
- 2 1. Strike lines 8, 9 and 10 and insert in lieu thereof
- 3 the following:
- 4 "of general application that implements or interprets
- 5 law or policy, or the amendment,".
- 6 2. Strike lines 21 and 22 and insert in lieu thereof
- 7 the following:
- 8 Sec. 2. The rules review committee shall at the
- 9 request of any standing committee of the General Assembly,
- 10 or may on its own motion, require a department to meet
- 11 with the rules review committee to discuss".

Division was called for.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 412) the vote was:

Ayes, 41:

Anderson	Erskine	Lavery	Riley
Arbuckle	Gilley	Miller	Schaben
Balloun	Glenn	Milligan	Shaff
Bass	Graham	Mowry	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Gross	Ollenburg	Stephens
Carlson	Keith	Potgeter	Tapscott
Coleman	Kennedy	Potter	Van Drie
Conklin	Kyhl	Rabedeaux	Van Gilst
DeKoster	Lamborn	Rhodes	Walsh
Doderer			

Nays, 3:

Gaudineer	Hill	Palmer
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Absent or not voting, 6:

Curran	Messerly	Robinson	Thordsen
Davis	Neu		

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

UNFINISHED BUSINESS

Senate File 1010

On motion of Senator Potter, Senate File 1010, a bill for an act relating to real estate broker trust funds, was taken up for further consideration.

Senator Potter offered the following amendment by Senators Potter and DeKoster and moved its adoption:

- 1 Amend Senate File 1010, line 14, by striking the period and
- 2 adding " , which sum shall be specifically identified and deposited
- 3 to cover bank service charges relating to said trust account.
- 4 The trust account shall not be subject to attachment by creditors
- 5 for any amount exceeding the sum of personal funds."

The amendment was adopted.

The Senate resumed consideration of the following amendment by the committee on judiciary:

- 1 Amend Senate File 1010, line 11, by striking the word
- 2 "over" and line 12 by striking the words "and above one hundred
- 3 dollars" and inserting in lieu thereof the following:
- 4 "not to exceed six hundred dollars (\$600.00)".

On motion of Senator DeKoster, the amendment was adopted.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1010) the vote was:

Ayes, 37:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gilley	Miller	Riley
Balloun	Glenn	Milligan	Schaben
Briles	Griffin	Nicholson	Shaff
Brownlee	Gross	Ollenburg	Smith
Carlson	Keith	Palmer	Stephens
Coleman	Kennedy	Potgeter	Van Drie
Conklin	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rabedeaux	Walsh
Doderer			

Nays, 4:

Gaudineer	Robinson	Shawver	Tapscott
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Absent or not voting, 9:

Bass	Graham	Messerly	Neu
Curran	Hill	Mowry	Thordsen
Davis			

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

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment by President Jepsen of the following conference committee on **Senate File 85**, on the part of the Senate: Senators Laverty, chairman; Curran, Stephens and Robinson.

MOTION TO RECONSIDER WITHDRAWN

House File 6

Senator Lamborn asked and received unanimous consent to withdraw the following motion filed by him on February 15, 1972:

I move to reconsider the vote by which the Mowry motion to suspend the rules on House File 6 failed to be adopted by the Senate.

Senator Doderer asked and received unanimous consent to withdraw her point of order made February 15, that House File 6 should be referred to the committee on state government under Senate Rule 37.

The Chair withdrew the ruling on the point of order that referred House File 6 to the committee on state government under Senate Rule 37.

Senator Lamborn asked and received unanimous consent that House File 6 be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senate File 223

On motion of Senator Briles, Senate File 223, a bill for an act relating to licenses for professional boxing and wrestling matches, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Briles offered the following amendment as recommended by the committee and moved its adoption:

- 1 Amend Senate File 223 as follows:
- 2 1. Page 1, by adding after line 20 the following
- 3 section:
- 4 "Sec. 2. Section seven hundred twenty-seven A point
- 5 seven (727A.7), Code 1971, is amended as follows:
- 6 727A.7 WRITTEN REPORT FILED. Every person con-
- 7 ducting a boxing or wrestling match in this state shall,
- 8 within twenty-four hours after such match, furnish to the
- 9 commissioner a written report, duly verified, showing the
- 10 number of tickets sold for such boxing or wrestling match,
- 11 and the amount of gross proceeds thereof, and such other
- 12 matters as the commissioner may prescribe; and shall also
- 13 within the said time pay to the treasurer of state a tax
- 14 of [five] *ten* percent of its total gross receipts, after
- 15 deducting any federal admission tax, from the sale of
- 16 tickets of admission to such boxing or wrestling match."
- 17 2. Page 1, line 1, by adding after the word
- 18 "licenses" the words "and the tax on the sale of tickets
- 19 of admission".

The amendment was adopted.

Senator Gaudineer offered the following amendment filed by him:

Division 1

- 1 Amend Senate File 223 as follows:
- 2 1. By striking lines 9 through 17, inclusive, and
- 3 by inserting in lieu thereof the following:
- 4 "to conduct boxing and wrestling matches to
- 5 any [person] *resident of this state or to any nonresident*
- 6 *of this state provided that the nonresident is either a*
- 7 *partner of an Iowa resident who is engaged in the business*
- 8 *of promoting professional boxing and wrestling matches with-*
- 9 *in this state or provided that the nonresident appoints an*
- 10 *Iowa resident to be his agent for service of process. A*
- 11 *license may be issued to a group club, association or*
- 12 *corporation if it appoints an Iowa resident as its agent*
- 13 *for service of process. Nothing in this chapter shall be*
- 14 *construed'.*

Division 2

15 2. By adding the following after line 20:
16 "Sec. 2. Chapter seven hundred twenty-seven A (727A),
17 Code 1971, is amended by adding the following section there-
18 to:
19 "If the governor appoints an advisory committee, by
20 executive order, to assist the commissioner in the regula-
21 tion of professional boxing and wrestling matches within
22 the state, he may allow the members of such committee to
23 be reimbursed for their necessary and reasonable expenses
24 incurred in attendance at committee meetings and may also
25 incur committee members to be paid a per diem of not more

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1 than twenty-five dollars (\$25.00) for attendance at com-
2 mittee meetings."

Senator Bass called for a division of the amendment, section 1 to be considered as division 1, section 2 to be considered as division 2.

Senator Gaudineer moved the adoption of division 1 of the amendment and called for a division.

Division 1 of the amendment lost.

Senator Gaudineer asked and received unanimous consent to withdraw division 2 of the amendment.

Senator Glenn offered the following amendment and moved its adoption:

1 Amend Senate File 223 as follows:
2 Page 1, line 11, by striking the words "three years",
3 and inserting in lieu thereof the words "one year".

The amendment was adopted.

Senator Gaudineer offered the following amendment:

1 Amend Senate File 223, page 1, line 17, by
2 striking the period and inserting in lieu thereof the
3 following "*, however any person, group, club, association
4 or corporation or their successor who is a non-resident
5 and has been granted a license prior to the effective date
6 of this Act, shall continue to be eligible for a license
7 even though a non-resident.*"

Senator Gaudineer moved the adoption of the amendment and called for a division.

The amendment lost.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 223) the vote was:

Ayes, 34:

Anderson	DeKoster	Miller	Schaben
Arbuckle	Gilley	Mowry	Shawver
Balloun	Glenn	Nicholson	Smith
Bass	Graham	Palmer	Stephens
Briles	Griffin	Rabedeaux	Tapscott
Brownlee	Gross	Rhodes	Van Drie
Carlson	Kyhl	Riley	Van Gilst
Coleman	Lamborn	Robinson	Walsh
Conklin	Laverty		

Nays, 9:

Doderer	Keith	Milligan	Potgeter
Gaudineer	Kennedy	Ollenburg	Potter
Hill			

Absent or not voting, 7:

Curran	Erskine	Neu	Thordsen
Davis	Messerly	Shaff	

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 1125

Senator Rabedeaux withdrew the following motion filed February 17, 1972, on Senate File 1125, a bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1125 passed the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1005, a bill for an act relating to the military records of veterans.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1039, a bill for an act relating to the issuance of new birth certificates for persons born outside of the United States.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1042, a bill for an act relating to time served on parole.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1075, a bill for an act to legalize proceedings of the town council of the town of Stuart, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1098, a bill for an act relating to the contents of a safety deposit box or other security enclosure of a decedent.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1176, a bill for an act relating to the department of soil conservation.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1199, a bill for an act to clarify legal settlement of minor children residing in institutions.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1200, a bill for an act relating to postmortem examinations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1203, a bill for an act relating to erroneous and obsolete references in the Code of Iowa.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 107, providing that the legislative council create a study committee to conduct a detailed study of the tax structure as it relates to local taxing body expenditures.

Also: That the house has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 112, extending congratulations to members and the director of the Fort Madison Aquinas High School Band for receiving an invitation to participate in the 1972 Olympic Marching Band Tour and Competition.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

Senate File 392, a bill for an act relating to the eradication of hog cholera and the control and eradication of the swine diseases.

Also: That the House has taken the following action on the Senate amendment to House File 1011, a bill for an act relating to the attainment of the age of majority, in which the concurrence of the House was asked:

1. The House has refused to concur in Senate amendment No. 1.
2. The House has concurred in Senate amendments Nos. 2 through 8.
3. The House has amended Senate amendment No. 9 by striking the words "*if so designated by the donor*" and inserting in lieu thereof the words "*if*

the gift was made prior to the effective date of this Act", and has concurred in said amendment as so amended.

4. The House has amended Senate amendment No. 10 by striking the words "*if so designated by the donor*" and inserting in lieu thereof the words "*if the gift was made prior to the effective date of this Act*", and has concurred in said amendment as so amended.

5. The House has amended Senate amendment No. 11 by striking the words "*if so designated by the donor*" and inserting in lieu thereof the words "*if the gift was made prior to the effective date of this Act*", and has concurred in said amendment as so amended.

6. The House has concurred in paragraphs 1 through 10 of Senate amendment No. 12.

The House has refused to concur in paragraph 11 of amendment No. 12.

The House has concurred in paragraphs 12 through 23 of amendment 12.

The House has refused to concur in paragraph 24 of amendment 12.

The House has concurred in paragraph 25 of amendment 12.

7. The House has concurred in Senate amendment 13.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 1011

1 1. The House has refused to concur in Senate amendment
2 No. 1.

3 2. The House has concurred in Senate amendments Nos. 2
4 through 8.

5 3. The House has amended Senate amendment No. 9 by
6 striking the words "*if so designated by the donor*" and
7 inserting in lieu thereof the words "*if the gift was made*
8 *prior to the effective date of this Act*", and has concurred
9 in said amendment as so amended.

10 4. The House has amended Senate amendment No. 10 by
11 striking the words "*if so designated by the donor*" and
12 inserting in lieu thereof the words "*if the gift was made*
13 *prior to the effective date of this Act*", and has concurred
14 in said amendment as so amended.

15 5. The House has amended Senate amendment No. 11 by
16 striking the words "*if so designated by the donor*" and
17 inserting in lieu thereof the words "*if the gift was made*
18 *prior to the effective date of this Act*", and has concurred
19 in said amendment as so amended.

20 6. The House has concurred in paragraphs 1 through 10 of
21 Senate amendment No. 12.

22 The House has refused to concur in paragraph 11 of amendment
23 No. 12.

24 The House has concurred in paragraphs 12 through 23 of
25 amendment 12.

1 The House has refused to concur in paragraph 24 of
2 amendment 12.

3 The House has concurred in paragraph 25 of amendment 12.

4 7. The House has concurred in Senate amendment 13.

INTRODUCTION OF BILLS

Senate Joint Resolution 1004, by Senator Walsh, a joint resolution to create a special interim study committee on county statutes and to make an appropriation therefor.

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

HOUSE MESSAGES CONSIDERED

House File 1039, a bill for an act relating to the issuance of new birth certificates for persons born outside the United States and adopted in Iowa.

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

House File 1042, a bill for an act relating to time served on parole.

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

House File 1075, a bill for an act to legalize and validate the proceedings of the Town Council of the Town of Stuart, in the Counties of Adair and Guthrie, State of Iowa, in connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, Sanitary Sewer Improvement Project".

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

House File 1098, a bill for an act relating to the contents of a safety deposit box or other security enclosure of a decedent.

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

House File 1176, a bill for an act relating to the department of soil conservation.

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

House File 1199, a bill for an act to clarify legal settlement of minor children residing in institutions.

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

House File 1200, a bill for an act relating to postmortem examinations.

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

House File 1203, a bill for an act relating to erroneous and obsolete references in the Code of Iowa.

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

HOUSE CONCURRENT RESOLUTION 107

By Committee on Ways and Means

Whereas, inequities continue in the current tax system as a method of funding local governmental functions; and

Whereas, cities and towns and counties are experiencing difficulty operating within the current maximum property tax mill levies; and

Whereas, both real and personal property taxpayers are paying a disproportionately large share of the costs of local government; and

Whereas, ownership of property is not an accurate indicator of the owner's ability to pay taxes, nor a realistic measure of benefits received;
Now, Therefore,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council shall create a study committee to conduct during the 1972 interim a detailed study of the tax structure as it relates to local taxing body expenditures and to recommend methods of implementing tax reform measures which will effectively reduce emphasis on real and personal property taxes; and

Be It Further Resolved, That the membership of the study committee shall consist of not more than sixteen legislators representing the Senate and House committees, including but not limited to ways and means, cities and towns, schools, and county government, said membership to be appointed jointly by the President of the Senate and the Speaker of the House; and

Be It Further Resolved, That staff assistance be provided by the legislative service bureau, the department of revenue, the state comptroller, and the department of public instruction within the limits of available funds of said departments and moneys available to the General Assembly, and the study committee may employ other employees as it deems desirable from funds available for such purpose; and

Be It Further Resolved, That a report of the findings and recommendations of such study committee be submitted to the legislative council and the General Assembly prior to the convening of the Sixty-fifth General Assembly, First Session, and further supplemental reports may be presented at any time thereafter, accompanied by bill drafts designed to carry out the recommendations of the study committee.

HOUSE CONCURRENT RESOLUTION 112

By Millen and Clark

Whereas, the Aquinas High School Band of Fort Madison, Iowa, is the only band which has been invited to represent the state of Iowa in the Olympic Marching Band Tour and Competition; and

Whereas, the Fort Madison Aquinas High School Band will be competing in several European cities, among them Amsterdam, Berlin, Wiesbaden, Mainz, and Munich during the Olympic Marching Band Tour and Competition; and

Whereas, the Fort Madison Aquinas High School Band will be eligible if selected as one of the three top bands during the tour and competition, to perform at the Olympic Village in Munich, Germany on August 26, 1972, which is the opening day of the Olympiad; and

Whereas, the Fort Madison Aquinas High School Band in accepting the invitation to participate in this great international event is bestowing upon the state of Iowa recognition, honor, and praise; and

Whereas, the members of the Fort Madison Aquinas High School Band and their families have agreed to absorb half of the cost of attending and participating in the Olympic festival but are hopeful that the remaining cost can be paid for from contributions by and efforts of industry, civic groups, fraternal organizations, and individuals of Iowa, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That congratulations be extended to the members and the director of the Fort Madison Aquinas High School Band, and any other persons who have aided the band to receive the invitation to participate in the 1972 Olympic Marching Band Tour and Competition, and that best wishes for success be extended to the Fort Madison Aquinas High School Band; and

Be It Further Resolved, That the General Assembly urges industry, civic groups, fraternal organizations, and individual citizens of Iowa to support the Fort Madison Aquinas High School Band in its efforts to raise sufficient funds to participate in the 1972 Olympic festival.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R. 1004 Appropriations
 S. F. 1154 Social services
 H.C.R. 107 State government
 H. F. 235 Judiciary
 H. F. 1039 Judiciary
 H. F. 1044 County government
 H. F. 1075 Judiciary
 H. F. 1098 Commerce
 H. F. 1176 Environmental preservation
 H. F. 1199 Judiciary
 H. F. 1200 Social services
 H. F. 1203 Judiciary

REPORT OF COMMITTEE

Senator Laverty submitted the following report:

MR. PRESIDENT: Your committee on environmental preservation, to which was referred **House File 671**, a bill for an act to provide for the disposal of abandoned motor vehicles, and for related purposes, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 671 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting in lieu thereof the following:
- 4 Section 1. Chapter three hundred twenty-one (321),
- 5 Code 1971, is amended by adding sections two (2) through
- 6 ten (10) of this Act.

7 Sec. 2. DEFINITIONS. As used in sections three
8 (3) through ten (10) of this Act unless the context
9 otherwise requires:

10 1. "Police authority" means the Iowa highway safety
11 patrol or any law enforcement agency of a county, city,
12 or town.

13 2. "Abandoned motor vehicle" means a motor vehicle
14 that is inoperable and is left unattended on public
15 property for more than forty-eight hours, or a motor
16 vehicle that has remained illegally on public property
17 for a period of more than forty-eight hours, or a motor
18 vehicle that has been unlawfully parked or placed on
19 private property without the consent of the owner or
20 person in control of the property, or which has remained
21 on private property without the consent of the owner
22 or person in control of the property for more than
23 twenty-four hours.

24 3. "Demolisher" means any person whose business
25 is to convert a motor vehicle into junk, processed scrap

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1 or scrap metal, or otherwise to wreck, or dismantle
2 motor vehicles.

3 Sec. 3. AUTHORITY TO TAKE POSSESSION OF ABANDONED
4 MOTOR VEHICLES. A police authority shall take into
5 custody any abandoned motor vehicle on public property and
6 may take into custody any abandoned motor vehicle on pri-
7 vate property. The police authority may employ its own
8 personnel, equipment and facilities or hire other person-
9 nel, equipment and facilities for the purpose of removing,
10 preserving, storing, or disposing abandoned motor vehicles.

11 Sec. 4. NOTIFICATION OF OWNER AND LIENHOLDERS.

12 1. A police authority which takes into custody an
13 abandoned motor vehicle shall notify, within ten days,
14 by certified mail, the last known registered owner of
15 the motor vehicle and all lienholders of record,
16 addressed to their last known address of record, that
17 the abandoned motor vehicle has been taken into custody.
18 Notice shall be deemed given when mailed. The notice
19 shall describe the year, make, model, and serial number
20 of the motor vehicle, set forth the location of the
21 facility where it is being held, inform the owner and
22 any lienholders of their right to reclaim the motor
23 vehicle within fourteen days after the effective date
24 of the notice upon payment of all towing, preservation,
25 and storage charges resulting from placing the motor

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1 vehicle in custody. The notice shall also state that
2 the failure of the owner or lienholders to exercise
3 their right to reclaim the motor vehicle within the
4 time provided shall be deemed a waiver by the owner
5 and all lienholders of all right, title, claim and
6 interest in the motor vehicle and that such failure
7 to reclaim the motor vehicle is deemed consent to the

8 sale of the motor vehicle at a public auction or disposal
9 of the motor vehicle to a demolisher. If the owner
10 and lienholders do not exercise their right to reclaim
11 such motor vehicle within the fourteen-day reclaiming
12 period, such owner and lienholders shall no longer have
13 any right, title, claim, or interest in or to such motor
14 vehicle. No court in any case in law or equity shall
15 recognize any right, title, claim, or interest of any
16 such owner and lienholders after the expiration of the
17 fourteen-day reclaiming period.

18 2. If the identity of the last registered owner
19 cannot be determined, or if the registration contains
20 no address for the owner, or if it is impossible to
21 determine with reasonable certainty the identity and
22 addresses of all lienholders, notice by one publication
23 in one newspaper of general circulation in the area
24 where the motor vehicle was abandoned shall be sufficient
25 to meet all requirements of notice under this Act.

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1 The published notice may contain multiple listings of
2 abandoned motor vehicles but shall be published within
3 the same time requirements and contain the same
4 information as prescribed for mailed notice in subsection
5 one (1) of this section.

6 3. The owner or any lienholders may, by written
7 request delivered to the police authority prior to the
8 expiration of the fourteen-day reclaiming period, obtain
9 an additional fourteen days within which the motor
10 vehicle may be reclaimed.

11 **Sec. 5. AUCTION OF ABANDONED MOTOR VEHICLES. If**
12 an abandoned motor vehicle has not been reclaimed as
13 provided for in section four (4) of this Act, the police
14 authority shall make a determination as to whether or
15 not the motor vehicle shall be sold for use upon the
16 highways. If it is to be sold as a motor vehicle for
17 use upon the highways, it shall first be inspected as
18 required by chapter one hundred eighty-three (183),
19 Acts of the Sixty-fourth General Assembly, First Session,
20 and have a valid certificate of inspection affixed.
21 If the motor vehicle is not sold for use upon the
22 highways, it shall only be sold to a dealer licensed
23 under chapter three hundred twenty-two (322) of the
24 Code or to a demolisher for junk, or sold as provided
25 in section thirteen (13) of this Act with a restricted

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1 certificate of title and not for use upon the highways.
2 The police authority shall sell the motor vehicle at
3 public auction. Notwithstanding any other provision
4 of this Act, any police authority, which has taken into
5 possession any abandoned motor vehicle which is over
6 eight years old and has no engine or is otherwise totally
7 inoperable or uncertifiable under chapter one hundred
8 eighty-three (183), Acts of the Sixty-fourth General
9 Assembly, First Session, may dispose of such motor

10 vehicle to a demolisher for junk without the notification
11 procedures enumerated in section four (4) of this Act
12 and without public auction. The purchaser of the motor
13 vehicle shall take title free and clear of all liens
14 and claims of ownership, shall receive a sales receipt
15 from the police authority, and shall be entitled to
16 register the motor vehicle and receive a certificate
17 of title if sold for use upon the highways or a
18 restricted certificate of title as the case may be;
19 however, if the motor vehicle is sold or disposed of
20 to a demolisher for junk, the sales receipt by itself
21 shall be sufficient title only for purposes of
22 transferring the motor vehicle to such demolisher for
23 demolition, wrecking, or dismantling and, when so
24 transferred, no further titling of the motor vehicle
25 shall be permitted. From the proceeds of the sale of

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1 an abandoned motor vehicle the police authority shall
2 reimburse itself for the expenses of the auction, the
3 costs of towing, preserving, and storing which resulted
4 from placing the abandoned motor vehicle in custody,
5 all notice and publication costs incurred pursuant to
6 section four (4) of this Act, the cost of inspection,
7 and any other costs incurred except costs of bookkeeping
8 and other administrative costs. Any remainder from
9 the proceeds of a sale shall be held for the owner of
10 the motor vehicle or entitled lienholder for ninety
11 days, and shall then be deposited in the reimbursement
12 fund received by the department of public safety pursuant
13 to section three hundred twenty-one point one hundred
14 forty-five (321.145), subsection two (2), of the Code.
15 The costs to police authorities of auction, towing,
16 preserving, storage, and all notice and publication
17 costs, inspection costs and all other costs which result
18 from placing other abandoned vehicles in custody,
19 whenever the proceeds from a sale of such other abandoned
20 motor vehicles are insufficient to meet these expenses
21 and costs, shall be paid from the reimbursement fund
22 of the department of public safety under section three
23 hundred twenty-one point one hundred forty-five
24 (321.145), subsection two (2), of the Code. In the event
25 the reimbursement fund is temporarily exhausted, payment

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1 shall be deferred until the reimbursement fund contains
2 sufficient funds to meet the claims.

3 The state comptroller shall establish by rule a
4 claims procedure to be followed by police authorities
5 in obtaining expenses and costs from the fund.

6 **Sec. 6. GARAGEKEEPERS AND ABANDONED MOTOR VE-**
HICLES.

7 Any motor vehicle left in a garage operated for commer-
8 cial purposes after the period for which the vehicle
9 was to remain on the premises shall, after notice by

10 certified mail to the last known registered owner of
11 the vehicle addressed to his last known address of
12 record to reclaim the vehicle within ten days of the
13 date of the notice, be deemed an abandoned motor vehicle
14 unless reclaimed by the owner within such ten-day period
15 and shall be reported by the garagekeeper to the police
16 authority. If the identity or address of the last
17 registered owner of the motor vehicle cannot be
18 determined, the vehicle shall be deemed an abandoned
19 motor vehicle on the eleventh day after the period for
20 which the vehicle was to remain on the premises unless
21 reclaimed by the owner within the ten-day period and
22 shall be reported by the garagekeeper to the police
23 authority. All abandoned motor vehicles left in garages
24 may be taken into custody by a police authority upon
25 the request of the garagekeeper and sold in accordance

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1 with the procedures set forth in this Act unless the
2 motor vehicle is reclaimed and the garagekeeper is paid.
3 The proceeds of the sale shall be first applied to the
4 garagekeeper's charges for servicing, storage, or repair,
5 and any surplus proceeds shall be distributed in
6 accordance with section five (5) of this Act. Nothing
7 in this section shall be construed to impair any lien
8 of a garagekeeper under the laws of this state, or the
9 right of a garagekeeper to foreclose his lien. For
10 the purposes of this section "garagekeeper" means any
11 operator of a parking place or establishment, motor
12 vehicle storage facility, or establishment for the
13 servicing, repair, or maintenance of motor vehicles.

14 Sec. 7. DISPOSAL TO DEMOLISHER.

15 1. Any person, firm, corporation, or unit of govern-
16 ment upon whose property or in whose possession is found
17 any abandoned motor vehicle, or any person being the
18 owner of a motor vehicle whose title certificate is
19 faulty, lost, or destroyed and is thereby unable to
20 transfer title to the motor vehicle, may apply to the
21 police authority of the jurisdiction in which the motor
22 vehicle is situated for authority to sell, give away,
23 or otherwise dispose of the motor vehicle to a
24 demolisher.

25 2. The application shall set out the name and address

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1 of the applicant, the year, make, model, and serial
2 number of the motor vehicle, if ascertainable, together
3 with any other identifying features, and shall contain
4 a concise statement of the facts surrounding the
5 abandonment, or a statement that the title of the motor
6 vehicle is lost or destroyed, or the reasons for the
7 defect of title in the owner. The applicant shall
8 execute an affidavit stating that the facts alleged
9 are true and that no material fact has been withheld.

10 3. If the police authority finds that the application

11 is executed in proper form, and shows that the motor
 12 vehicle has been abandoned upon the property of the
 13 applicant, or if it shows that the motor vehicle is
 14 not abandoned but that the applicant appears to be the
 15 rightful owner, the police authority shall follow
 16 appropriate notification procedures as set forth in
 17 section four (4) of this Act.

18 4. If the abandoned motor vehicle is not reclaimed
 19 in accordance with section four (4) of this Act, or
 20 no lienholder objects to the disposal in the case of
 21 an owner-applicant, the police authority shall give
 22 the applicant a certificate of authority to dispose
 23 of the motor vehicle to any demolisher for demolition,
 24 wrecking, or dismantling. The demolisher shall accept
 25 such certificate in lieu of the certificate of title

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1 to the motor vehicle.

2 5. Notwithstanding any other provisions of this
 3 Act, any person, firm, corporation, or unit of government
 4 upon whose property or in whose possession is found
 5 any abandoned motor vehicle, or any person being the
 6 owner of a motor vehicle whose title certificate is
 7 faulty, lost, or destroyed, may dispose of such motor
 8 vehicle to a demolisher for junk without his title and
 9 without the notification procedures of section four
 10 (4) of this Act if the motor vehicle is over eight years
 11 old and has no engine or is otherwise totally inoperable.

12 6. The owner of an abandoned motor vehicle and all
 13 lienholders shall no longer have any right, title,
 14 claim, or interest in or to such motor vehicle; and
 15 no court in any case in law or equity shall recognize
 16 any right, title, claim, or interest of any such owner
 17 and lienholders after the disposal of such motor vehicle
 18 to a demolisher.

19 7. Any proceeds from the sale of an abandoned motor
 20 vehicle to a demolisher under this section, by one other
 21 than the owner of the vehicle, shall first be applied
 22 to that person's expenses in effecting the sale, includ-
 23 ing storage, towing, and disposal charges, and any sur-
 24 plus shall be distributed in accordance with section
 25 five (5) of this Act.

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1 **Sec. 8. DUTIES OF DEMOLISHERS.**

2 1. Any demolisher who purchases or otherwise acquires
 3 an abandoned motor vehicle for junk under the provisions
 4 of this Act shall junk, scrap, wreck, dismantle, or
 5 demolish such motor vehicle. However, if the vehicle
 6 is acquired under the provisions of subsection five
 7 (5), section seven (7), of this Act, the demolisher
 8 shall apply to the police authority of the jurisdiction
 9 from which the vehicle was acquired for a certificate
 10 of authority to demolish the vehicle. In making the
 11 application the demolisher shall describe the motor
 12 vehicle as required by subsection two (2), section seven

13 (7), of this Act. The police authority shall issue
14 the certificate of authority upon complying with
15 subsection three (3), section seven (7), of this Act,
16 but shall be excused from following the notification
17 procedures as required therein. No further titling
18 of the motor vehicle shall be permitted. After the
19 motor vehicle has been demolished, processed, or changed
20 so that it physically is no longer a motor vehicle,
21 the demolisher shall surrender the auction sales receipt
22 or certificate of authority to dispose of or demolish
23 a motor vehicle to the department of public safety for
24 cancellation. The department of public safety shall
25 issue such forms, rules, and regulations governing the

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1 surrender of auction sales receipts, certificates of
2 title, and certificates of authority to dispose of or
3 demolish motor vehicles, and the cancellation and
4 surrender of the registrations and certificates of title
5 for such motor vehicles as are appropriate.

6 2. A demolisher shall keep an accurate and complete
7 record of all motor vehicles purchased or received by
8 him in the course of his business. These records shall
9 contain the name and address of the person from whom
10 each such motor vehicle was purchased or received and
11 the date when such purchases or receipts occurred.
12 Such records shall be open for inspection by any police
13 authority at any time during normal business hours.
14 Any record required by this section shall be kept by
15 the demolisher for at least one year after the
16 transaction to which it applies.

17 Sec. 9. No person, firm, corporation, unit of govern-
18 ment, garagekeeper or police authority upon whose
19 property an abandoned motor vehicle is found or who
20 disposes of such abandoned vehicle in accordance with
21 this Act shall be liable for damages by reason of the
22 removal, sale, or disposal of such motor vehicle.

23 Sec. 10. Any person who abandons a motor vehicle
24 shall be guilty of a misdemeanor.

25 Sec. 11. Chapter three hundred twenty-one (321),

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1 Code 1971, is amended by adding the following new sec-
2 tion:

3 "Notwithstanding the provisions of chapter three
4 hundred twenty-two (322) of the Code, and any other
5 statute to the contrary, the title to a motor vehicle
6 may be transferred without a certificate of inspection
7 as prescribed by chapter one hundred eighty-three (183),
8 Acts of the Sixty-fourth General Assembly, First Session,
9 where such motor vehicle is materially damaged, inoper-
10 able, or unsafe for use upon the highway upon compliance
11 with the following conditions:

12 1. That the registration fee of the vehicle is not
13 delinquent.

14 2. That the vehicle was obtained for the purpose
 15 of operating, rebuilding or repairing and not for use
 16 upon the highway and such facts are evidenced by an
 17 affidavit signed by both the transferor and the
 18 transferee on a form provided by the department.

19 3. The transferor shall surrender the registration
 20 plates, registration card and the certificate of title,
 21 or if a foreign vehicle from a nontitle state, such
 22 evidence of foreign registration and ownership as may
 23 be prescribed by the department, unless the vehicle
 24 is sold or transferred pursuant to the provisions of
 25 sections two (2) through ten (10) of this Act, for the

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1 vehicle together with the application of the transferee
 2 for a restricted certificate of title, the affidavit
 3 as provided in subsection two (2) of this section and
 4 the fee for transfer to the county treasurer of the
 5 residence of the transferor who shall transmit the
 6 application of the transferee for a restricted
 7 certificate of title, the affidavit as provided in
 8 subsection two (2) of this section, and the fee for
 9 transfer to the county treasurer of the county of
 10 residence of the transferee. No refund of fees
 11 previously paid for the registration of such motor
 12 vehicle shall be allowed.

13 4. The county treasurer of the county of residence
 14 of the transferee upon receipt of the application for
 15 a new certificate of title, fee therefor, and the
 16 affidavit as provided in subsection two (2) of this
 17 section, and when satisfied as to the genuineness and
 18 regularity thereof, shall issue a restricted certificate
 19 of title to the applicant but shall not issue
 20 registration plates or a registration card. A restricted
 21 certificate of title shall be red in color and shall
 22 have conspicuously imprinted thereon in bold print,
 23 in a manner prescribed by the department, the words
 24 'RESTRICTED CERTIFICATE OF TITLE—CANNOT BE REGIS-
 25 AND OPERATED ON THE HIGHWAYS WITHOUT A VALID
 APPROVED

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1 CERTIFICATE OF INSPECTION.' At such time as the
 2 transferee surrenders a valid approved certificate of
 3 inspection and the restricted certificate of title to
 4 the county treasurer of the county of his residence,
 5 the county treasurer, upon payment of the appropriate
 6 fees, shall issue a certificate of title that is not
 7 restricted for the vehicle and shall also issue a
 8 registration card and registration plates for the vehicle
 9 to the applicant, however, if the registration fee for
 10 the vehicle has been paid for the current year, the
 11 county treasurer shall issue a registration card and
 12 registration plates for the vehicle to the applicant

13 upon payment of an additional registration fee of five
14 dollars.

15 5. A motor vehicle which has a restricted certificate
16 of title may be sold or otherwise transferred as pro-
17 vided in this section, except provisions pertaining
18 to the surrender of current registration plates and
19 registration card shall not apply; however, such motor
20 vehicle may be sold or otherwise transferred pursuant
21 to section three hundred twenty-one point forty-eight
22 (321.48) of the Code to a dealer licensed under chapter
23 three hundred twenty-two (322) of the Code without
24 compliance with the provisions of this section.

25 6. No vehicle sold or otherwise transferred pursuant

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1 to the provisions of this section shall be driven upon
2 the highway until a valid official certificate of inspec-
3 tion has been affixed thereto and an unrestricted certif-
4 icate of title, a registration card, and registration
5 plates for the vehicle have been issued to the purchaser
6 or transferee.

7 7. The provisions of this section, except provisions
8 pertaining to the surrender of current registration
9 plates and registration card, shall also be applicable
10 to the insurer of any vehicle who obtains ownership
11 of the vehicle as a result of settlement resulting from
12 the theft of a motor vehicle which has not been
13 recovered, provided the vehicle has been reported stolen
14 as provided in section three hundred twenty-one point
15 eighty-five (321.85) of the Code and written proof of
16 payment to the insured, resulting from such theft, is
17 submitted by the applicant. Proof of payment for loss
18 due to theft shall be submitted on forms prescribed
19 or provided by the department."

20 Sec. 12. Section three hundred twenty-one point
21 eighty-five (321.85), Code 1971, is amended to read
22 as follows:

23 321.85 STOLEN [OR ABANDONED] VEHICLES. Whenever any
24 motor vehicle is seized under section 321.84 or whenever
25 any motor vehicle is stolen or embezzled, and is not

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1 claimed by the owner before the date on which the person
2 charged with the stealing or embezzling of same is
3 convicted, [or if the motor vehicle be abandoned and
4 is not claimed by the owner within three days,] then
5 the officer having [same] *the motor vehicle* in his custody
6 must, on such date by certified mail, notify the
7 department that he has such a motor vehicle in his pos-
8 session, giving a full and complete description of same,
9 including all marks of identification, factory and
10 serial numbers.

11 Sec. 13. Section three hundred twenty-one point
12 eighty-eight (321.88), Code 1971, as amended by chapter
13 one hundred eighty-three (183), section five (5), Acts

14 of the Sixty-fourth General Assembly, First Session,
 15 is amended by striking the section and inserting in
 16 lieu thereof the following:
 17 321.88 FAILURE OF OWNER TO CLAIM. If the owner
 18 does not appear within forty days, the motor vehicle
 19 shall be deemed abandoned and the officer having
 20 possession of the motor vehicle shall proceed as provided
 21 in sections four (4) and (5) of this Act.
 22 Sec. 14. Sections three hundred twenty-one point
 23 eighty-nine (321.89), three hundred twenty-one point
 24 ninety (321.90), and three hundred twenty-one point
 25 ninety-one (321.91), Code 1971, are repealed.

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1 2. Page 1, by striking lines 1 and 2, and inserting
 2 in lieu thereof the following:
 3 "An Act relating to the disposal or transfer of aban-
 4 doned, repairable, or stolen motor vehicles, and provid-
 5 ing a penalty."

CHARLES O. LAVERTY, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend the committee on judiciary amendment filed February
 2 15, 1972, to Senate File 1057, line 3 by inserting after the
 3 word "*injuries*" the words "*or death*".

LUCAS J. DeKOSTER

1 Amend Senate File 1132 as follows:
 2 1. Page 3, line 30, by striking the words, "*or town*".
 3 2. Page 4, by striking lines 6 through 29, inclusive.
 4 3. Page 8, by striking lines 15 through 25, inclusive.
 5 4. Renumber the remaining sections and make internal
 6 corrections in conformity with this amendment.

LEE H. GAUDINEER, JR.
 JAMES A. POTGETER

On motion of Senator Lamborn, the Senate adjourned until
 10:00 a.m., Monday, February 21, 1972.

JOURNAL OF THE SENATE

FORTY-THIRD DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, FEBRUARY 21, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Murley A. Severtson, pastor of the Zion Lutheran Church, Clear Lake, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, February 18, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Balloun for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Thirteen students from St. Patrick School and Garfield School, Cedar Rapids, Iowa, accompanied by Mrs. Garrett, Mrs. Browner and Mrs. Oakley.

INTRODUCTION OF BILLS

Senate File 1170, by committee on agriculture, a bill for an act relating to the department of agriculture and inspection services.

Read first time and placed on calendar.

Senate File 1171, by committee on agriculture, a bill for an act related to licensing of vehicles from which food and dairy products are sold.

Read first time and placed on calendar.

HOUSE FILE WITHDRAWN FROM COMMITTEE

Senator Hill submitted the following petition on **House File 571**, a bill for an act relating to obscenity and indecent material,

declaring certain acts to be unlawful, and providing penalties:

MR. PRESIDENT: Pursuant to Rule 41 of the Standing Rules of the Senate, the undersigned petition to withdraw House File 571 from the Senate judiciary committee and the subcommittee to which it has been assigned so that it may be placed on the Senate calendar for immediate consideration.

EUGENE M. HILL
 JOHN L. MOWRY
 ALDEN J. ERSKINE
 C. JOSEPH COLEMAN
 JOHN C. RHODES
 HAROLD A. THORSDEN
 RICHARD L. STEPHENS
 BASS VAN GILST
 W. R. RABEDEAUX
 J. WESLEY GRAHAM
 JAMES E. BRILES
 RALPH W. POTTER
 REINHOLD O. CARLSON
 CHARLES O. LAVERTY
 EARL G. BASS
 LEIGH R. CURRAN

QUENTIN V. ANDERSON
 CHARLES F. BALLOUN
 W. CHARLENE CONKLIN
 GENE V. KENNEDY
 JAMES F. SCHABEN
 RUDY VAN DRIE
 JOHN M. WALSH
 CHARLES P. MILLER
 GEORGE L. SHAWVER
 EDWARD E. NICHOLSON
 WAYNE D. KEITH
 CLOYD E. ROBINSON
 MARVIN W. SMITH
 ROGER J. SHAFF
 JAMES W. GRIFFIN, SR.

The petition was placed on file, and **House File 571** was withdrawn from the committee on judiciary and placed on the regular calendar.

MOTION TO SPECIAL ORDER LOST

House File 571

Senator Lamborn asked unanimous consent that House File 571 be made a special order of business for Tuesday, February 29, 1972, at 9:00 a.m.

Objection was raised.

Senator Lamborn moved that House File 571 be made a special order of business for Tuesday, February 29, 1972, at 9:00 a.m.

President pro tempore Kyhl took the chair at 10:55 a.m.

On the question "Shall the motion to make House File 571 a special order of business be adopted?" (H.F. 571) the vote was:

Rule 24 was invoked.

Ayes, 25:

Anderson	Hill	Mowry	Smith
Bass	Kennedy	Nicholson	Stephens
Briles	Kyhl	Potter	Thorsden
Carlson	Lamborn	Rabedeaux	Van Drie
Curran	Messerly	Robinson	Van Gilst
DeKoster	Miller	Shawver	Walsh
Graham			

Nays, 20:

Arbuckle	Gaudineer	Keith	Potgeter
Brownlee	Gilley	Milligan	Rhodes
Coleman	Glenn	Neu	Riley
Conklin	Griffin	Ollenburg	Schaben
Doderer	Gross	Palmer	Shaff

Absent or not voting, 5:

Balloun	Erskine	Laverty	Tapscott
Davis			

The motion lost, having failed to receive a two-thirds majority.

SPECIAL ORDER

Senator Lamborn asked and received unanimous consent that **House File 671** be made a **special order of business** for Thursday, February 24, 1972, at 9:00 a.m.

CONSIDERATION OF BILLS

Senate File 1169

On motion of Senator Ollenburg, Senate File 1169, a bill for an act relating to references to the Internal Revenue Code in the computation of individual and corporate income tax and franchise tax, was taken up and considered.

Senator Ollenburg moved that the bill be read the last time now, which motion prevailed and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1169) the vote was:

Ayes, 46:

Anderson	Gaudineer	Miller	Riley
Arbuckle	Gilley	Milligan	Robinson
Bass	Glenn	Mowry	Schaben
Briles	Graham	Neu	Shaff
Brownlee	Griffin	Nicholson	Shawver
Carlson	Gross	Ollenburg	Smith
Coleman	Hill	Palmer	Stephens
Conklin	Keith	Potgeter	Thordsen
Curran	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rabedeaux	Van Gilst
Doderer	Lamborn	Rhodes	Walsh
Erskine	Messerly		

Nays, none.

Absent or not voting, 4:

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

JOINT RESOLUTION WITHDRAWN FROM COMMITTEE

MR. PRESIDENT: Pursuant to Rule 41 of the Rules of the Senate, Sixty-fourth General Assembly, we the undersigned petition for the withdrawal of House Joint Resolution 8 from the committee on constitutional amendments and reapportionment, and that said joint resolution be placed on the Senate calendar.

HAROLD A. THORSEN
JOHN M. WALSH
WILSON L. DAVIS
CLOYD E. ROBINSON
CHARLES P. MILLER
GEORGE L. SHAWVER
JAMES E. BRILES
JAMES F. SCHABEN
GENE V. KENNEDY
REINHOLD O. CARLSON
JOHN C. RHODES
G. WILLIAM GROSS
JAMES A. POTGETER

TOM RILEY
W. R. RABEDEAUX
GEORGE F. MILLIGAN
JOHN E. TAPSCOTT
C. JOSEPH COLEMAN
LEE H. GAUDINEER, JR.
WILLIAM D. PALMER
QUENTIN V. ANDERSON
RUDY VAN DRIE
JAMES W. GRIFFIN, SR.
RALPH W. POTTER
CHARLES F. BALLOUN
LEIGH R. CURRAN

The petition was placed on file and **House Joint Resolution 8** was withdrawn from the committee on constitutional amendments and reapportionment and placed on the regular calendar.

President Jepsen took the chair at 11:45 a.m.

CONSIDERATION OF BILLS

House File 1084

On motion of Senator Briles, House File 1084, a bill for an act to provide that water districts shall not be subject to regulation by the Iowa state commerce commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1084) the vote was:

Ayes, 43:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gaudineer	Miller	Robinson
Bass	Gilley	Milligan	Schaben
Briles	Glenn	Mowry	Shaff
Brownlee	Graham	Neu	Shawver
Carlson	Griffin	Nicholson	Smith
Coleman	Gross	Ollenburg	Stephens
Conklin	Hill	Potgeter	Van Drie
Curran	Keith	Potter	Van Gilst
DeKoster	Kyhl	Rabedeaux	Walsh
Doderer	Lamborn	Rhodes	

Nays, none.

Absent or not voting, 7:

Balloun	Kennedy	Palmer	Thordsen
Davis	Laverty	Tapscott	

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

Senate File 1110

On motion of Senator Coleman, Senate File 1110, a bill for an act to legalize a transfer of real property from the board of directors of the Prairie Community School District, Gowrie, Iowa, to Russell Jondle and Florence M. Jondle, was taken up and considered.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1110) the vote was:

Ayes, 42:

Anderson	Erskine	Miller	Rhodes
Arbuckle	Gaudineer	Milligan	Robinson
Bass	Gilley	Mowry	Shawver
Briles	Glenn	Neu	Smith
Brownlee	Graham	Nicholson	Stephens
Carlson	Griffin	Ollenburg	Tapscott
Coleman	Gross	Palmer	Thordsen
Conklin	Hill	Potgeter	Van Drie
Curran	Keith	Potter	Van Gilst
DeKoster	Kyhl	Rabedeaux	Walsh
Doderer	Lamborn		

Nays, 1:

Riley

Absent or not voting, 7:

Balloun	Kennedy	Messerly	Shaff
Davis	Laverty	Schaben	

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

Senate File 1111

On motion of Senator Neu, Senate File 1111, a bill for an act relating to the compensation of members of the general assembly, was taken up and considered.

Senator Griffin offered the following amendment filed by Senators Griffin and Walsh:

- 1 Amend Senate File 1111, page 2, after line 15 by adding
- 2 the following new section:

3 "Sec. 2. Section two point ten (2.10), subsections one (1)
 4 and three (3), Code 1971, are amended to read as follows:
 5 Commencing with the [Sixty-fourth] *Sixty-fifth* General Assembly,
 6 members of the general assembly and the lieutenant governor shall
 7 receive salaries and expenses as provided by this section.
 8 1. Every member of the general assembly except the speaker
 9 of the house and majority and minority floor leaders of the senate
 10 and house shall receive an annual salary of [five] *ten* thousand
 11 [five hundred] dollars for each year while serving as a member of
 12 the general assembly. The majority and minority floor leaders of
 13 the senate and house shall receive an annual salary of [six] *eleven*
 14 thousand [five hundred] dollars for each year while serving in such
 15 capacity. In addition, each member shall receive the sum of
 16 [fifteen] *twenty-five* dollars per day for expenses of office, except
 17 travel, for each day the general assembly is actually in session.
 18 However, members from Polk county shall receive seven and one-half
 19 dollars per day. Expenses shall not be paid for more than five
 20 days per week. Weekly travel expenses shall be paid at the rate of
 21 ten cents per mile for actual travel in going to and returning from
 22 the seat of government by the nearest [travveled] *traveled* route.

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1 3. The speaker of the house shall receive an annual salary
 2 of [eleven] *twenty* thousand dollars for each year while serving as
 3 the speaker of the house. Expense and travel allowances shall be
 4 the same for the speaker of the house as provided for other members
 5 of the general assembly."

Senator Neu raised a point of order that the amendment was not germane to the subject matter of the bill.

The Chair ruled the point well taken and that the amendment was out of order in accordance with Mason's Manual of Legislative Procedure, Section 402, which states that "Every amendment proposed must be germane to the subject of the proposition. . ."; that the explanation of the bill stated its purpose was "to provide for the administration of salaries and expenses of members of the general assembly when vacancies arise"; and that an amendment increasing the salaries and expenses for the General Assembly would not be germane to a bill dealing only with the administration of such.

Senator Neu moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1111) the vote was:

Ayes, 44:

Anderson	Coleman	Gilley	Keith
Arbuckle	Curran	Glenn	Kennedy
Bass	DeKoster	Graham	Kyhl
Briles	Doderer	Griffin	Lamborn
Brownlee	Erskine	Gross	Messerly
Carlson	Gaudineer	Hill	Miller

Milligan	Palmer	Riley	Stephens
Mowry	Potgeter	Schaben	Tapscott
Neu	Potter	Shaff	Thordsen
Nicholson	Rabedeaux	Shawver	Van Drie
Ollenburg	Rhodes	Smith	Van Gilst

Nays, 1:

Conklin

Absent or not voting, 5:

Balloun	Laverty	Robinson	Walsh
Davis			

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

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 1005, by Senator Van Gilst, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the time laws take effect.

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

Senate File 1172, by committee on conservation and recreation, a bill for an act relating to the authority of the state conservation commission and providing a penalty.

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

SENATE FILES DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 1116** be deferred and that the bill retain its place on the calendar.

Senator Lamborn asked and received unanimous consent that further action on **Senate File 1132** be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1117

On motion of Senator Briles, **Senate File 1117**, a bill for an act relating to notification of property owners of adjustment of real

property assessments, was taken up and considered.

Senator Briles asked and received unanimous consent that **House File 1120** be substituted for **Senate File 1117**.

House File 1120

On motion of Senator Briles, House File 1120, a bill for an act relating to notification of property owners of adjustment of real property assessments, was taken up and considered.

HOUSE FILE DEFERRED

Senator Briles asked and received unanimous consent that further action on **House File 1120** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

House File 494

On motion of Senator Gilley, House File 494, a bill for an act relating to the transfer of portions of the primary road system into the secondary road system, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gilley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 494) the vote was:

Ayes, 43:

Anderson	Gilley	Miller	Riley
Arbuckle	Glenn	Milligan	Robinson
Bass	Graham	Mowry	Schaben
Briles	Griffin	Neu	Shaff
Brownlee	Gross	Nicholson	Shawver
Carlson	Hill	Ollenburg	Smith
Coleman	Keith	Palmer	Stephens
Conklin	Kennedy	Potgeter	Tapscott
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst
Erskine	Messerly	Rhodes	

Nays, none.

Absent or not voting, 7:

Balloun	Davis	Laverty	Walsh
Curran	Gaudineer	Thordsen	

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

Senate File 1134

On motion of Senator Shawver, Senate File 1134, a bill for an act relating to the regulation of trout fishing, was taken up and considered.

Senator Shawver moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1134) the vote was:

Ayes, 33:

Arbuckle	Glenn	Ollenburg	Schaben
Bass	Gross	Palmer	Shawver
Brownlee	Kyhl	Potgeter	Smith
Carlson	Lamborn	Potter	Stephens
Conklin	Messerly	Rabedeaux	Tapscott
DeKoster	Milligan	Rhodes	Thordsen
Doderer	Neu	Riley	Van Drie
Erskine	Nicholson	Robinson	Van Gilst
Gilley			

Nays, 1:

Coleman

Absent or not voting, 16:

Anderson	Davis	Hill	Miller
Balloun	Gaudineer	Keith	Mowry
Briles	Graham	Kennedy	Shaff
Curran	Griffin	Laverty	Walsh

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

Senate File 1045

On motion of Senator Shawver, Senate File 1045, a bill for an act relating to trout fishing, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

SENATE FILE WITHDRAWN

Senator Shawver asked and received unanimous consent that **Senate File 1045** be withdrawn from further consideration of the Senate.

Senate File 1049

On motion of Senator Riley, Senate File 1049, a bill for an act permitting the sale of mobile homes on Sundays, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

SENATE FILE DEFERRED

Senator Riley asked and received unanimous consent that further action on **Senate File 1049** be deferred and that the bill be placed on the calendar under **unfinished business**.

SENATE CONCURRENT RESOLUTION 110

By Shawver, Lamborn, Messerly, Briles, Keith,
Davis, Curran, Riley, Walsh, and Bass

Whereas, questions have arisen as to the operation of radio and television stations owned by the state or its agencies; and

Whereas, the use of television in the education of the children and young adults of Iowa is increasing; and

Whereas, it is desirable to determine facts and analyze the role of state-owned communications facilities in a deliberate and constructive manner,
Now, Therefore,

Be It Resolved by the Senate, the House of Representatives Concurring, That the legislative council create a study committee to study the role of state-owned communications facilities which provide programs for the public and consider, but not be limited to, the coordination of existing facilities, the use of state funds, the value of television as it applies to the educational process, the methods of selecting programs and the value of such programs for the public, and the question of whether the state is or should compete with private industry in providing programs for public consumption; and

Be It Further Resolved, That the study committee shall consist of not more than ten legislators selected by the legislative council, representing both houses of the General Assembly, and both political parties; and

Be It Further Resolved, That the study committee shall make periodic reports to the legislative council and shall submit a final report, including necessary bill drafts to implement its recommendations, to the legislative council. Copies of the report approved by the legislative council shall be submitted to members of the General Assembly meeting in the year 1973.

SENATE CONCURRENT RESOLUTION 111

By Lamborn

Be It Resolved by the Senate, the House Concurring: That the Sixty-fourth General Assembly adjourn sine die at five o'clock p.m., Friday, March 10, 1972.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1111 passed the Senate, February 21, 1972.

W. R. RABEDEAUX

CONFERENCE COMMITTEE REPORT ON
SENATE FILE 431

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 431, a bill for an act relating to hunting restrictions, respectfully submit the following recommendations:

1. The House recedes from its amendments.
2. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred nine point forty-eight (109.48), Code 1971, is amended by striking the section and inserting in lieu thereof the following:

109.48. RESTRICTIONS. No person, except as otherwise provided by law, shall willfully disturb, pursue, shoot, kill, take or attempt to take or have in possession any of the following game birds or animals except within the open season established by the commission: gray or fox squirrel, bobwhite quail, cottontail or jack rabbit, duck, snipe, pheasant, goose, woodcock, partridge, coot, rail, ruffed grouse, wild turkey, or deer. The seasons, bag limits, possession limits and locality shall be established by the commission under the authority of sections one hundred seven point twenty-four (107.24), one hundred nine point thirty-eight (109.38), and one hundred nine point thirty-nine (109.39) of the Code.

Subject to annual approval of the commission by departmental rule, no person shall take, possess, transport or use migratory game birds except during the periods of time and in the manner and numbers established under the provisions of the federal 'Migratory Bird Treaty Act' and the 'Migratory Bird Stamp Hunting Act'."

On the part of the Senate:

ALDINE ERSKINE, Chairman
GEORGE SHAWVER
CHARLES MILLER

On the part of the House:

DALE L. TIEDEN, Chairman
PERRY CHRISTENSEN
WALTER W. P. KRUSE
NORMAN RODGERS

REPORT OF COMMITTEE

Senator Griffin submitted the following report:

MR. PRESIDENT: Your committee on human and industrial relations, to which was referred **Senate File 274**, a bill for an act relating to age discrimination in employment, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 274, page 2, after line 33 by adding
- 2 the following new section:
- 3 "Sec. Section one hundred five A point fifteen
- 4 (105A.15), Code 1971, is amended as follows:
- 5 105A.15 SEX PROVISIONS NOT APPLICABLE TO RETIREMENT PLANS.
- 6 The provisions of this chapter relating to discrimination
- 7 because of sex *or age* shall not be construed to apply to any
- 8 retirement plan or benefit system of any employer unless such

9 plan or system is a mere subterfuge adopted for the purpose
10 of evading the provisions of this chapter."

JAMES W. GRIFFIN, SR., Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 447, page 3, line 25, by striking
2 the words "twenty-one" and inserting in lieu thereof
3 "[twenty-one] *eighteen*".

JAMES A. POTGETER

1 Amend House File 1147 as amended, passed and reprinted by
2 the House as follows:
3 1. Page 3, line 23, by striking the words "a definite or".
4 2. Page 3, after line 29 by adding the following new subsections:
5 "5. In determining whether a person is a resident, for
6 registration and voting purposes only, and whether at the time
7 of any election or primary he will have been such a resident for
8 the entire time required by law, registration or election offi-
9 cials, including challengers, may examine him under oath and
10 consider the following indicia and such others as may appear
11 relevant from his answers, notwithstanding any affidavits he
12 has previously signed with reference thereto:
13 a. The factual basis for the person's intent to make a
14 particular place his home for an indefinite or undetermi-
15 nable length of time; when he moved there, why and how long
16 he intends to stay if not indefinitely or permanently.
17 b. When he last claimed another residence and whether he
18 has abandoned his former residence. Whether he intends to
19 make his former residence or any other place his home at
20 any presently known time in the future, and when.
21 c. Whether he has registered or voted elsewhere. What he
22 has done pertaining thereto and when.
23 d. At what place is he best known in and to the community.
24 e. Where he pays his real, personal and income taxes and
25 the address shown on such returns.

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1 f. Whether he is claimed as a dependent on anyone's income
2 tax return, withholding tax statement or declaration of
3 estimated income and, if so, the address of that person.
4 g. The address shown on his driver's license and other
5 identification in his possession or control.
6 h. The location of his real estate, automobile, bank
7 accounts and other personal property, clothing and poss-
8 sessions and where they are registered or subject to tax.
9 i. The places where he has membership in clubs and other
10 organizations and where he is registered for the draft.
11 j. The places where he pays dues, fees and tuition and
12 whether such are paid on a resident or nonresident basis.
13 k. The place where he is employed.
14 l. The place he most frequently visits on vacations and
15 how often.

16 m. The place where his spouse resides if other than with
17 him.

18 n. Such other facts bearing upon his qualifications as
19 appear relevant.

20 Intentionally false affidavits, or false answers under oath,
21 to any questions propounded relative to such indicia, or to
22 qualifications as a voter, shall constitute perjury and shall
23 be punishable as such. Anyone who suborns or attempts to suborn
24 such perjury shall be punished as provided in chapter seven
25 hundred twenty-one (721) of the Code. Refusal to answer relevant

Page 3

1 questions shall be ground for denying the right to vote.

2 Where permanent registration is in effect, if the registrar or
3 mobile deputy registrar concludes from such examination under
4 oath that a person seeking to register is ineligible to vote
5 he may refuse to register him provided that any person who is
6 refused registration may appeal to the district court of the
7 county wherein he sought to register, and a date for hearing
8 shall be fixed prior to the date of the next election and the
9 decision of the district court shall be final.

10 Where a person's right to vote is challenged at the polls on
11 election day, after being examined under oath pursuant to the
12 provisions of this section, his right to vote shall be decided
13 by majority vote of the election board whose decision shall be
14 final.

15 6. The state commissioner of elections shall prepare a list
16 of questions based upon the foregoing indicia, which questions
17 shall be printed and a reasonably sufficient number of copies
18 distributed to the county commissioners of election to be dis-
19 tributed by them to the judges of election at the several polling
20 places in their respective jurisdictions. Anyone challenged, who
21 thereafter insists upon voting, may, in lieu of being questioned
22 orally as above provided, or in addition thereto or in combination
23 therewith, be required to answer said questions in writing and
24 under oath, and his answers shall have the same force, effect and
25 consequences as if he were questioned orally under oath.

Page 4

1 7. Any judge, clerk or challenger who shall intentionally
2 deny or inhibit the right of any person or persons to vote by
3 use of these indicia or questions, knowing that such person or
4 persons is or are qualified to vote, shall be guilty of official
5 misconduct and punished as provided in section forty-nine point
6 one-hundred thirteen (49.113) of the Code."

7 3. Page 17, by striking lines 16 through 22, inclusive, and
8 insert in lieu thereof the following:

9 "49.81 OATH IN CASE OF CHALLENGE. If the person seeking
10 to vote is challenged when offering to vote, and if the person
11 seeking to vote insists that he is qualified to vote, and if
12 the challenge is not withdrawn, his right to vote shall be de-
13 cided by majority vote of the election board whose decision,
14 based on the qualifications and examination under section four
15 (4) of this Act and under section forty-nine point eighty (49.80),
16 of the Code, shall be final."

17 4. Page 5, by striking lines 32 through 35, inclusive, and on

18 page 6, by striking lines 1 through 3, inclusive, and insert in
19 lieu thereof the following:

20 "Sec. 9. Section forty-three point one hundred twenty
21 (43.120), Code 1971, is amended by striking the section and
22 insert in lieu thereof the following:

23 1. Whoever is guilty of any of the following acts shall be
24 fined not less than one hundred (100) dollars nor more than
25 five hundred (500) dollars, or be imprisoned in the county

Page 5

1 jail not less than thirty (30) days nor more than six (6)
2 months, to wit:

3 a. Offering or giving a bribe, either in money or other
4 consideration, to any elector for the purpose of influ-
5 encing his vote at a primary election.

6 b. Receiving and accepting such bribe by an elector
7 entitled to vote at any primary election.

8 c. Willfully voting or offering to vote at a primary
9 election by a person who has not met the qualifications
10 to vote.

11 d. Willfully voting or offering to vote at a primary
12 election by one who knows himself not to be a qualified
13 elector of the precinct where he votes or offers to vote.

14 e. Violating any provision of this chapter, or any pro-
15 vision of law made applicable to this chapter.

16 f. Knowingly procuring, aiding, or abetting any violation
17 specified in this section.

18 2. Whoever makes intentionally false affidavits, or false
19 answers under oath, to any questions propounded relative to
20 his qualifications and party affiliations, shall be guilty of
21 perjury and shall be punished as provided in section seven
22 hundred twenty-one point one (721.1), of the Code. Whoever
23 shall procure or induce another to commit such perjury shall
24 be guilty of subornation of perjury and shall be punished
25 as provided in section seven hundred twenty-one point one

Page 6

1 (721.1), of the Code. Whoever endeavors to incite or
2 procure another to commit perjury, though no perjury be
3 committed, shall be guilty of an attempt to suborn
4 perjury and punished as provided in section seven hundred
5 twenty-one point three (721.3), of the Code."

JOHN L. MOWRY

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Tuesday, February 22, 1972.

JOURNAL OF THE SENATE

FORTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, FEBRUARY 22, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Father K. C. Martin, pastor of Our Lady of Victory Church, Davenport, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, February 21, 1972, was approved.

PRESENTATION OF VISITORS

Senator Nicholson rose on a point of personal privilege and presented to the Senate the Honorable David M. Stanley, former member of the Senate and House of Representatives from Muscatine County.

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

Eighty-two students from Hiawatha Elementary School, Cedar Rapids, Iowa, accompanied by Keith Dress and Don Labs. Senator Riley.

Forty students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charles Sheridan. Senator Lamborn.

Nine students from Sutherland Community School, Sutherland, Iowa. Senator Smith.

PETITION

The following petition was presented and placed on file:

By Senator Van Drie, from six hundred employees of the Iowa Highway Commission in favor of bi-weekly salary payments.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Merlin Magill, Carroll, Iowa.

INTRODUCTION OF BILLS

Senate File 1173, by Senator Doderer (Pelton and Bray), a bill for an act relating to the Iowa commission on alcoholism and providing for a comprehensive program for the treatment, education and rehabilitation of alcoholics in Iowa.

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

Senate File 1174, by Senator Doderer, a bill for an act relating to the qualifications of police and fire chiefs.

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 1005 and 1046.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 1005 and 1046.

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

The Senate resumed session, President Jepsen presiding.

HOUSE AMENDMENTS TO SENATE
AMENDMENTS CONSIDERED**House File 1011**

Senator Potgeter called up for consideration House File 1011, a bill for an act relating to the attainment of the age of majority, amended by the Senate, and further amended by the House, and moved that the Senate concur in the following House amendments to the Senate amendments:

- 1 1. The House refused to concur in Senate amendment
- 2 No. 1.
- 3 2. The House has concurred in Senate amendments Nos. 2
- 4 through 8.

5 3. The House has amended Senate amendment No. 9 by
6 striking the words "*if so designated by the donor*" and
7 inserting in lieu thereof the words "*if the gift was made*
8 *prior to the effective date of this Act*", and has concurred
9 in said amendment as so amended.

10 4. The House has amended Senate amendment No. 10 by
11 striking the words "*if so designated by the donor*" and
12 inserting in lieu thereof the words "*if the gift was made*
13 *prior to the effective date of this Act*", and has concurred
14 in said amendment as so amended.

15 5. The House has amended Senate amendment No. 11 by
16 striking the words "*if so designated by the donor*" and
17 inserting in lieu thereof the words "*if the gift was made*
18 *prior to the effective date of this Act*", and has concurred
19 in said amendment as so amended.

20 6. The House has concurred in paragraphs 1 through 10 of
21 Senate amendment No. 12.

22 The House has refused to concur in paragraph 11 of amendment
23 No. 12.

24 The House has concurred in paragraphs 12 through 23 of
25 amendment 12.

Page 2

1 The House has refused to concur in paragraph 24 of
2 amendment 12.

3 The House has concurred in paragraph 25 of amendment 12.

4 7. The House has concurred in Senate amendment 13.

Roll call was requested.

On the question "Shall the Senate concur in the House amend-
ments to the Senate amendments?" (H.F. 1011) the vote was:

Rule 24 was invoked.

Ayes, 19:

Brownlee	Kennedy	Palmer	Robinson
Conklin	Lamborn	Potgeter	Schaben
Davis	Miller	Potter	Tapscott
Doderer	Milligan	Rabedeaux	Van Drie
Gross	Neu	Riley	

Nays, 30:

Anderson	Erskine	Kyhl	Shaff
Arbuckle	Gaudineer	Laverty	Shawver
Bass	Gilley	Messenger	Smith
Briles	Glenn	Mowry	Stephens
Carlson	Graham	Nicholson	Thordsen
Coleman	Griffin	Ollenburg	Van Gilst
Curran	Hill	Rhodes	Walsh
DeKoster	Keith		

Absent or not voting, 1:

Balloun

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

President pro tempore Kyhl took the chair at 11:45 a.m.

SENATE FILE WITHDRAWN

Senator Stephens asked and received unanimous consent that Senate File 1021 be withdrawn from further consideration of the Senate.

BILLS DEFERRED

Senator Lamborn asked and received unanimous consent that further action on Senate File 1116 be deferred and that the bill retain its place on the calendar.

Senator Lamborn asked and received unanimous consent that further action on Senate File 1132 be deferred and that the bill retain its place on the calendar.

Senator Lamborn asked and received unanimous consent that further action on House File 30 be deferred and that the bill retain its place on the calendar.

Senator Lamborn asked and received unanimous consent that further action on Senate File 185 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 520

On motion of Senator Brownlee, Senate File 520, a bill for an act relating to the Iowa Tort Claims Act, was taken up and considered.

Senator Graham offered the following amendment:

- 1 Amend Senate File 520 by adding a new section after line 8
- 2 as follows:
- 3 Sec. 2. Section twenty-five A point three (25A.3),
- 4 unnumbered paragraph one (1), Code 1971, is amended as follows:
- 5 "25A.3 ADJUSTMENT AND SETTLEMENT OF CLAIMS. Au-
thority
- 6 is hereby conferred upon the state appeal board, acting on
- 7 behalf of the state of Iowa, subject to the advice and approval
- 8 of the attorney general, to consider, ascertain, adjust,
- 9 compromise, settle, determine, and allow any claim as defined
- 10 is this chapter. [If any] No claim [is] *may be* compromised, settled,
- 11 or allowed in an amount of more than five thousand dollars[,]
- 12 the unanimous approval of all members of the state appeal
- 13 board and the attorney general shall be required and the
- 14 approval of the district court of the state of Iowa for
- 15 Polk county shall also be required] *unless the approval of*
- 16 *the general assembly is first secured."*

Senator Brownlee raised a point of order that the amendment was not germane to the subject matter of the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 520) the vote was:

Ayes, 41:

Anderson	Erskine	Lavery	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Bass	Gilley	Miller	Robinson
Brownlee	Glenn	Milligan	Schaben
Carlson	Graham	Mowry	Shawver
Coleman	Gross	Ollenburg	Smith
Conklin	Hill	Palmer	Stephens
Curran	Kennedy	Potgeter	Tapscott
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer			

Nays, none.

Absent or not voting, 9:

Balloun	Keith	Nicholson	Thordsen
Briles	Neu	Shaff	Walsh
Griffin			

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

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1181, an act relating to livestock, providing for rules and regulations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1213, a bill for an act making an appropriation to secretary of state to defray expenses relating to administration of election laws.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 110 encouraging each citizen of Iowa to observe Arbor Day, April 28, 1972.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 113 directing the state comptroller to issue a statement to publications saying that the State of Iowa in no way endorses the goods or services of any single private enterprise.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1175, by Senators Kennedy and Gaudineer, a bill for an act relating to the transfer of authority and responsibility for enforcing laws and regulations concerning certain motor vehicles to the department of public safety.

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

HOUSE MESSAGES CONSIDERED

House File 1181, a bill for an act relating to livestock, providing for rules and regulations and providing a penalty for violations.

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

House File 1213, a bill for an act making an appropriation to the office of secretary of state to defray expenses relating to the administration of election laws.

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

HOUSE CONCURRENT RESOLUTION 110

By Campbell

Whereas, trees and shrubs add immeasurably to the esthetic beauty of the cities, towns, and rural areas of Iowa; and

Whereas, trees and shrubs provide excellent protection and shelter for domestic animals as well as wildlife; and

Whereas, trees and shrubs, planted as windbreaks and shelter belts near homes, reduce the loss of heat and the consumption of essential fossil fuel resources; and

Whereas, the conservation of our nation's supply of lumber resources should be continually emphasized, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the Sixty-fourth General Assembly encourages each citizen of Iowa to observe Arbor Day, to be designated by proclamation of the Governor as April 28, 1972, by planting a tree or shrub.

HOUSE CONCURRENT RESOLUTION 113

By Blouin and Cochran

Whereas, it is the policy of the State of Iowa that no person acting as a representative of the state shall publicly endorse the goods and services of a single private enterprise; and

Whereas, the state comptroller, acting as a representative of the State of Iowa, did publicly endorse the goods and services of a single private enterprise, *Now, Therefore*,

Be It Resolved by the House, the Senate Concurring, That the state comptroller shall issue a statement to the press and to the publications in which the endorsement was printed saying that the State of Iowa in no way endorses the goods or services of any single private enterprise and that the endorsement of the International Business Machines Corporation goods and services was given as the endorsement of a private person rather than as a representative of the State of Iowa.

STEERING COMMITTEE AUTHORIZED

Senator Lamborn asked unanimous consent that the Senate authorize the appointment of the Steering Committee.

Objection was raised.

Senator Lamborn moved that the Senate authorize the appointment of the Steering Committee.

President Jepsen took the chair at 2:25 p.m.

The motion prevailed.

STEERING COMMITTEE

The President of the Senate announced the appointment of the following Senators to the steering committee:

Senator Lamborn, Chairman
Senator Kyhl
Senator Potter
Senator Rhodes
Senator Nicholson
Senator Gaudineer
Senator Miller

CONSIDERATION OF BILLS

Senate File 185

On motion of Senator Miller, Senate File 185, a bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor, with reports of committee recommending passage, was taken up,

considered, and the reports of the committee adopted.

(Senate File 185 pending.)

Senator Rabedaux took the chair at 2:53 p.m.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1127, a bill for an act relating to a penalty for possession or consumption of alcoholic liquors or beer on public school property.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 334, a bill for an act relating to vending of foods and beverages.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1014, a bill for an act relating to money advances by county boards of supervisors to county conservation boards.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 334

- 1 Amend Senate File 334 as follows:
- 2 1. Page 3, by striking from line 5 the words "con-
- 3 fections, cookies, crackers,"
- 4 2. Page 3, by striking all after the word "collect"
- 5 in line 24 and all of lines 25 through 35 and inserting
- 6 in lieu thereof the following: "two dollars for each
- 7 vending machine operated."
- 8 3. Page 4, by striking lines 1 and 2.

HOUSE AMENDMENT TO SENATE FILE 1014

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 2, line 8 by striking the word "fifty" and
- 3 inserting in lieu thereof the word "twenty-five".
- 4 2. Page 2, line 10, by inserting after the period the
- 5 following new sentence: All funds advanced to the county
- 6 conservation board shall be returned to the county general
- 7 fund not later than December 31, 1972.

HOUSE MESSAGE CONSIDERED

House File 1127, a bill for an act relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school-related functions.

Read first time and passed on file.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 110 State government
 S.J.R. 1005 Constitutional amendments and reapportionment
 S. F. 1173 State government
 S. F. 1174 Cities and towns
 S. F. 1175 Transportation
 H.C.R. 113 State government
 H. F. 1127 Schools
 H. F. 1181 Agriculture
 H. F. 1213 Appropriations

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your steering committee begs leave to report it has had the following bills under consideration and recommends that they be placed on the steering calendar:

S. F. 1148 S. F. 1065 H. F. 30
 H. F. 680

CLIFTON C. LAMBORN, Chairman

EXPLANATION OF VOTE

MR. PRESIDENT: Due to illness, I was absent from the Senate chamber when the vote was taken on the motion to concur with the House amendments to House File 1011. Had I been present, I would have voted "no".

CHARLES F. BALLOUN

REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 1099**, a bill for an act relating to unfair trade practices in the business of insurance and providing a penalty, begs leave to report it has had the same under consideration and recommends the same be amended as follows; and when so amended the bill do pass:

- 1 Amend Senate File 1099 as follows:
- 2 1. Page 9, by striking line 16 through line 18 and inserting
- 3 in lieu thereof the words "4. If a violation".
- 4 2. Page 9, line 19 by striking the word "subsection"
- 5 and inserting in lieu thereof the word "section".
- 6 3. Page 10 by striking line 25 through line 27 and in-
- 7 serting in lieu thereof the following:
- 8 "b. Suspension or revocation of the license of a person
- 9 as defined in section five hundred seven B point two (507B.2),
- 10 subsection one (1) of the Code, if he knew or reasonably should
- 11 have known he was in violation of section five hundred seven B
- 12 point four (507B.4) or section five hundred seven B point five

13 (507B.5) of the Code."

14 4. Page 12, line 13, by striking the figures "507B.8" and

15 inserting in lieu thereof the figures "507B.7".

JOHN MOWRY, Chairman

Ordered passed on file.

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate Concurrent Resolution 105**, a resolution creating a study committee for purpose of studying structure of the Iowa Supreme Court and needs, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1074**, a bill for an act to legalize and validate proceedings of the Board of Directors of the United Community School District in the Counties of Boone and Story, State of Iowa, authorizing and providing for the sale and issuance of School Building Bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said School District, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 107**, a bill for an act relating to the use of school lunch facilities by senior citizen organizations, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 185, page 2, by striking the period
- 2 in line 25 and inserting in lieu thereof " , or any
- 3 facilities as provided in chapter one hundred twenty-
- 4 three B (123B) of the Code."

MINNETTE DODERER
C. JOSEPH COLEMAN

- 1 Amend Senate File 185, page 8, line 9, by adding after the word
- 2 "penalty" the words "three-fourths".

H. L. OLLENBURG

- 1 Amend Senate File 1049 by adding thereto the following new
- 2 Section:
- 3 "Sec. 2. Section three hundred twenty-two point two (322.2),

4 subsection seven (7), Code 1971, is amended as follows:
 5 7. 'Motor vehicle' means any vehicle subject to registra-
 6 tion under the laws of this state *except mobile homes.*"

RALPH W. POTTER

1 Amend Senate File 1056 by striking everything after the
 2 enacting clause and inserting in lieu thereof the following:
 3 "Section 1. Chapter thirty-three (33), Code 1971, is
 4 amended by adding the following section:
 5 Sec. State employees are granted days off from employ-
 6 ment with pay on the legal holidays provided for in this
 7 chapter. If the legal holiday falls on Saturday, the preceding
 8 Friday shall be granted and if the legal holiday falls on Sunday,
 9 the following Monday shall be granted. In those cases, where by
 10 nature of the employment a state employee must be required to
 11 work, he shall be compensated by an alternate day off from em-
 12 ployment."

LEIGH R. CURRAN
RUDY VAN DRIE

1 Amend Senate File 1057, page 2, by striking all of lines
 2 1 through 7 and inserting in lieu thereof:
 3 "Section 1. Section six hundred fourteen point six (614.6)
 4 Code, 1971, is amended by striking the section and inserting
 5 in lieu thereof the following:
 6 The period of limitation above described shall be computed
 7 omitting any time when:
 8 a. The defendant is a non-resident of the state, or
 9 b. In those cases involving personal injuries or death
 10 resulting from a felony or non-indictable misdemeanor, while
 11 the identity of the defendant is unknown after diligent effort
 12 has been made to discover it."

LUCAS J. DeKOSTER
TOM RILEY

1 Amend Senate File 1060 as follows:
 2 1. By striking all after the enacting clause and
 3 inserting in lieu thereof the following:
 4 "Section 1. Chapter nineteen A (19A), Code 1971,
 5 is amended by adding the following new section:
 6 'Sec. All employees who are subject to the rules
 7 of employment as set forth in section nineteen A point
 8 nine (19A.9) of the Code, who are being paid at an
 9 hourly rate, shall be paid at a rate which is one and one-
 10 half times their normal hourly rate for all work in
 11 excess of forty hours per week.'"
 12 2. Amend the title by striking all after the
 13 word "state" and by inserting the words, "employees
 14 who are subject to the rules of employment as set
 15 forth in section nineteen A point nine (19A.9) of
 16 the Code."

MINNETTE DODERER
CLOYD E. ROBINSON
TOM RILEY

1 Amend Senate File 1138 as follows:

2 1. Page 2, after line 1, insert the following:

3 **"Payroll deductions shall be provided for the insurance program**
 4 **sponsored by the organization of Iowa highway commission employees.**
 5 **The organization shall reimburse the state five cents per month,**
 6 **per account to meet a portion of the cost."**

7 2. Page 2, after line 1, insert the following:

8 **"Hospitalization insurance payment shall be deducted in two equal**
 9 **installments each month."**

RUDY VAN DRIE

1 Amend Senate File 1148 as follows:

2 1. Page 2, strike lines 3 through 10, inclusive, and

3 insert: **"Disability' means the physical or mental condition**
 4 **of a person which constitutes a substantial handicap. In**
 5 **reference to employment, under this chapter, 'disability' also**
 6 **means the physical or mental condition of a person which**
 7 **constitutes a substantial handicap, but is unrelated to such**
 8 **person's ability to engage in a particular occupation."**

9 2. Page 3, line 1, add after the period the following: *"If*
 10 *a disabled person is qualified to perform a particular occupation,*
 11 *by reason of training or experience, the nature of that occupation*
 12 *shall not be the basis for exception to the unfair or discrimina-*
 13 *ting practices prohibited by this subsection."*

14 3. Page 3, line 16, add after "occupation." the following:

15 *"If a disabled person is qualified to perform a particular*
 16 *occupation by reason of training or experience, the nature of*
 17 *that occupation shall not be the basis for exception to the unfair*
 18 *or discriminating practices prohibited by this subsection.*

19 *An employer, employment agency, or their employees, servants,*
 20 *or agents may offer employment or advertise for employment to only*
 21 *the disabled, when other applicants have available to them, other*
 22 *employment compatible with their ability which would not be*
 23 *available to the disabled because of their handicap. Any such*
 24 *employment or offer of employment shall not discriminate among*
 25 *the disabled on the basis of race, color, creed, sex, or national origin."*

Page 2

1 4. Page 3, line 25, add after "chapter." the following:

2 *"An employer, employment agency, or their employees, servants,*
 3 *or agents may offer employment or advertise for employment to*
 4 *only the disabled, when other applicants have available to them*
 5 *other employment compatible with their ability which would not*
 6 *be available to the disabled because of their handicap. Any*
 7 *such employment or offer of employment shall not discriminate*
 8 *among the disabled on the basis of race, color, creed, sex, or*
 9 *national origin."*

LEE H. GAUDINEER, JR.
 RALPH W. POTTER
 LUCAS J. DeKOSTER

1 Amend Senate File 1159 as follows:

2 1. Line 6, strike the word "a" and insert in lieu thereof
 3 the words "an active".

4 2. Line 7, strike the word "more" and insert "fifty percent

5 of the number of employees who are eligible for active membership,
6 whichever is greater,".

RUDY VAN DRIE

1 Amend the committee on commerce amendment filed February
2 14, 1972, to House File 30, as follows:

3 Page 1, line 8, by striking the words "qualified in-
4 spector" and inserting in lieu thereof the words "registered
5 civil engineer".

6 Page 1, line 10, by inserting after the period the follow-
7 ing "All costs of inspection shall be paid pursuant to section
8 four hundred ninety point fourteen (490.14) of the Code."

CLIFTON C. LAMBORN

1 Amend House File 1120, line 16, by striking the
2 words "*March fifteenth*" and inserting in lieu
3 thereof the words "*April first*".

MINNETTE DODERER
JAMES E. BRILES

1 Amend the Mowry amendment filed February 21, 1972 to
2 House File 1147, page 1, line 4 by striking the figures
3 "29" and inserting in lieu thereof "24".

JOHN L. MOWRY

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Wednesday, February 23, 1972.

JOURNAL OF THE SENATE

FORTY-FIFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, FEBRUARY 23, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Jacob Ehman, pastor of the First Baptist Church, Steamboat Rock, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, February 22, 1972, was approved.

PRESENTATION OF VISITORS

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

Forty students from Twin Rivers Community School, Ottosen, Iowa, accompanied by Miss Fox, Mrs. Turley and Mr. How. Senator Keith.

Seventeen students from South Page High School, College Springs, Iowa, accompanied by Mrs. Farmer. Senator Bass.

Ten students from Essex High School, Essex, Iowa, accompanied by Duane Wallin. Senator Bass.

Twenty-eight students from Villisca High School, Villisca, Iowa, accompanied by Mrs. Pat Eno. Senator Bass.

Sixteen students from St. Joseph School, Neola, Iowa, accompanied by Mrs. Masker. Senator Schaben.

Seventy-five students from Oskaloosa Community Junior High School, Oskaloosa, Iowa, accompanied by Mrs. Lois Scharff and Curt Froy. Senator Van Gilst.

Twenty students from Des Moines Area Community College, Ankeny, Iowa, accompanied by Harold Gamm. Senator Laverty.

Twenty-six students, members of Boy Scout Troop 9 from Cedar Rapids, Iowa, accompanied by Dr. Meyer Schaffer, Dr. Flynn, Herman Ginsberg and Peter Werning. Senator Riley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Balloun, from thirty-eight residents of Benton County opposing a property tax levy against church buildings, parsonages and other church-supported homes and institutions.

By Senator Balloun, from fifteen residents of Tama County opposing a property tax levy against church buildings, parsonages and other church-supported homes and institutions.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 524, a bill for an act relating to definition and regulation of optometrists, establishing the state board of optometry.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 524, a bill for an act relating to the definition and regulation of optometrists, establishing the state board of optometry, and providing penalties.

Read first time and passed on file.

HOUSE AMENDMENTS CONSIDERED

Senate File 334

Senator Shawver called up for consideration Senate File 334, a bill for an act relating to vending of foods and beverages and providing a penalty, amended by the House as follows:

- 1 Amend Senate File 334 as follows:
- 2 1. Page 3, by striking from line 5 the words "con-
- 3 fections, cookies, crackers,"
- 4 2. Page 3, by striking all after the word "collect"
- 5 in line 24 and all of lines 25 through 35 and inserting
- 6 in lieu thereof the following: "two dollars for each
- 7 vending machine operated."
- 8 3. Page 4, by striking lines 1 and 2.

Senator Shawver offered the following amendment to the House amendment and moved its adoption:

- 1 Amend the House amendment to Senate File 334 by striking
- 2 lines 4 through 8 inclusive.

The amendment to the amendment was adopted.

Senator Shawver moved that the Senate concur in the House amendments as amended.

The motion prevailed, and the Senate concurred in the House amendments as amended.

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

On the question "Shall the bill pass?" (S.F. 334) the vote was:

Ayes 40:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Riley
Briles	Gilley	Miller	Robinson
Brownlee	Glenn	Milligan	Schaben
Carlson	Graham	Mowry	Shaff
Coleman	Griffin	Neu	Shawver
Conklin	Gross	Nicholson	Smith
Curran	Hill	Ollenburg	Stephens
Davis	Kennedy	Palmer	Thordsen
Doderer	Kyhl	Potter	Van Gilst

Nays, 1:

Bass

Absent or not voting, 9:

Balloun	Messerly	Rabedeaux	Van Drie
DeKoster	Potgeter	Tapscott	Walsh
Keith			

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

Senate File 1014

Senator Robinson called up for consideration Senate File 1014, a bill for an act relating to money advances by county boards of supervisors to county conservation boards from money in the county general funds, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1014 as follows:
- 2 1. Page 2, line 8 by striking the word "fifty" and
- 3 inserting in lieu thereof the word "twenty-five".
- 4 2. Page 2, line 10, by inserting after the period the
- 5 following new sentence: All funds advanced to the county
- 6 conservation board shall be returned to the county general
- 7 fund not later than December 31, 1972.

The motion prevailed, and the Senate concurred in the House amendments.

Senator Robinson moved that the bill as amended by the House

and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1014) the vote was:

Ayes, 41:

Arbuckle	Glenn	Miller	Robinson
Bass	Graham	Milligan	Schaben
Brownlee	Griffin	Mowry	Shaff
Carlson	Gross	Neu	Shawver
Coleman	Hill	Nicholson	Smith
Conklin	Kennedy	Ollenburg	Stephens
Curran	Kyhl	Palmer	Tapscott
DeKoster	Lamborn	Potter	Thordsen
Doderer	Laverty	Rhodes	Van Drie
Erskine	Messerly	Riley	Van Gilst
Gaudineer			

Nays, 2:

Anderson Gilley

Absent or not voting, 7:

Balloun	Davis	Potgeter	Walsh
Briles	Keith	Rabedeaux	

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

UNFINISHED BUSINESS

House File 1120

On motion of Senator Briles, House File 1120, a bill for an act relating to notification of property owners of adjustment of real property assessments, was taken up for consideration.

Senator Doderer offered the following amendment filed by Senators Doderer and Briles and moved its adoption:

- 1 Amend House File 1120, line 16, by striking the
- 2 words "*March fifteenth*" and inserting in lieu
- 3 thereof the words "*April first*".

The amendment was adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1120) the vote was:

Ayes, 33:

Anderson	Brownlee	Curran	Glenn
Arbuckle	Carlson	Doderer	Graham
Bass	Coleman	Gaudineer	Griffin
Briles	Conklin	Gilley	Gross

Hill	Miller	Rhodes	Stephens
Kennedy	Mowry	Riley	Tapscott
Kyhl	Nicholson	Schaben	Van Drie
Lamborn	Palmer	Shawver	Van Gilst
Laverty			

Nays, 8:

DeKoster	Milligan	Ollenburg	Shaff
Erskine	Neu	Potter	Smith

Absent or not voting 9:

Balloun	Messerly	Rabedeaux	Thorsden
Davis	Potgeter	Robinson	Walsh
Keith			

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

SENATE FILE WITHDRAWN

Senator Briles asked and received unanimous consent that **Senate File 1117** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

Senate File 185

The Senate resumed consideration of Senate File 185, a bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor.

Senator Doderer offered the following amendment filed by Senators Doderer and Coleman and moved its adoption:

- 1 Amend Senate File 185, page 2, by striking the period
- 2 in line 25 and inserting in lieu thereof “, or any
- 3 facilities as provided in chapter one hundred twenty-
- 4 three B (123B) of the Code.”

The amendment was adopted.

Senator Anderson offered the following amendment:

- 1 Amend Senate File 185, page 3, line 33, by adding after the
- 2 word “needed” the words “; however, this tax shall not exceed
- 3 three mills”.

Action on the amendment was temporarily deferred.

Senator Ollenburg offered the following amendment and moved its adoption:

- 1 Amend Senate File 185, page 8, line 9, by adding after the word
- 2 “penalty” the words “*three-fourths*”.

The amendment was adopted.

Senator Anderson offered the following amendment by Senators Anderson and Bass and moved its adoption:

- 1 Amend Senate File 185, page 4, by striking lines 1 through 7
- 2 inclusive.

President Jepsen took the chair at 11:51 a.m.

Roll call was requested.

On the question "Shall the Anderson-Bass amendment be adopted?" (S.F. 185) the vote was:

Rule 24 was invoked.

Ayes, 22:

Anderson	Gilley	Messerly	Riley
Arbuckle	Graham	Mowry	Shawver
Bass	Griffin	Nicholson	Smith
Brownlee	Keith	Ollenburg	Stephens
Conklin	Kyhl	Potgeter	Van Drie
Curran	Lamborn		

Nays, 21:

Coleman	Gross	Neu	Shaff
Davis	Hill	Palmer	Tapscott
DeKoster	Kennedy	Potter	Thordsen
Erskine	Miller	Robinson	Van Gilst
Gaudineer	Milligan	Schaben	Walsh
Glenn			

Absent or not voting, 7:

Balloun	Carlson	Laverty	Rhodes
Briles	Doderer	Rabedeaux	

The amendment was adopted.

On motion of Senator Lamborn, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

INTRODUCTION OF BILLS

Senate File 1176, by Senator Potgeter, a bill for an act relating to taxation of corporate income.

Read first time and passed on file.

Senate File 1177, by Senator Riley, a bill for an act relating to the preparation of legislative bills for consideration by the general assembly.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1148

On motion of Senator DeKoster, Senate File 1148, a bill for an act relating to the civil rights of physically and mentally handicapped persons, was taken up and considered.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer, Potter and DeKoster and moved its adoption:

1 Amend Senate File 1148 as follows:

2 1. Page 2, strike lines 3 through 10, inclusive, and
3 insert: " 'Disability' means the physical or mental condition
4 of a person which constitutes a substantial handicap. In
5 reference to employment, under this chapter, 'disability' also
6 means the physical or mental condition of a person which
7 constitutes a substantial handicap, but is unrelated to such
8 person's ability to engage in a particular occupation."
9 2. Page 3, line 1, add after the period the following: "*If
10 a disabled person is qualified to perform a particular occupation,
11 by reason of training or experience, the nature of that occupation
12 shall not be the basis for exception to the unfair or discrimina-
13 ting practices prohibited by this subsection.*"

14 3. Page 3, line 16, add after "occupation." the following:

15 "*If a disabled person is qualified to perform a particular
16 occupation by reason of training or experience, the nature of
17 that occupation shall not be the basis for exception to the unfair
18 or discriminating practices prohibited by this subsection.
19 An employer, employment agency, or their employees, servants,
20 or agents may offer employment or advertise for employment to only
21 the disabled, when other applicants have available to them, other
22 employment compatible with their ability which would not be
23 available to the disabled because of their handicap. Any such
24 employment or offer of employment shall not discriminate among
25 the disabled on the basis of race, color, creed, sex, or national origin.*"

Page 2

1 4. Page 3, line 25, add after "chapter." the following:

2 "*An employer, employment agency, or their employees, servants,
3 or agents may offer employment or advertise for employment to
4 only the disabled, when other applicants have available to them
5 other employment compatible with their ability which would not
6 be available to the disabled because of their handicap. Any
7 such employment or offer of employment shall not discriminate
8 among the disabled on the basis of race, color, creed, sex, or
9 national origin.*"

The amendment was adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1148) the vote was:

Ayes, 38:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Briles	Gilley	Miller	Schaben
Brownlee	Glenn	Mowry	Shawver
Carlson	Graham	Neu	Smith
Conklin	Griffin	Nicholson	Stephens
Curran	Gross	Ollenburg	Tapscott
Davis	Keith	Palmer	Van Drie
DeKoster	Kennedy	Potter	Van Gilt
Doderer	Kyhl		

Nays, none.

Absent or not voting, 12:

Balloun	Hill	Potgeter	Shaff
Bass	Laverty	Rabedeaux	Thordsen
Coleman	Milligan	Robinson	Walsh

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

UNFINISHED BUSINESS

Senate File 185

The Senate resumed consideration of Senate File 185.

Senator Anderson asked and received unanimous consent to withdraw his amendment to page 3, line 33, offered and deferred during the morning session.

Senator Stephens offered the following amendment and moved its adoption:

- 1 Amend Senate File 185, page 3, line 33, after the period by
- 2 adding the following:
- 3 "However, the tax levy shall not exceed five (5) mills in
- 4 counties having under forty (40) thousand population. In counties
- 5 having forty (40) to one hundred sixty (160) thousand population,
- 6 the tax levy shall not exceed eight (8) mills and in counties
- 7 having over one hundred sixty (160) thousand population, the tax
- 8 levy shall not exceed ten (10) mills."

President Jepsen took the chair at 2:06 p.m.

Division was called for.

The amendment lost.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 185) the vote was:

Ayes, 27:

Arbuckle	Gaudineer	Neu	Shaff
Carlson	Glenn	Ollenburg	Tapscott
Coleman	Griffin	Palmer	Thordsen
Davis	Gross	Potter	Van Drie
DeKoster	Hill	Riley	Van Gilst
Doderer	Kyhl	Robinson	Walsh
Erskine	Miller	Schaben	

Nays, 15:

Anderson	Conklin	Messerly	Shawver
Balloun	Curran	Nicholson	Smith
Bass	Gilley	Potgeter	Stephens
Brownlee	Graham	Rhodes	

Absent or not voting, 8:

Briles	Kennedy	Laverty	Mowry
Keith	Lamborn	Milligan	Rabedeaux

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

CONSIDERATION OF BILLS

House File 680

On motion of Senator Miller, House File 680, a bill for an act to clarify the status of law-enforcement officers appointed by the state conservation commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 680) the vote was:

Ayes, 42:

Arbuckle	Gaudineer	Mowry	Schaben
Briles	Glenn	Neu	Shaff
Brownlee	Griffin	Nicholson	Shawver
Carlson	Gross	Ollenburg	Smith
Coleman	Hill	Palmer	Stephens
Conklin	Keith	Potgeter	Tapscott
Curran	Kyhl	Potter	Thordsen
Davis	Lamborn	Rhodes	Van Drie
DeKoster	Laverty	Riley	Van Gilst
Doderer	Messerly	Robinson	Walsh
Erskine	Miller		

Nays, 2:

Balloun	Gilley
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Absent or not voting, 6:

Anderson	Graham	Milligan	Rabedeaux
Bass	Kennedy		

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

Senate File 1065

On motion of Senator Glenn, a bill for an act relating to time served on parole, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Glenn asked and received unanimous consent that **House File 1042** be substituted for **Senate File 1065**.

House File 1042

On motion of Senator Glenn, House File 1042, a bill for an act relating to time served on parole, was taken up and considered.

Senator Glenn moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1042) the vote was:

Ayes, 33:

Briles	Gaudineer	Lamborn	Riley
Brownlee	Gilley	Miller	Robinson
Coleman	Glenn	Neu	Schaben
Conklin	Griffin	Nicholson	Shaff
Curran	Gross	Ollenburg	Tapscott
Davis	Keith	Palmer	Thordsen
DeKoster	Kennedy	Potgeter	Van Drie
Doderer	Kyhl	Potter	Walsh
Erskine			

Nays, 11:

Arbuckle	Graham	Rhodes	Stephens
Balloun	Hill	Shawver	Van Gilst
Carlson	Messerly	Smith	

Absent or not voting, 6:

Anderson	Laverty	Mowry	Rabedeaux
Bass	Milligan		

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

SENATE FILE WITHDRAWN

Senator Glenn asked and received unanimous consent that **Senate File 1065** be **withdrawn** from further consideration of the Senate.

REPORT OF INVESTIGATING COMMITTEE

Senator Coleman submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee appointed to investigate the character and qualifications of Mrs. Wayne Bonnell of Fort Dodge, Webster County, Iowa, for reappointment as a member of the Commission for the Blind for the State of Iowa under the provisions of Section 93.1, 1971 Code of Iowa, for a regular three-year term beginning July 1, 1972 and ending June 30, 1975, begs leave to report that it has made investigation and recommends that the appointment be confirmed.

C. JOSEPH COLEMAN
R. DEAN ARBUCKLE
WAYNE D. KEITH
H. L. OLLENBURG
RUDY VAN DRIE

The motion prevailed and the report was adopted.

Senator Coleman moved the appointment of Mrs. Wayne Bonnell as a member of the Commission for the Blind be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Arbuckle	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Graham	Mowry	Shawver
Brownlee	Gross	Neu	Smith
Carlson	Hill	Nicholson	Stephens
Coleman	Keith	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Drie
DeKoster	Lamborn	Potter	Van Gilst
Doderer	Laverty	Rhodes	Walsh
Erskine			

Nays, none.

Absent or not voting, 5:

Anderson	Griffin	Rabedeaux	Riley
Davis			

President Jepsen declared the appointment of Mrs. Wayne Bonnell as a member of the Commission for the Blind confirmed for the regular three-year term ending June 30, 1975.

SENATE CONCURRENT RESOLUTION 112

By Doderer, Brownlee, Conklin, Graham, Mowry, Potgeter,
Riley, Shaff, and Van Drie

Whereas, the University of Iowa was founded by the first General Assembly of the State of Iowa on February 25, 1847, fifty-nine days after Iowa

was admitted to the Union; and

Whereas, the citizens of the new State of Iowa, through their first elected representatives, established the University of Iowa in recognition of the need for teachers and other educated leadership to serve the frontier society; and

Whereas, the University of Iowa has been a pioneer in public higher education by:

1. Being the first state university to admit women on an equal basis with men.
2. Founding the first law school west of the Mississippi River.
3. Developing a university medical center for the Midwest.
4. Establishing the nation's first nonsectarian school of religion at a state university.
5. Accepting for academic credit the creative arts and developing among others the disciplines of actuarial science, health science, speech pathology, orthopedic surgery, hydraulics, educational measurement, astrophysical science; and

Whereas, during its one hundred twenty-five years of service to this state, this nation and the world, the University of Iowa has awarded some one hundred fifteen thousand degrees to more than one hundred thousand individuals, and has aided in the education of as many others who pursued or completed their studies elsewhere; and

Whereas, the University of Iowa today serves some twenty thousand students in residence at its ten colleges and additional thousands who take part in university programs for continuing education, *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Sixty-fourth General Assembly of the State of Iowa expresses gratitude for the many contributions which the University of Iowa has made to the development of this state and extends congratulations to this great institution on the one hundred twenty-fifth anniversary of its founding.

SENATE CONCURRENT RESOLUTION 113

By Griffin

Whereas, the Missouri River is part of the pioneer legacy bequeathed to those people who reside in the heart of America; and

Whereas, the Missouri River can once again bring hours of pleasure into the lives of many; and

Whereas, the cities of Council Bluffs, Bellevue, and Omaha, and the counties of Pottawattamie, Mills, Douglas, Sarpy, and Washington, representatives of Mayor Eugene A. Leahy's committee on Economic Development, the Omaha Chamber of Commerce, the Omaha Industrial Foundation, the Douglas County Soil and Water Conservation Committee, University of Nebraska and private business and industry have given hours of time to bring forth a workable plan for developing scenic parkways, linear parks, better places for people to live and make a living in harmony with the river, environmental improvement, and wildlife refuges, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly recognizes the time spent by the various organizations, committees, businesses and industry in improving the fifty-four mile path from Blair to Bellevue and commend them for their fine thoughts and works and encourage them to continue until the desired results are obtained.

SENATE CONCURRENT RESOLUTION 114

By Walsh, Schaben, Lamborn, Coleman, Miller, Robinson,
Potgeter, Kennedy, Riley, Mowry, Nicholson,
Rabedeaux and Griffin

Whereas, the plight of families of Americans captured or missing in the war in southeast Asia is recognized by governmental agencies and private and public organizations; and

Whereas, the communication among families of captured and missing Americans facilitates the development of activities supporting the morale of these families and the dissemination of information regarding the possible release of prisoners of war, *Now Therefore*,

Be It Resolved by the Senate, the House of Representatives Concurring, That, the executive council shall order all flags at state buildings to be flown at half mast upon the anniversary of the capture or disappearance of Iowans missing in action in southeast Asia.

Be It Further Resolved, That the secretary of the executive council shall cause to be published, three days prior to the anniversary of the capture or disappearance of Americans missing in action, a newspaper article notifying readers in the area of residence of the American's family of the day to be honored. The following names and dates of capture or disappearance shall be submitted to the executive council for publication:

Name	Date of Capture or Disappearance
Dennis Eilers	December 24, 1965
Russell Martin	June 3, 1966
Dyke Spilman	September 27, 1966
Delbert Peterson	March 9, 1966
Larry Spencer	February 18, 1966
Steven Adams	October 18, 1966
Charles Boyd	April 22, 1966
Gary Anderson	May 19, 1967
Robert Naughton	May 18, 1967
James L. Hughes	May 5, 1967
Alan Piittmann	November 16, 1966
Dennis Hamilton	January 5, 1968
Michael Kjome	February 2, 1968
Ariel Cross	July 17, 1968
Bard Cuthbert	November 23, 1968
Charles Douglas King	December 25, 1968
James Herrick, Jr.	October 27, 1969
John Anderson	November 4, 1969
Laurent L. Gourley	August 9, 1969
Richard Ayers	April 16, 1970
Gary Scull	March 12, 1970
Carl Palen	January 3, 1971
Dwight E. Sullivan	October 17, 1967
Robert C. O'Hara	February 6, 1969
Robert Saavedra	April 28, 1968
Gray D. Warren	October 26, 1969
Harold E. Johnson	April 30, 1967
Harold D. Monlux	November 11, 1966
Donald E. Paxton	February 22, 1969
Edison W. Miller	October 13, 1967

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 1176 Ways and means
- S. F. 1177 State government
- H. F. 524 Social services

SENATE CONCURRENT RESOLUTION 115

By Walsh, Potgeter, Potter, Shaff, and Messerly

Whereas, the National Railroad Passenger Corporation, commonly known as "Amtrak", has initiated service throughout the United States and as a result of the creation of Amtrak approximately fifty percent of the nation's passenger trains are no longer in operation; and

Whereas, the ramifications of implementing Amtrak are now under study by the United States Senate Commerce Committee and in particular a study is being undertaken for the purpose of determining additional routes that should be served; and

Whereas, available information reveals that where state or local governments seek additional routes and are willing to pay at least two-thirds of avoidable operating costs, additional routes may be provided; and

Whereas, the State of Iowa, as well as adjoining states, have a great interest and need in providing adequate railroad passenger service, *Now*, *Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council establish a study committee for the purpose of contacting adjoining states and determining if such states would be interested in restoring designated railroad passenger service serving this state and adjoining states and if such restoration of service would be beneficial to the citizens of this state and adjoining states, as well as economically feasible and worthwhile; and

Be It Further Resolved, That the study committee shall consist of legislators from appropriate standing committees, representing both political parties, as well as knowledgeable citizens if deemed appropriate; and

Be It Further Resolved, That the study committee shall make a report to the legislative council and the general assembly meeting in the year 1973 containing its recommendations and proposed legislation necessary to carry out its recommendations.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends that they be placed on the steering calendar:

S.C.R. 105

H. F. 1057

S. F. 1158

S. F. 274

CLIFTON C. LAMBORN, Chairman

REPORTS OF COMMITTEES

Senator Briles submitted the following reports:

MR. PRESIDENT: Your committee on county government, to which was referred **Senate File 1149**, a bill for an act relating to salaries of certain county officers, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on county government, to which was referred **House File 544**, a bill for an act relating to the soldiers relief commission, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on county government, to which was referred **House File 1129**, a bill for an act relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

Senator DeKoster submitted the following report:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1071**, a bill for an act to legalize the indebtedness of the Audubon County Agricultural Society and to authorize an annual tax to pay said indebtedness, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **Senate File 517**, a bill for an act to revise, update, and correct certain sections of the Code of Iowa relating to school districts and school corporations, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

Senator Bass submitted the following report:

MR. PRESIDENT: Your committee on social services, a bill for an act to which was referred **House File 219**, a bill for an act relating to use of carbon tetrachloride fire extinguishers in migratory labor camps, begs leave to

report it has had the same under consideration and recommends the same do pass.

EARL G. BASS, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 447 as follows:

2 1. Page 3, by inserting after line 9 the following
3 new section:

4 "Sec. Section one hundred seventeen point
5 seven (117.7), subsection four (4), Code 1971, is
6 amended to read as follows:

7 4. The acts of [one] *a natural person* while acting
8 as a receiver, trustee in bankruptcy, administrator,
9 executor, guardian, or under court order or while
10 acting under authority of a deed of trust, trust
11 agreement, or will."

12 2. Renumber sections and correct internal
13 references as necessary in accordance with this
14 amendment.

RALPH W. POTTER

1 Amend Senate File 1049 after line 12 by adding the following
2 new section:

3 "Sec. 2. Section three hundred twenty-two point two (322.2),
4 subsection eighteen (18), Code 1971, is amended as follows:

5 18. Nothing contained herein shall be construed to require
6 the licensing or to apply to any bank, credit union, *licensed*
7 *real estate broker selling mobile homes received as trade-ins* or
8 trust company in Iowa."

TOM RILEY

1 Amend Senate File 1174, page 2, line 12, by adding
2 after the word "appointments" the words "*with*
3 *approval of the council*".

MINNETTE DODERER

1 Amend the committee on commerce amendment filed February
2 14, 1972, to House File 30 as follows:

3 1. Page 1, line 8, by inserting after the word "to" the
4 word "adequately".

5 2. Page 1, line 11, by striking the word "Inspection" and
6 inserting in lieu thereof the words "Adequate inspection".

7 3. Page 2, by adding the following new section after line 12:

8 "Sec. All trench excavations made for the laying of
9 pipelines shall be made in two separate operations with the re-
10 moval of the topsoil and placing it in one windrow the first
11 operation and the removal of the rest of the soil and the placing
12 of it in another windrow the second operation. In filling the
13 trench in, the pipeline company shall fill the soil in in such
14 a manner as to provide that the topsoil will be the last soil
15 filled in and will be on top."

CLIFTON C. LAMBORN

1 Amend the committee on environmental preservation amendment
2 filed February 18, 1972 to House File 671, page 18, by striking
3 lines 1 through 5, inclusive, and insert in lieu thereof the
4 following:
5 "2. Page 1, line 1, by striking all after the word 'Act'
6 and by striking all on line 2 and insert in lieu thereof
7 the following: 'relating to the disposal or transfer of
8 abandoned, repairable, or stolen motor vehicles, and pro-
9 viding a penalty.'"

CHARLES O. LAVERTY

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Thursday, February 24, 1972.

JOURNAL OF THE SENATE

FORTY-SIXTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, FEBRUARY 24, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by Father C. A. Egart, pastor of Our Lady of Victory Church, Davenport, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, February 23, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Anderson for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

Forty-five students from Don Bosco High School, Gilbertville, Iowa, accompanied by Mrs. Arms, Mrs. Brandhorst and Mr. Mashek. Senator Conklin.

Twenty-nine students from Casady Elementary School, Des Moines, Iowa, accompanied by Doris Stukenberg. Senator Carlson.

Fourteen students from Shenandoah Community School, Shenandoah, Iowa, accompanied by Mrs. Elmer Mathews. Senator Bass.

PETITION

The following petition was presented and placed on file:

By Senator Balloun, from thirty-six residents of Tama County opposing a property tax levy against church buildings, parsonages and other church-supported homes and institutions.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Boeke, West Union, Iowa.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 711, a bill for an act relating to registration and safety regulations for snowmobiles.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1178, by committee on social services (committee on social services), a bill for an act relating to the use of ambulance services at university hospital.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 711, a bill for an act relating to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof.

Read first time and passed on file.

SPECIAL ORDER OF BUSINESS

House File 671

The hour having arrived, the Chair announced the special order of business for the consideration of House File 671.

On motion of Senator Keith, House File 671, a bill for an act to provide for the disposal of abandoned motor vehicles and for related purposes, with report of committee without recommendation, and report of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Keith asked and received unanimous consent that Carroll Bidler, Deputy Commissioner, Department of Public Safety, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator Keith offered the amendment filed by the committee on environmental preservation and found on pages 459-468, inclusive, of the Senate Journal.

Senator Laverty offered the following amendment to the amendment filed by him and moved its adoption:

- 1 Amend the committee on environmental preservation amendment
- 2 filed February 18, 1972 to House File 671, page 18, by striking
- 3 lines 1 through 5, inclusive, and insert in lieu thereof the
- 4 following:
- 5 "2. Page 1, line 1, by striking all after the word 'Act'
- 6 and by striking all on line 2 and insert in lieu thereof
- 7 the following: 'relating to the disposal or transfer of
- 8 abandoned, repairable, or stolen motor vehicles, and pro-
- 9 viding a penalty.'"

The amendment to the amendment was adopted.

Senator Kennedy offered the following amendment to the amendment and moved its adoption:

- 1 Amend the committee on environmental preservation amendment
- 2 to House File 671 filed February 18, 1972, by striking on page 1,
- 3 lines 24 and 25, and page 2, by striking lines 1 and 2 and in-
- 4 serting in lieu thereof the following:
- 5 "3. 'Demolisher' means any city or public agency organized
- 6 for the disposal of solid waste, or any person whose business it
- 7 is to convert a motor vehicle to junk, processed scrap or scrap
- 8 metal, or otherwise to wreck, or dismantle vehicles."

The amendment to the amendment was adopted.

Senator Kennedy offered the following amendment to the amendment and moved its adoption:

- 1 Amend the committee on environmental preservation amend-
- 2 ment to House File 671 filed February 18, 1972, page 4, line
- 3 24, by inserting after the word "junk," the words "or demolished
- 4 and sold as scrap".

The amendment to the amendment was adopted.

Senator Glenn offered the following amendment to the amendment:

- 1 Amend the committee on environmental preservation
- 2 amendment, filed February 18, 1972, to House File 671,
- 3 as follows: Page 2, line 4, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".

Senator DeKoster offered the following amendment to the amendment and moved that it be substituted for the Glenn amendment:

- 1 Amend the committee on environmental preservation amendment
- 2 filed February 18, 1972, to House File 671, page 2, line 4, by
- 3 inserting after the word "authority" the words "may, and on the
- 4 request of any other authority having the duties of control
- 5 of highways or traffic."

Action on the amendment to the amendment and the motion to substitute was temporarily deferred.

Senator Van Drie offered the following amendment to the committee amendment and moved its adoption:

- 1 Amend the committee on environmental preservation amendment
- 2 filed February 18, 1972, to House File 671 on page 3, line 23,
- 3 by striking the words "one newspaper" and inserting in lieu thereof
- 4 the words "a publication".

Division was called for.

The amendment to the amendment lost.

Senator Potgeter offered the following amendment to the amendment by Senators Potgeter and Gaudineer:

- 1 Amend the committee on environmental preservation amendment
- 2 filed February 18, 1972, to House File 671 as follows:
- 3 1. Page 5, line 3, by striking all after the period and
- 4 all of lines 4 through 11, inclusive, and in line 12 the words
- 5 "and without public auction."
- 6 2. Page 10, line 8, by striking the word "and" and by
- 7 striking all of lines 9 through 11, inclusive, and by inserting
- 8 in lieu thereof a period.

President Jepsen took the chair at 11:10 a.m.

Action on the amendment to the amendment was temporarily deferred.

Senator Gaudineer offered the following amendment to the amendment:

- 1 Amend the committee on environmental preservation amendment
- 2 to House File 671, as follows:
- 3 1. Page 8, strike lines 2 through 13 inclusive, and
- 4 insert:
- 5 "garage keeper is notified, in writing, within such
- 6 period of time that such vehicle is not an abandoned motor
- 7 vehicle.
- 8 The garage keeper shall be deemed to have abandoned
- 9 his artisan's lien when such vehicle is taken into custody
- 10 by the police authority."

Action on the amendment was temporarily deferred.

COMMITTEE OF THE WHOLE

Senator Lamborn asked and received unanimous consent that the Senate resolve itself into a committee of the whole for the consideration of a definition of abandoned motor vehicles.

On motion of Senator Lamborn, the committee of the whole recessed until 2:00 p.m.

AFTERNOON SESSION

The committee of the whole was called to order by President Jepsen.

The Chair directed the Secretary to call the roll to determine that a quorum was present.

The committee of the whole stood at ease.

The committee of the whole was called to order by President pro tempore Kyhl.

On motion of Senator Lamborn, the Senate arose from the committee of the whole and resumed regular session.

(House File 671 pending.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1125, a bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1089, a bill for an act relating to the Iowa insurance guaranty association.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1141, a bill for an act relating to unfair trade practices in the business of insurance.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1179, by committee on conservation and recreation, a bill for an act relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees.

Read first time and placed on calendar.

Senate File 1180, by committee on judiciary, a bill for an act relating to exemptions from execution and providing penalties.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1089, a bill for an act relating to the Iowa insurance guaranty association.

Read first time and passed on file.

House File 1141, a bill for an act relating to unfair trade practices in the business of insurance and providing a penalty.

Read first time and passed on file.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1042 passed the Senate on February 23, 1972.

EDWARD E. NICHOLSON

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 115 Transportation

H. F. 711 Conservation and recreation

REPORTS OF COMMITTEES

Senator Messerly submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1099**, a bill for an act providing for an appraisal staff and appraisal manual in the department of revenue, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Senator Laverty submitted the following report:

MR. PRESIDENT: Your committee on environmental preservation, to which was referred **House File 1176**, a bill for an act relating to the department of soil conservation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

CHARLES O. LAVERTY, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1111 as follows:
- 2 1. Page 1, by striking lines 7 through 17, inclusive,
- 3 and inserting in lieu thereof the following:
- 4 "4. When a vacancy occurs by reason of the death of

5 any member after adjournment of a regular session of the
6 general assembly and during the first six months of any
7 calendar year, the surviving spouse of the member or his
8 estate shall be paid his total salary computed as provided
9 in subsection five (5) of this section.

10 When a vacancy occurs by reason of the death of any member
11 during the first six months of any calendar year when the
12 general assembly is in regular session, the surviving spouse
13 of the member or his estate shall be paid his salary computed
14 as provided in subsection five (5) and expenses as provided
15 in subsection one (1) of this section, for a period of thirty
16 days after the member's death. However, if a legislative
17 session should end within such thirty days, the surviving
18 spouse or estate shall be paid only such expenses as would
19 have been paid had not the member died."

20 2. Page 2, line 5, by inserting after the word "year"
21 the words "when the general assembly is in regular session".

W. R. RABEDEAUX

1 Amend House File 571 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. As used in this Act, except as the
5 context may clearly require or indicate otherwise:
6 1. 'Material obscene for persons under eighteen'
7 means any description, narrative account or depiction
8 of a specified anatomical area or specified sexual
9 activity contained in, or consisting of, a picture
10 or other representation, publication, sound recording
11 or film, which, by means of posing, composition,
12 format or animated sensual details, emits sensuality
13 with sufficient impact to concentrate prurient interest
14 on the area or activity.
15 2. 'Film obscene for persons under eighteen years
16 of age' means any motion picture film or preview or
17 trailer to a film, not including newsreels portraying
18 actual current events or pictorial news of the day,
19 in which a scene, taken by itself
20 a. Depicts a specified anatomical area or specified
21 sexual activity, or the simulation of a specified
22 sexual activity, or verbalization concerning a
23 specified sexual activity.
24 b. Emits sensuality sufficient, in terms of the
25 duration and impact of the depiction, to appeal to

Page 2

- 1 prurient interest.
2 3. 'Specified anatomical area' means:
3 a. Less than completely and opaquely covered human
4 genitals, pubic region, buttock or female breast below
5 a point immediately above the top of the areola.
6 b. Human male genitals in a discernibly turgid
7 state, even if covered.
8 4. 'Specified sexual activity' means any of the
9 following:

10 a. Human genitals in a state of sexual stimulation
11 or arousal.

12 b. Any act of human masturbation, sexual
13 intercourse or sodomy.

14 c. Fondling or other erotic touching of covered
15 or uncovered human genitals, pubic region, buttock
16 or female breast.

17 5. 'Knowingly' means having knowledge of the
18 character and content of material or film described
19 herein, or having failed to exercise reasonable
20 inspection or inquiry which would disclose its
21 character and content.

22 Sec. 2. A person who knowingly sells, or offers
23 to sell to a person under eighteen years of age
24 material obscene for persons under eighteen, as defined
25 in this Act, or who knowingly admits a person under

Page 3

1 eighteen years of age to a theater then exhibiting
2 a film obscene for persons under eighteen years of
3 age as defined in this Act is guilty of a misdemeanor,
4 and shall be punished by a fine not exceeding one
5 hundred dollars or by imprisonment in the county jail
6 not exceeding thirty days, or by both such fine and
7 imprisonment. Each sale or offer to sell, and each
8 admission, punishable under this section shall
9 constitute a separate offense.

10 Sec. 3. The sale to a person under eighteen years
11 of age of material obscene for persons under eighteen
12 or the admission of a person under eighteen years
13 of age to a theater then exhibiting a film obscene
14 for persons under eighteen years of age shall
15 constitute rebuttable presumptive evidence:

16 1. That the defendant made the sale knowingly.

17 2. That the defendant knew that the person was
18 under eighteen years of age.

19 Sec. 4. The establishment of all the following
20 facts by a defendant in a prosecution under this Act
21 shall constitute a complete defense to the prosecution:

22 1. That the person under the age of eighteen years
23 falsely represented in writing that he or she was
24 eighteen years of age or over, and

25 2. That the appearance of the person was such

Page 4

1 that an ordinary prudent individual would believe
2 him or her to be eighteen years of age or over, and

3 3. That the sale or distribution to, or the
4 admission of, the person was made in good faith relying
5 upon such written representation and appearance and
6 in the reasonable belief that the person was actually
7 eighteen years of age or over."

LUCAS J. DeKOSTER

1 Amend House File 571 as follows:

2 1. By striking everything after the enacting clause

3 and inserting in lieu thereof the following:

4 Section 1. DEFINITIONS. As used in this Act, unless
5 the context clearly requires otherwise:

6 1. "Minor" means any unmarried person under the
7 age of eighteen years.

8 2. "Nudity" means the showing of the male or female
9 genitals, pubic area or buttocks with less than a full
10 opaque covering, or the depiction of covered male geni-
11 tals in a discernibly turgid state.

12 3. "Sexual conduct" means acts of masturbation,
13 homosexuality, sodomy, sexual intercourse, or physical
14 contact with a person's clothed or unclothed genitals,
15 pubic area, buttocks or, if such person be female,
16 breast.

17 4. "Sexual excitement" means the condition of human
18 male or female genitals when in a state of sexual stimu-
19 lation or arousal.

20 5. "Sado-masochistic abuse" means flagellation or
21 torture by or upon a person clad in undergarments, a
22 mask or bizarre costume, or the condition of being
23 fettered, bound or otherwise physically restrained.

24 6. "Harmful to minors" means that quality of any
25 description or representation, in whatever form, of

Page 2

1 nudity, sexual conduct, sexual excitement, or sado-
2 masochistic abuse, when it does all of the following:

3 a. Predominately appeals to the prurient, shameful
4 or morbid interest of minors.

5 b. Is patently offensive to prevailing standards
6 in the adult community as a whole with respect to what
7 is suitable material for minors.

8 c. Is utterly without redeeming social importance
9 for minors.

10 7. "Knowingly" means having general knowledge of,
11 or reason to know, or a belief or reasonable ground
12 for belief which warrants further inspection or inquiry
13 of both:

14 a. The character and content of any material
15 described herein, which is reasonably susceptible of
16 examination by the defendant.

17 b. The age of the minor.

18 Sec. 2. OFFENSES. It shall be unlawful for person
19 knowingly to sell, deliver, distribute, display for
20 sale or provide to a minor, or knowingly to possess
21 with intent to sell, deliver, distribute, display for
22 sale or provide to a minor either of the following:

23 1. Any picture, photograph, drawing, sculpture,
24 motion picture film, or similar visual representation
25 or image of a person or portion of the human body, or

Page 3

1 any replica, article of device having the appearance
2 of either male or female genitals which depicts nudity,
3 sexual conduct, sexual excitement or sado-masochistic

4 abuse and which is harmful to minors.

5 2. Any book, pamphlet, magazine, printed matter
6 however produced, or sound recording which contains
7 any matter enumerated in subsection one (1) of this
8 section, or explicit and detailed verbal descriptions
9 or narrative accounts of sexual excitement, sexual con-
10 duct or sado-masochistic abuse and which, taken as a
11 whole, is harmful to minors.

12 Sec. 3. It shall be unlawful for any person knowingly
13 to exhibit to a minor or knowingly to provide to a minor
14 an admission ticket or pass or knowingly to admit a
15 minor to premises whereon there is exhibited, a motion
16 picture, show or other presentation which, in whole
17 or in part, depicts nudity, sexual conduct or sado-
18 masochistic abuse and which is harmful to minors.

19 Sec. 4. Any person may, at any time, obtain a
20 declaratory judgment in the district court, as to whether
21 a particular matter or performance is harmful to minors
22 under this Act.

23 Sec. 5. No person shall be guilty of violating the
24 provisions of this Act:

25 1. Where such person had reasonable cause to believe

Page 4

1 that the minor involved was eighteen years old or more,
2 and such minor exhibited to such person a draft card,
3 driver's license, birth certificate or other official
4 or apparently official document purporting to establish
5 that such minor was eighteen years old or more.

6 2. If the minor was accompanied by his parent or
7 guardian, or the parent or guardian has in writing
8 waived the application of this Act either generally
9 or with reference to the particular transaction.

10 3. Where such person had reasonable cause to believe
11 that the person was the parent or guardian of the minor.

12 4. Where such person is in a bona fide school, museum
13 or public library, or is acting in his capacity as an
14 employee of such organization, or as a retail outlet
15 affiliated with and serving the educational purposes
16 of such organization.

17 Sec. 6.

18 1. It shall be unlawful for any minor to falsely
19 represent to any person mentioned in section two (2)
20 or section three (3) of this Act, or to his agent, that
21 such minor is eighteen years of age or older, with the
22 intent to procure any material set forth in section
23 two (2) of this Act, or with the intent to procure such
24 minor's admission to any motion picture, show or other
25 presentation, as set forth in section three (3) of this

Page 5

1 Act.

2 2. It shall be unlawful for any person to knowingly
3 make a false representation to any person mentioned
4 in section two (2) or section three (3) of this Act,
5 or to his agent, that he is the parent or guardian of

6 any minor, or that any minor is eighteen years of age,
7 with the intent to procure any material set forth in
8 section two (2) of this Act, or with the intent to
9 procure such minor's admission to any motion picture,
10 show or other presentation as set forth in section three
11 (3) of this Act.

12 Sec. 7.

13 1. A person convicted of violating section two (2)
14 or three (3) of this Act shall be punished by imprison-
15 ment of not more than one year or by a fine not to
16 exceed five thousand dollars or both.

17 2. Any person violating the provisions of section
18 six (6) of this Act shall be guilty of a misdemeanor
19 and, upon conviction thereof, shall be punished by a
20 fine not exceeding one hundred dollars or by imprison-
21 ment in the county jail for not to exceed thirty days.

22 Sec. 8. In order to provide for the uniform appli-
23 cation of this Act to all minors within this state,
24 it is intended that the sole and only regulation of
25 the sale, distribution or provision of any matter

Page 6

1 described in section two (2), subsections one (1) and
2 two (2), or admission to, or exhibition of, any
3 performance described in section three (3), shall be
4 under this Act, and no municipality, county or other
5 governmental unit within this state shall make any law,
6 ordinance or regulation relating to the sale,
7 distribution or provision of any matter described in
8 section two (2), subsections one (1) and two (2), or
9 admission to any performance described in section three
10 (3), including but not limited to criminal offenses,
11 classification of suitable matter or performances for
12 minors, or licenses or taxes respecting the sale,
13 distribution, exhibition or provision of matter regulated
14 under this Act. All such laws, ordinances, regulations,
15 taxes or licenses, whether enacted before or after this
16 Act, shall be or become void, unenforceable and of no
17 effect upon the effective date of this Act.

18 Sec. 9. Section seven hundred twenty-five point
19 ten (725.10), Code 1971, is amended to read as follows:
20 725.10 EXCEPTIONS—DOCTORS—DRUGGISTS—ARTISTS.
21 Nothing in [sections 725.5 to 725.9, inclusive,] section
22 725.7 shall be construed to affect teaching in regularly
23 chartered medical colleges, or the publication or use
24 of standard medical books, or the practice of regular
25 practitioners of medicine or druggists in their regular

Page 7

1 business, or the possession by artists of models in
2 the necessary line of their art.

3 Sec. 10. Sections seven hundred twenty-five point
4 three (725.3), seven hundred twenty-five point four
5 (725.4), seven hundred twenty-five point five (725.5),
6 seven hundred twenty-five point six (725.6), seven hun-

7 dred twenty-five point eight (725.8), seven hundred
8 twenty-five point nine (725.9), and seven hundred twenty-
9 five point eleven (725.11), Code 1971, are repealed.

ARTHUR A. NEU

1 Amend the environmental preservation committee amendment
2 filed February 18, 1972 to House File 671, page 1, by striking
3 lines 13 through 23 and inserting in lieu thereof the following:
4 "Abandoned vehicle" means any of the following:
5 a. A motor vehicle that is inoperable and has been left
6 unattended on public property for more than forty-eight hours, or
7 b. A motor vehicle that has remained illegally on public
8 property for more than fifteen days, or
9 c. A motor vehicle that has been unlawfully parked or has
10 been placed on private property without the consent of the owner
11 or person in control of the property for more than twenty-four
12 hours, or
13 d. A motor vehicle which has remained on private property
14 without consent of the owner or person in control of the property
15 for more than thirty days.

LUCAS J. DeKOSTER

1 Amend the environmental preservation committee amendment
2 filed February 18, 1972 to House File 671 as follows:
3 1. Page 1, strike lines 13 through 23 inclusively, and
4 insert:
5 "'Abandoned vehicle' means any of the following:
6 a. A motor vehicle that has been left unattended on
7 public property for more than forty-eight hours and lacks
8 current registration plates or two or more wheels or other
9 structural part which renders the vehicle totally inoperable, or
10 b. A motor vehicle that has remained illegally on public
11 property for more than fifteen days, or
12 c. A motor vehicle that has been unlawfully parked on
13 private property or has been placed on private property without
14 the consent of the owner or person in control of the property for
15 more than twenty-four hours, or
16 d. A motor vehicle that has been legally impounded by
17 order of a police authority and has not been reclaimed for a
18 period of thirty days."

LUCAS J. DeKOSTER
LEE H. GAUDINEER, JR.

1 Amend the committee on environmental preservation
2 amendment to House File 671, filed February 18, 1972 as
3 follows:
4 1. Page 1, strike lines 14 through 23 inclusive and
5 insert:
6 "that is over eight years old and has no engine, or is
7 otherwise totally inoperable or uncertifiable under chapter
8 one hundred eighty-three (183), Acts of the Sixty-fourth
9 General Assembly, First Session, and is left illegally
10 on public property for more than twenty-four hours, or a
11 motor vehicle that is over ten years old that has remained

12 illegally on public property for a period of more than seventy-
 13 two hours, or any motor vehicle that is placed on private
 14 property without the initial consent of the owner or person in
 15 control of the property, and remains there for more than
 16 twenty-four hours."

LEE H. GAUDINEER, JR.

1 Amend the committee on environmental preservation amend-
 2 ment to House File 671 filed February 18, 1972, page 5, line 5
 3 by striking all after the word "which" and striking all of lines
 4 6 through 8, and in line 9 by striking the words "Assembly, First
 5 Session," and inserting in lieu thereof the words "lacks an
 6 engine or two or more wheels or other structural part which
 7 renders the vehicle totally inoperable".

CLIFTON C. LAMBORN
 LEE H. GAUDINEER, JR.
 LUCAS J. DeKOSTER

1 Amend the environmental preservation committee amendment
 2 filed February 18, 1972, to House File 671, as follows:
 3 1. Page 7, line 14, by inserting after the word "period"
 4 the following:
 5 "or the owner notifies the garagekeeper in writing within
 6 such period of time that such vehicle is not an abandoned
 7 motor vehicle".
 8 2. Page 7, line 21, by inserting after the word "period" the
 9 following:
 10 "or the owner notifies the garagekeeper in writing within
 11 such period of time that such vehicle is not an abandoned motor
 12 vehicle".
 13 3. Page 8, line 2, by striking the words "and the garage-
 14 keeper is paid".
 15 4. Page 8, line 4, by striking the word "servicing," and
 16 inserting in lieu thereof the words "towing and".
 17 5. Page 8, line 4, by striking the words "or repair".
 18 6. Page 8, line 9, by adding after the word "lien" the
 19 following:
 20 ", provided that a garagekeeper shall be deemed to have
 21 abandoned his artisan lien when such vehicle is taken into
 22 custody by the police authority".

WAYNE D. KEITH
 LUCAS J. DeKOSTER
 CHARLES O. LAVERTY
 GENE V. KENNEDY
 JOHN L. MOWRY

On motion of Senator Lamborn, the Senate adjourned until
 9:00 a.m., Friday, February 25, 1972.

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, FEBRUARY 25, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Wayne Bartruff, pastor of the Collegiate United Methodist Church, Ames, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, February 24, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Ollenburg for the day on request of Senator Milligan.

PRESENTATION OF VISITORS

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

One hundred thirty students from Monticello Community High School, Monticello, Iowa, accompanied by Paul Denny. Senator Lamborn.

Thirty students from Madison Elementary School, Des Moines, Iowa, accompanied by Mrs. Vance. Senator Palmer.

Fifty-eight students, members of Boy Scout Troop 40 and Cub Scout Pack 501, from Walker, Iowa. Senator Riley.

PETITIONS

The following petitions were presented and placed on file:

By Senator Van Gilst, from fifty-six residents of Iowa County opposing a property tax levy against church parsonages.

By Senator Kyhl, from forty residents of Butler County opposing a property tax levy against property owned by veterans organizations.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig, Iowa.

INTRODUCTION OF BILLS

Senate File 1181, by committee on appropriations, a bill for an act relating to the Iowa liquor control commission appropriation.

Read first time and placed on calendar.

Senate File 1182, by committee on appropriations, a bill for an act to appropriate funds from the general fund of the state of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units.

Read first time and placed on calendar.

Senate File 1183, by Senator Thordsen, a bill for an act establishing an examination fee for real estate salesman or broker examinations.

Read first time and passed on file.

Senate File 1184, by committee on ways and means, a bill for an act relating to the payment of the tax equivalent on industrial projects supported by cities and towns.

Read first time and placed on calendar.

CONCURRENT RESOLUTION ADOPTED

Senator Potgeter called up **Senate Concurrent Resolution 112** found on pages 506 and 507 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL ORDER CONTINUED

UNFINISHED BUSINESS

House File 671

The Senate resumed consideration of **House File 671**, a bill for an act to provide for the disposal of abandoned motor vehicles and for related purposes, and the amendment by the committee on environmental preservation.

COMMITTEE OF THE WHOLE

Senator Lamborn asked and received unanimous consent that the Senate resolve itself into a committee of the whole for the consideration of a definition of an abandoned motor vehicle.

Senator DeKoster offered the following amendment to the amendment by Senators DeKoster and Gaudineer and recommended its adoption:

- 1 Amend the environmental preservation committee amendment
- 2 filed February 18, 1972 to House File 671 as follows:
- 3 1. Page 1, strike lines 13 through 23 inclusively, and
- 4 insert:
- 5 " 'Abandoned vehicle' means any of the following:
- 6 a. A motor vehicle that has been left unattended on
- 7 public property for more than forty-eight hours and lacks
- 8 current registration plates or two or more wheels or other
- 9 structural part which renders the vehicle totally inoperable, or
- 10 b. A motor vehicle that has remained illegally on public
- 11 property for more than fifteen days, or
- 12 c. A motor vehicle that has been unlawfully parked on
- 13 private property or has been placed on private property without
- 14 the consent of the owner or person in control of the property for
- 15 more than twenty-four hours, or
- 16 d. A motor vehicle that has been legally impounded by
- 17 order of a police authority and has not been reclaimed for a
- 18 period of thirty days."

The amendment to the amendment was adopted by the committee of the whole.

On motion of Senator Lamborn, the Senate arose from the committee of the whole and resumed regular session.

President pro tempore Kyhl, chairman of the committee of the whole, presented the following report and moved its adoption:

REPORT OF THE COMMITTEE OF THE WHOLE

MEMBERS OF THE SENATE: Your committee of the whole resolved to consider the definition of an "abandoned motor vehicle" as defined in House File 671, recommends that the DeKoster-Gaudineer amendment filed February 24, 1972 to page 1, lines 13 through 23, of the environmental preservation committee amendment be adopted.

VERNON H. KYHL, Chairman
Committee of the Whole

The report was adopted.

Senator DeKoster offered the amendment to the amendment by Senators DeKoster and Gaudineer recommended by the committee of the whole and moved its adoption.

Roll call was requested.

On the question "Shall the DeKoster-Gaudineer amendment to the amendment be adopted?" (H.F. 671) the vote was:

Rule 24 was invoked.

Ayes, 22:

Arbuckle	Gaudineer	Laverty	Schaben
Carlson	Glenn	Messerly	Tapscott
Coleman	Gross	Miller	Thordsen
Curran	Hill	Milligan	Van Drie
DeKoster	Keith	Robinson	Van Gilst
Erskine	Kennedy		

Nays, 18:

Anderson	Gilley	Potgeter	Riley
Balloun	Kyhl	Potter	Shaff
Bass	Lamborn	Rabedeaux	Smith
Briles	Mowry	Rhodes	Stephens
Conklin	Nicholson		

Absent or not voting, 10:

Brownlee	Graham	Ollenburg	Shawver
Davis	Griffin	Palmer	Walsh
Doderer	Neu		

The amendment to the amendment was adopted.

Senator DeKoster withdrew the following amendment to the amendment filed on February 24:

- 1 Amend the environmental preservation committee amendment
- 2 filed February 18, 1972 to House File 671, page 1, by striking
- 3 lines 13 through 23 and inserting in lieu thereof the following:
- 4 "Abandoned vehicle" means any of the following:
- 5 a. A motor vehicle that is inoperable and has been left
- 6 unattended on public property for more than forty-eight hours, or
- 7 b. A motor vehicle that has remained illegally on public
- 8 property for more than fifteen days, or
- 9 c. A motor vehicle that has been unlawfully parked or has
- 10 been placed on private property without the consent of the owner
- 11 or person in control of the property for more than twenty-four
- 12 hours, or
- 13 d. A motor vehicle which has remained on private property
- 14 without consent of the owner or person in control of the property
- 15 for more than thirty days.

Senator Gaudineer withdrew the following amendment to the amendment filed on February 24:

- 1 Amend the committee on environmental preservation
- 2 amendment to House File 671, filed February 18, 1972 as
- 3 follows:
- 4 1. Page 1, strike lines 14 through 23 inclusive and
- 5 insert:
- 6 "that is over eight years old and has no engine, or is
- 7 otherwise totally inoperable or uncertifiable under chapter

8 one hundred eighty-three (183), Acts of the Sixty-fourth
 9 General Assembly, First Session, and is left illegally
 10 on public property for more than twenty-four hours, or a
 11 motor vehicle that is over ten years old that has remained
 12 illegally on public property for a period of more than seventy-
 13 two hours, or any motor vehicle that is placed on private
 14 property without the initial consent of the owner or person in
 15 control of the property, and remains there for more than
 16 twenty-four hours."

Senator Glenn asked and received unanimous consent to withdraw the following amendment to the amendment offered and deferred on February 24, 1972:

1 Amend the committee on environmental preservation
 2 amendment, filed February 18, 1972, to House File 671,
 3 as follows: Page 2, line 4, by striking the word "shall"
 4 and inserting in lieu thereof the word "may".

Senator DeKoster asked and received unanimous consent to withdraw the following amendment to the amendment and his motion to substitute it for the Glenn amendment to the amendment, considered and deferred on February 24:

1 Amend the committee on environmental preservation amendment
 2 filed February 18, 1972, to House File 671, page 2, line 4, by
 3 inserting after the word "authority" the words "may, and on the
 4 request of any other authority having the duties of control
 5 of highways or traffic."

The Senate resumed consideration of the following amendment to the amendment by Senators Potgeter and Gaudineer, offered and deferred on February 24:

1 Amend the committee on environmental preservation amendment
 2 filed February 18, 1972, to House File 671 as follows:
 3 1. Page 5, line 3, by striking all after the period and
 4 all of lines 4 through 11, inclusive, and in line 12 the words
 5 "and without public auction."
 6 2. Page 10, line 8, by striking the word "and" and by
 7 striking all of lines 9 through 11, inclusive, and by inserting
 8 in lieu thereof a period.

Senator Potgeter moved the adoption of the amendment to the amendment and requested a roll call.

On the question "Shall the Potgeter-Gaudineer amendment be adopted?" (H.F. 671) the vote was:

Rule 24 was invoked.

Ayes, 19:

Anderson	Erskine	Kennedy	Rhodes
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Glenn	Palmer	Schaben
Briles	Gross	Potgeter	Tapscott
Coleman	Hill	Potter	

Nays, 21:

Carlson	Lamborn	Nicholson	Smith
Conklin	Laverty	Rabedeaux	Stephens
Curran	Messerly	Riley	Thordsen
DeKoster	Milligan	Shaff	Van Drie
Keith	Mowry	Shawver	Van Gilst
Kyhl			

Absent or not voting, 10:

Bass	Doderer	Griffin	Ollenburg
Brownlee	Gilley	Neu	Walsh
Davis	Graham		

The amendment to the amendment lost.

President Jepsen took the chair at 11:49 a.m.

Senator Lamborn requested a roll call.

Present, 44:

Anderson	Erskine	Messerly	Robinson
Arbuckle	Gaudineer	Miller	Schaben
Balloun	Gilley	Milligan	Shaff
Bass	Glenn	Mowry	Shawver
Briles	Gross	Nicholson	Smith
Carlson	Hill	Palmer	Stephens
Coleman	Keith	Potgeter	Tapscott
Conklin	Kennedy	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Drie
Davis	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh

Absent, 6:

Brownlee	Graham	Neu	Ollenburg
Doderer	Griffin		

Senator Van Gilst moved to reconsider the vote by which the Potgeter-Gaudineer amendment to the amendment failed to be adopted.

The motion prevailed and the amendment to the amendment was reconsidered.

Senator Potgeter moved the adoption of the amendment to the amendment and requested a roll call.

On the question "Shall the Potgeter-Gaudineer amendment to the amendment be adopted?" (H.F. 671) the vote was:

Ayes, 22:

Anderson	Conklin	Kennedy	Rhodes
Arbuckle	Erskine	Miller	Robinson
Balloun	Gaudineer	Palmer	Schaben
Bass	Glenn	Potgeter	Tapscott
Briles	Gross	Potter	Walsh
Coleman	Hill		

Nays, 22:

Carlson	Kyhl	Nicholson	Smith
Curran	Lamborn	Rabedeaux	Stephens
Davis	Lavery	Riley	Thordsen
DeKoster	Messerly	Shaff	Van Drie
Gilley	Milligan	Shawver	Van Gilst
Keith	Mowry		

Absent or not voting, 6:

Brownlee	Graham	Neu	Ollenburg
Doderer	Griffin		

The Chair voted "Nay" and declared the amendment to the amendment lost.

Senator Lamborn offered the following amendment to the amendment filed by Senators Lamborn, Gaudineer and DeKoster and moved its adoption:

- 1 Amend the committee on environmental preservation amend-
- 2 ment to House File 671 filed February 18, 1972, page 5, line 5
- 3 by striking all after the word "which" and striking all of lines
- 4 6 through 8, and in line 9 by striking the words "Assembly, First
- 5 Session," and inserting in lieu thereof the words "lacks an
- 6 engine or two or more wheels or other structural part which
- 7 renders the vehicle totally inoperable".

The Chair called for a division.

The amendment to the amendment was adopted.

Senator Gaudineer asked and received unanimous consent to withdraw the following amendment, considered and deferred on February 24, 1972:

- 1 Amend the committee on environmental preservation amendment
- 2 to House File 671, as follows:
- 3 1. Page 8, strike lines 2 through 13 inclusive, and
- 4 insert:
- 5 "garage keeper is notified, in writing, within such
- 6 period of time that such vehicle is not an abandoned motor
- 7 vehicle.
- 8 The garage keeper shall be deemed to have abandoned
- 9 his artisan's lien when such vehicle is taken into custody
- 10 by the police authority."

Senator Keith offered the following amendment to the amendment filed by Senators Keith, DeKoster, et al., and moved its adoption:

- 1 Amend the environmental preservation committee amendment
- 2 filed February 18, 1972, to House File 671, as follows:
- 3 1. Page 7, line 14, by inserting after the word "period"
- 4 the following:
- 5 "or the owner notifies the garagekeeper in writing within
- 6 such period of time that such vehicle is not an abandoned

7 motor vehicle”.

8 2. Page 7, line 21, by inserting after the word “period” the
9 following:

10 “or the owner notifies the garagekeeper in writing within
11 such period of time that such vehicle is not an abandoned motor
12 vehicle”.

13 3. Page 8, line 2, by striking the words “and the garage-
14 keeper is paid”.

15 4. Page 8, line 4, by striking the word “servicing,” and
16 inserting in lieu thereof the words “towing and”.

17 5. Page 8, line 4, by striking the words “or repair,”.

18 6. Page 8, line 9, by adding after the word “lien” the
19 following:

20 “, provided that a garagekeeper shall be deemed to have
21 abandoned his artisan lien when such vehicle is taken into
22 custody by the police authority”.

The amendment to the amendment was adopted.

Senator Keith offered the following amendment to the amend-
ment and moved its adoption:

1 Amend the committee on environmental preservation amend-
2 ment to House File 671 filed February 18, 1972, page 10,
3 line 10 by striking all after the word “vehicle” and
4 striking all of line 11 and inserting in lieu thereof
5 “lacks an engine or two or more wheels or other structural
6 part which renders the vehicle totally inoperable”.

The amendment to the amendment was adopted.

On motion of Senator Keith, the committee amendment as
amended was adopted.

Senator Riley withdrew the amendment filed by him on June
17, 1971, and found on pages 1966-1968, inclusive, of the 1971
Senate Journal.

Senator Keith moved that the bill be read the last time now,
which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 671) the vote was:

Ayes, 43:

Anderson	Erskine	Messerly	Robinson
Arbuckle	Gaudineer	Miller	Shaff
Balloun	Gilley	Milligan	Shawver
Bass	Glenn	Mowry	Smith
Briles	Gross	Nicholson	Stephens
Carlson	Hill	Palmer	Tapscott
Coleman	Keith	Potgeter	Thordsen
Conklin	Kennedy	Potter	Van Drie
Curran	Kyhl	Rabedeaux	Van Gilst
Davis	Lamborn	Rhodes	Walsh
DeKoster	Laverty	Riley	

Nays, none.

Absent or not voting, 7:

Brownlee	Graham	Neu	Schaben
Doderer	Griffin	Ollenburg	

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has insisted on its amendments to House File 1011, a bill for an act relating to the attainment of the age of majority, and requests a conference committee.

Conferees on the part of the House are: the Representative from Greene, Mr. Fisher, chairman; the Representative from Scott, Mrs. Shaw; the Representative from Boone, Mr. Nystrom, and the Representative from Polk, Mrs. Franklin.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 112 extending congratulations to the University of Iowa on the one hundred twenty-fifth anniversary of its founding.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1185, by committee on conservation and recreation, a bill for an act relating to the rule-making authority of the state conservation commission and penalties for violations of such rules.

Read first time and placed on calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

President Jepsen announced the appointment of the following conference committee on House File 1011, on the part of the Senate: Senators Potgeter, chairman; Milligan, Balloun and Coleman.

SPECIAL ORDER

Senator Lamborn asked and received unanimous consent that House File 1147 be made a special order of business for Wednesday, March 1, 1972, at 10:00 a.m.

REPORTS OF COMMITTEE

Senator Potgeter submitted the following reports:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 1143**, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers, and responsibilities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1147**, a bill for an act relating to the election laws and providing penalties for violations thereof, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 1147, as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 2A, by striking from lines 25 and 26 the
- 4 words "including registration records,".
- 5 2. Page 2A, by inserting after the period in line
- 6 27 the following new sentences:
- 7 "All of the present records of registration, precinct
- 8 books, and all other documents and papers pertaining
- 9 to the registration of electors or those electors who
- 10 are currently registered that are upon the effective
- 11 date of this Act, in the care, custody, and control
- 12 of a city subject to the provisions of chapter forty-
- 13 eight (48) of the Code, shall be delivered by such city
- 14 to the county commissioner of registration. Such records
- 15 that establish that an elector is currently registered
- 16 and all precinct pollbooks shall be valid, and may
- 17 be used by the county commissioner of registration in
- 18 all subsequent elections as provided in this Act. An
- 19 elector who is validly registered to vote upon the
- 20 effective date of this Act, shall remain so registered
- 21 and shall be entitled to vote in all subsequent elections
- 22 as provided in this Act."
- 23 3. Page 6, line 12, by striking the word "may" and
- 24 inserting in lieu thereof the word "shall".
- 25 4. Page 6, line 13, by inserting after the word

Page 2

- 1 "clerk" the words "in cities with a population of more
- 2 than ten thousand".
- 3 5. Page 6, by inserting after the period in line
- 4 24 the following new sentence:
- 5 "Notwithstanding the provisions of this section,
- 6 the commissioner of registration may also appoint a
- 7 city clerk as a deputy."
- 8 6. Page 7, line 3, by striking the words "city or
- 9 county" and inserting in lieu thereof the words "cities

10 and counties”.

11 7. Page 7, line 31, by inserting after the word
12 “party” the words “polling in excess of two percent
13 of the popular vote in the county in the last preceding
14 general election”.

15 8. Page 7, by inserting after the period in line
16 31 the following new sentences:

17 “If the county commissioner of registration maintains
18 a computerized list of qualified electors by precinct,
19 he shall, upon demand and without charge, on August
20 first prior to the general election, provide the county
21 chairman for each political party, a complete list of
22 all qualified electors, by precinct, within the county.
23 The county commissioner of registration, if computerized
24 lists of qualified electors are maintained shall, each
25 week, upon demand and without charge, from August first

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1 until October first, prior to the general election and
2 each day, or on each day thereafter that the computerized
3 list is updated, until the close of registration, pro-
4 vide the county chairman of each political party a list
5 of electors who have registered since the last such
6 list was provided.”

7 9. Page 7, by inserting after line 34 the following
8 new paragraph:

9 “Such lists shall not be used for any commercial
10 purpose, advertising, or solicitation; of any kind or
11 nature, other than to request such person’s vote at
12 a primary or general election, or any other bona fide
13 political purpose. The commission shall keep a list
14 of the name, address, telephone number, and social
15 security number of each person who copies or duplicates
16 such lists. Any person, firm, or corporation that uses
17 such lists in violation of this section shall, upon
18 conviction, be imprisoned in the county jail, not to
19 exceed one year, or be fined not to exceed one thousand
20 dollars, or by both such fine and imprisonment, for
21 each violation.”

22 10. Page 12, line 12, by striking the word “four”
23 and inserting in lieu thereof the words “the last
24 preceding four consecutive”.

25 11. Page 12, lines 19 and 20, by striking the words

Page 4

1 “an idiot or insane person or mentally ill” and inserting
2 in lieu thereof the words “currently mentally retarded,
3 mentally ill, or under conservatorship or guardianship
4 by reason of incompetency. Certification by the super-
5 intendent of a mental health hospital or other
6 institution upon the discharge of any such person that
7 he is, at that time, restored to good mental health
8 or gained normal intelligence, shall qualify such person
9 to again be an elector, subject to the other provisions
10 of this chapter. Termination by the court of any such
11 conservatorship or guardianship shall qualify any such

12 ward to again be an elector, subject to the other
13 provisions of this chapter”.

14 12. Page 18, line 16, by striking the figure “53.11”
15 and inserting in lieu thereof the words and figure
16 “fifty-three point eleven (53.11) of the Code”.

17 13. Page 19B, line 40, by striking the words “pre-
18 cinct pollbooks and”.

19 14. Page 19B, by inserting after line 42 the follow-
20 ing new paragraph:

21 “In nonregistration areas, not later than thirty
22 days from the date of the official canvass, the affi-
23 davits of absentee voters shall be cross-checked with
24 the precinct pollbooks to insure that no one has voted
25 twice, in violation of law.”

Page 5

1 15. Page 19B, by inserting after line 44 the follow-
2 ing new sections:

3 “Sec. Section fifty-six point seven (56.7),
4 Code 1971, is amended to read as follows:

5 56.7 LIMITATION ON EXPENSES. It shall be unlawful
6 for any candidate to expend in connection with any pri-
7 mary election campaign more than [fifty percent of] the
8 annual salary applicable to the position for which
9 he is a candidate, and unlawful for him to expend in
10 connection with his campaign for election to any office
11 more than [fifty percent of] the annual salary applicable
12 to the position for which he is a candidate.

13 Sec. Chapter fifty-six (56), Code 1971, is
14 amended by adding the following new section:

15 ‘DISCLOSURE OF CONTRIBUTIONS AND ELECTION EX-
PENSES.

16 Every organization, committee, or corporation which
17 has contributed funds to the political campaign of any
18 candidate for public office or expended funds on behalf
19 of any candidate for public office shall file a state-
20 ment of expenses as provided in this chapter.

21 Every individual who has contributed funds in the
22 amount of one hundred dollars or more to the political
23 campaign of any candidate for public office or has
24 expended one hundred dollars or more on behalf of any
25 candidate for public office shall file a statement of

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1 expenses as provided in this chapter.’

2 Sec. Section sixty-six point one (66.1), Code
3 1971, is amended by adding the following new subsection:

4 ‘Upon conviction of violating the provisions of
5 chapter fifty-six (56) of the Code.’”

6 16. Page 20, by inserting after line 12 the follow-
7 ing new sections:

8 “Sec. Section four hundred forty-four point
9 nine (444.9), subsection two (2), Code 1971, is amended
10 by striking unnumbered paragraph two (2).

11 Sec. Chapter four hundred forty-four (444),
12 Code 1971, is amended by adding the following new

13 section:
 14 'ELECTION EXPENSE FUND. There is created in the
 15 office of the county treasurer of each county a fund
 16 to be known as the election expense fund. Annually,
 17 the board of supervisors shall levy an amount sufficient
 18 to pay the costs of elections and voter registration,
 19 pursuant to chapter forty-eight (48) of the Code,
 20 incurred by the county. The funds deposited in this
 21 account shall be used to pay election and voter
 22 registration costs and shall not be appropriated for
 23 any other purposes or transferred into any other county
 24 fund. Any monies budgeted by any county for the
 25 conducting of elections in the year 1972, shall be

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1 transferred to this fund. If additional funds are
 2 needed to register voters, pursuant to chapter forty-
 3 eight (48) of the Code, after the effective date of
 4 this Act, and until July 1, 1973, such costs shall be
 5 certified by the county commissioner of registration
 6 to the board of supervisors, who shall, after approving
 7 the costs thereof, authorize the issuance of anticipatory
 8 warrants pursuant to section three hundred thirty-four
 9 point five (334.5) of the Code, to pay such additional
 10 costs. The monies necessary to redeem such warrants
 11 shall be part of the levy for the next year.'

12 Sec. Section seven hundred thirty-eight point
 13 seven (738.7), Code 1971, is amended to read as follows:

14 738.7 VOTING MORE THAN ONCE. If any elector unlaw-
 15 fully vote more than once at any election which may
 16 be held by virtue of any law of this state, he shall
 17 be fined not exceeding [two] *three* hundred dollars, or
 18 be imprisoned in the county jail not exceeding one
 19 year."

20 17. Page 21, line 12, by inserting after the figure
 21 "(48.14)," the words and figure "forty-eight point
 22 eighteen (48.18)."

23 18. Page 22, line 2, by inserting after the figure
 24 "(53.10)," the words and figure "fifty-six point eight
 25 (56.8)."

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1 19. Renumber sections and correct internal refer-
 2 ences as necessary in accordance with this amendment.

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend Senate File 517, page 4, by inserting after line 34
 2 the following new section:

3 1. "Sec. Section two hundred seventy-seven point twenty-
 4 seven (277.27), Code 1971, is amended as follows:

5 277.27 QUALIFICATION. A school officer or member of the

6 board shall, at the time of election or appointment, be a
 7 qualified voter of the corporation or subdistrict. *Notwith-*
 8 *standing any contrary provision of the Code, no member of the*
 9 *board of directors of any school district, or his or her spouse,*
 10 *shall receive compensation directly from the school board. No*
 11 *director or spouse affected by this provision on the effective*
 12 *date of this Act, whose term of office for which elected has not*
 13 *expired, or whose contract of employment has a fixed date of*
 14 *expiration and has not expired, shall be affected by this*
 15 *provision until the expiration of the term of office to which*
 16 *elected, or the expiration date of the contract for which*
 17 *employed."*

18 2. Renumber the remaining sections accordingly.

JOHN L. MOWRY

1 Amend Senate File 1060 after the period in line 23 as follows:

2 "Such overtime shall be compensable in any of the following
 3 methods:

4 1. All overtime may be paid at a rate which is one and one-
 5 half times the employee's normal hourly rate, and such payment
 6 shall be made at the end of the pay period it is earned.

7 2. All overtime may be compensated for at the rate of one
 8 and one-half hour of compensatory time off for each hour of over-
 9 time worked. Compensatory time off shall be granted as soon as
 10 possible after it is earned and shall be utilized by the employee
 11 within one year of the date earned, except that at the discretion
 12 of the director of highways, compensation may be paid in lieu of
 13 compensatory time off.

14 3. All overtime may be paid in a combination of compensation
 15 and compensatory time off.

16 The option to be used each fiscal year within each department
 17 of the state highway commission shall be determined by a majority
 18 vote of all employees within each department of the state highway
 19 commission. Such vote shall be conducted by the organization of
 20 Iowa highway commission employees, or such successor employee
 21 organization as the membership of the organization of Iowa highway
 22 commission employees may direct.

23 If option three is selected, the combination of compensation
 24 and compensatory time off may be expressed in multiples of ten
 25 percent, as may be determined by those voting.

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1 The options so determined by the employees in each department
 2 of the state highway commission shall be adopted as the basis
 3 for overtime compensation during the subsequent fiscal year.

4 Departments may vary in their choice of option."

RUDY VAN DRIE

On motion of Senator Lamborn, the Senate adjourned until
 10:00 a.m., Monday, February 28, 1972.

JOURNAL OF THE SENATE

FIFTIETH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, FEBRUARY 28, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Father John Martin, pastor of the St. Anthony's Church, Knoxville, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, February 25, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Potter for the day on request of Senator Lamborn; Senator Gilley for the day on request of Senator Lamborn; Senator Davis for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Twenty-seven students from Casady Elementary School, Des Moines, Iowa, accompanied by Doris Stukenberg. Senator Carlson.

Sixty-four students from Merrill Junior High School, Des Moines, Iowa, accompanied by Mrs. Hanaman. Senator Milligan.

Thirty-nine students, members of Scout Troop 158, from Marion, Iowa, accompanied by Carl Baur and Ron Alderson. Senator Riley.

Sixty-four students from Woodbine Community School, Woodbine, Iowa, accompanied by Phil Hummel. Senator Schaben.

Twenty-five students, members of Boy Scout Troop 182, from Des Moines, Iowa, accompanied by Lee Faas. Senator Carlson.

PETITIONS

The following petitions were presented and placed on file:

By Senators Shawver and Gilley, from five thousand one hundred four residents of Iowa favoring statewide educational television.

By Senator Messerly, from eighty-two residents of Black Hawk County favoring collective bargaining and increased pensions for public employees.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

INTRODUCTION OF BILL

Senate File 1186, by committee on ways and means (committee on ways and means), a bill for an act relating to urban renewal projects and bonds.

Read first time and placed on calendar.

UNFINISHED BUSINESS

House File 6

On motion of Senator Rabedaux, House File 6, a bill for an act to establish a state building code, provide for its administration, and provide a penalty for violation of the Code or orders issued thereunder, was taken up for consideration.

Senator Rabedaux asked and received unanimous consent that Donald Hoskins, legal counsel for the Legislative Service Bureau, be permitted to remain in the Senate chamber as a consultant during consideration of the bill.

Senator Rabedaux offered the amendment by the committee on commerce filed February 2, 1972, and found on pages 262-265, inclusive, of the Senate Journal.

Senator Mowry offered the following amendment to the amendment filed by him and moved its adoption:

- 1 Amend the committee on commerce amendment, filed February
- 2 2, 1972 to House File 6, as follows:
- 3 Page 1, line 22, by striking the number "19" and insert in
- 4 lieu thereof the number "21" and by striking the number "22" and
- 5 insert in lieu thereof the number "24".
- 6 2. Page 5, line 8, by striking the number "33" and insert in
- 7 lieu thereof the number "35".

The amendment to the amendment was adopted.

Senator Thordsen took the chair at 10:50 a.m.

President Jepsen took the chair at 10:55 a.m.

On motion of Senator Rabedeaux, the committee amendment as amended was adopted.

Senator Rabedeaux withdrew the amendment filed by him on June 17, 1971, and found on pages 1964-1966, inclusive, of the 1971 Senate Journal.

Senator Rabedeaux offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 6, as amended and passed by the House as follows:
- 2 Page 3, line 4, by striking the period and adding "except transmission
- 3 and distribution structures of public utilities."

The amendment was adopted.

Senator Potgeter offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 6, as amended and passed by the House,
- 2 page 10, line 6, by striking the word "forty" and inserting
- 3 in lieu thereof the word "thirty".

Senator Potgeter moved the adoption of his amendment and requested a roll call.

On the question "Shall the Potgeter amendment be adopted?" (H.F. 6) the vote was:

Ayes, 15:

Arbuckle	Conklin	Messerly	Stephens
Balloun	Glenn	Palmer	Van Gilst
Bass	Graham	Potgeter	Walsh
Coleman	Hill	Schaben	

Nays, 23:

Anderson	Gross	Mowry	Shaff
Brownlee	Keith	Neu	Shawver
Carlson	Kyhl	Nicholson	Smith
Curran	Lamborn	Ollenburg	Thordsen
Doderer	Miller	Rabedeaux	Van Drie
Griffin	Milligan	Rhodes	

Absent or not voting, 12:

Briles	Erskine	Kennedy	Riley
Davis	Gaudineer	Laverty	Robinson
DeKoster	Gilley	Potter	Tapscott

The amendment lost.

Senator Rabedeaux offered the following amendment filed by Senator Potter and moved its adoption:

1 Amend House File 6 as follows:

2 1. Page 17, by adding the following new
3 section after line 22:

4 "Sec. 24. Section one hundred four A point two
5 (104A.2), Code 1971, is amended by adding the
6 following:

7 After the effective date of this Act, the standards
8 and specifications set forth in this chapter shall
9 apply to the construction, substantial alteration
10 or repair of any place of employment or public
11 accommodation subject to the provisions of chapter
12 one hundred five A (105A) of the Code, except that
13 this paragraph shall not apply to:

14 1. The construction, alteration, or repair of
15 rental or leased housing accommodations of less than
16 six units.

17 2. The construction, alteration, or repair of
18 places for employment which will regularly employ
19 less than four individuals.

20 3. The construction, alteration, or repair of
21 any place of employment or public accommodation
22 exempted by rules and regulations adopted by the
23 executive secretary of the governor's committee on
24 employment of the handicapped, pursuant to the
25 provision of chapter seventeen A (17A) of the Code.

Page 2

1 The rules and regulations adopted shall exempt places
2 of employment and public accommodations where
3 handicapped persons cannot reasonably be expected
4 to be employed or make use of the public accommoda-
5 tion and where the burden of complying with this
6 section outweighs the expected benefits to handicapped
7 citizens of this state."

8 2. By renumbering the sections to conform to this
9 amendment.

The amendment lost.

Senator Glenn offered the following amendment filed by Senator Tapscott:

1 Amend House File 6, as amended and passed by the
2 House, page 17, by striking lines 17 through 22 inclusive.

Senator Glenn moved the adoption of the amendment and requested a roll call.

On the question "Shall the Tapscott amendment be adopted?" (H.F. 6) the vote was:

Ayes, 10:

Coleman	Glenn	Miller	Robinson
Doderer	Gross	Palmer	Schaben
Gaudineer	Hill		

Nays, 32:

Anderson	DeKoster	Messerly	Riley
Arbuckle	Erskine	Milligan	Shaff
Bass	Graham	Mowry	Shawver
Briles	Griffin	Neu	Smith
Brownlee	Keith	Nicholson	Stephens
Carlson	Kyhl	Ollenburg	Thordsen
Conklin	Lamborn	Potgeter	Van Drie
Curran	Laverty	Rabedeaux	Van Gilst

Absent or not voting, 8:

Balloun	Gilley	Potter	Tapscott
Davis	Kennedy	Rhodes	Walsh

The amendment lost.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer and Potter and moved its adoption:

- 1 Amend House File 6 as amended and passed by the House as follows:
- 2 1. Page 2, line 11, by striking the word, "town,".
- 3 2. Page 4, line 19, by striking the words, "where required
- 4 by federal statutes,".
- 5 3. Page 4, by adding after line 37 the following new paragraph:
- 6 "A city or county may enact and enforce its own building
- 7 code. A building code or any part thereof of a city or county shall
- 8 not contain any standards or requirements lower than those in the
- 9 state building code. A building code of a city or county may contain
- 10 standards or requirements higher than those contained in the state
- 11 building code except those standards or provisions pertaining to
- 12 factory-built structures and mobile homes which shall be the same
- 13 as those in the state building code."

Division was called for.

The amendment lost.

(House File 6 pending.)

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Joint Resolution 1004; House Files 227, 391, 412, 494, 684, 1012, 1036, 1052, 1084, and 1104.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Joint Resolution 1004; House Files 227, 391, 412, 494, 684, 1012, 1036, 1052, 1084 and 1104.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 428, a bill for an act to provide a unified trial court.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 471, a bill for an act relating to the annual registration fee for urban transit company vehicles.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1008, a bill for an act relating to bank holding companies.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1038, a bill for an act relating to endurance contests.

Also: That the House has concurred in Senate amendment to, and re-passed the following bill in which the concurrence of the House was asked:

House File 1120, a bill for an act relating to notification of property owners of adjustment of real property assessments.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1219, a bill for an act related to the destruction of undesirable fish.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1220, a bill for an act authorizing the use of electronic voting systems.

Also: That the House has adopted the following concurrent resolution in

which the concurrence of the Senate is asked:

House Concurrent Resolution 108 urging the department of social services to apply for subgrants available from the Iowa crime commission for hiring of additional counselors and parole agents.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1038, a bill for an act relating to endurance contests and the penalty for participating therein.

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

House File 1219, a bill for an act related to the destruction of undesirable fish.

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

House File 1220, a bill for an act authorizing the use of electronic voting systems.

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

HOUSE AMENDMENT TO SENATE FILE 428

- 1 Amend Senate File 428, as amended and passed by
- 2 the Senate and reprinted, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 Section 1. Section sixteen point twenty-four
- 6 (16.24), Code 1971, as amended by chapter eighty (80),
- 7 section two (2), and chapter eighty-four (84), sections
- 8 sixty-four (64), sixty-five (65), and sixty-six (66),
- 9 Acts of the Sixty-fourth General Assembly, First
- 10 Session, is amended by adding the following new
- 11 subsection:
- 12 "To each justice of the peace upon requisition by the
- 13 county board of supervisors of each county1 copy".
- 14 Sec. 2. Section sixteen point twenty-five (16.25),
- 15 Code 1971, as amended by chapter eighty (80), section
- 16 three (3), and chapter eighty-four (84), section
- 17 sixty-seven (67), Acts of the Sixty-fourth General
- 18 Assembly, First Session, is amended by adding the
- 19 following new section:
- 20 "To each justice of the peace upon requisition by the
- 21 county board of supervisors of each county1 copy".
- 22 Sec. 3. Section thirty-nine point twenty-one
- 23 (39.21), Code 1971, is amended by striking the section
- 24 and inserting in lieu thereof the following new
- 25 section:

Page 2

- 1 39.21 ELECTION OF JUSTICES. The county board
- 2 of supervisors shall establish single-member justice

3 of the peace districts based upon population within
4 the county. A justice of the peace shall be elected
5 biennially for two-year terms by the voters of his
6 district in the manner provided in this chapter.

7 A justice of the peace shall be an elector of the
8 county and shall reside in the district from which
9 he is elected and shall be less than seventy-two years
10 of age at the time of his election. He shall be a
11 high school graduate with a diploma or possess an
12 equivalency certificate which meets the minimum score
13 required by the state of Iowa as determined by the
14 department of public instruction.

15 The number of justices of the peace in each county
16 shall be determined as follows:

17 1. Counties which have a population of less than
18 ten thousand persons, one justice of the peace, except
19 that the board of supervisors may increase the number
20 of justices to two if two justices are deemed
21 necessary.

22 2. Counties which have a population of at least
23 ten thousand persons, but less than twenty thousand
24 persons, two justices of the peace.

25 3. Counties which have a population of at least

Page 3

1 twenty thousand, but less than forty thousand
2 population, three justices of the peace.

3 4. Counties which have at least forty thousand
4 population, four justices of the peace, except that
5 the number of justices shall be reduced by one for
6 each municipal court established within the county.

7 5. The board of supervisors may reduce the number
8 of justices in each county if such action appears
9 reasonable, based on the number of cases heard by
10 justices of the peace in the county for the preceding
11 year.

12 Sec. 4. Section forty-nine point one hundred six
13 (49.106), Code 1971, is amended to read as follows:

14 49.106 MAY COMMIT DISORDERLY PERSON. Any [constable
15 or special] policeman may forthwith arrest such person
16 and bring him before the judges of election, and they,
17 by a warrant under their hands, may commit him to
18 the jail of the county for a term not exceeding twenty-
19 four hours, but they shall permit him to vote.

20 Sec. 5. Section forty-nine point one hundred
21 fifteen (49.115), Code 1971, is amended to read as
22 follows:

23 49.115 CONSTABLES. [Except in] *In voting precincts*
24 [within any] *located outside a city*, [any constable of
25 the township, who may be designated by] the judges

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1 of election[,] *may appoint from two to four special*
2 *policemen for each voting precinct. The special*
3 *policemen shall attend at the place of election[; if*

4 none attend, the judges of the election may, in
 5 writing, specially appoint one or more, who shall
 6 have all the powers of a regular constable] *and shall*
 7 *have the powers granted special policemen in section*
 8 *49.114.*

9 Sec. 6. Section forty-nine point one hundred
 10 sixteen (49.116), Code 1971, is amended to read as
 11 follows:

12 49.116 PRESERVING ORDER. All special policemen
 13 [and constables] are authorized and required to preserve
 14 order and peace at all places of election, and such
 15 special policemen[, constables,] and all other persons
 16 are authorized and required to obey the lawful orders
 17 and commands of said judges of election given to
 18 prevent violations of this chapter.

19 Sec. 7. Section sixty-two point four (62.4), Code
 20 1971, is amended to read as follows:

21 62.4 SHERIFF TO ATTEND. The court or presiding
 22 judge may direct the attendance of the sheriff [or
 23 a constable] when necessary.

24 Sec. 8. Section sixty-four point eight (64.8),
 25 Code 1971, is amended to read as follows:

Page 5

1 64.8 COUNTY OFFICERS. The bonds of the following
 2 county officers, viz.: Clerks of the district courts,
 3 county attorneys, recorders, auditors, superintendents
 4 of schools, sheriffs, justices of the peace, [and
 5 constables,] and assessors shall each be in a penal
 6 sum to be fixed by the board of supervisors.

7 Sec. 9. Section sixty-four point nine (64.9),
 8 Code 1971, is amended to read as follows:

9 64.9 MINIMUM BONDS OF COUNTY OFFICERS. **Bonds**
 10 of members of the board of supervisors, clerks of
 11 the district courts, county auditors, sheriffs, and
 12 county attorneys shall not be in less sum than five
 13 thousand dollars each, and those of justices [and
 14 constables] *of the peace*, not less than [five hundred]
 15 *one thousand* dollars each.

16 Sec. 10. Section sixty-four point twenty-four
 17 (64.24), subsection two (2), Code 1971, is amended
 18 to read as follows:

19 2. In the record kept by the county auditor, the
 20 official bonds of all county officers, elective or
 21 appointive, justices of the peace, *and* township clerks,
 22 and constables].

23 Sec. 11. Section sixty-five point nine (65.9),
 24 Code 1971, is amended to read as follows:

25 65.9 JUSTICE OF THE PEACE. If the proceedings

Page 6

1 relate to a justice of the peace, and he is removed
 2 from office, the county auditor shall notify the
 3 [proper township trustees or clerk] *appropriate county*
 4 *board of supervisors* of the removal.

5 Sec. 12. Section sixty-nine point eight (69.8),
6 subsection four (4), Code 1971, is amended to read
7 as follows:

8 4. COUNTY OFFICES. In county offices, including
9 justices of the peace [and constables], by the board
10 of supervisors.

11 Sec. 13. Section one hundred eighty-eight point
12 twenty-eight (188.28), unnumbered paragraph one (1),
13 Code 1971, is amended to read as follows:

14 188.28 PROOF OF SERVICE. Immediately after the
15 expiration of said ten days of posting, the person
16 taking up the estray shall, unless such estray has
17 been previously claimed by the owner, file with a
18 justice of the peace in the [township] *county* in which
19 the estray was taken up, [or, in case there is no
20 justice in the township, then with the next nearest
21 justice in the county,] his affidavit which shall show:

22 Sec. 14. Section three hundred thirty-two point
23 nine (332.9), Code 1971, is amended to read as follows:

24 332.9 OFFICES FURNISHED. The board of supervisors
25 shall furnish the clerk of the district court, sheriff,

Page 7

1 recorder, treasurer, auditor, county attorney, county
2 superintendent, county surveyor or engineer, and
3 county assessor, with offices at the county seat,
4 but in no case shall any such officer, except the
5 county attorney, be permitted to occupy an office
6 also occupied by a practicing attorney. *The board
7 may require justices of the peace to hold court in
8 facilities furnished by the county. If recommended
9 by the chief judge of the judicial district, the board
10 shall furnish suitable facilities for justices of
11 the peace to hold court.*

12 Sec. 15. Section three hundred forty-three point
13 three (343.3), Code 1971, is amended to read as
14 follows:

15 343.3 ACTING AS COUNSEL. No sheriff[,] or deputy
16 sheriff[, or constable] shall appear in any court as
17 attorney or counsel for any party, nor make any writing
18 or process to commence any action or proceeding, or
19 to be in any manner used in the same; and such writing
20 or process made by any of them shall be rejected.

21 Sec. 16. Section three hundred forty-three point
22 four (343.4), Code 1971, is amended to read as follows:

23 343.4 PURCHASE OF PROPERTY. No sheriff[,] or deputy
24 sheriff[, or constable] shall become the purchaser,
25 either directly or indirectly, of any property by

Page 8

1 him exposed to sale under any process of law; and
2 every such purchase shall be void.

3 Sec. 17. Section three hundred fifty-nine point
4 thirty-eight (359.38), Code 1971, is amended to read
5 as follows:

6 359.38 WATCHMEN APPOINTED. Such trustees,
7 directors, or other officers may appoint as many day
8 and night watchmen of their grounds as they may think
9 expedient, and such watchmen, and also all their
10 sextons, superintendents, gardeners, and agents,
11 stationed upon or near said grounds are hereby
12 authorized to take and subscribe, before any mayor
13 of a city or justice of the peace of the [township]
14 county where such cemetery is situated, an oath of
15 office[, similar to that required by law of constables].

16 Sec. 18. Section three hundred fifty-nine point
17 thirty-nine (359.39), Code 1971, is amended to read
18 as follows:

19 359.39 EX OFFICIO POLICE OFFICERS. Upon the
20 taking of such oath, such watchmen, sextons,
21 superintendents, gardeners, and agents shall have
22 and exercise all powers of police officers within
23 and adjacent to the cemetery grounds and each shall
24 have power to arrest any and all persons engaged in
25 violating the laws of this state, and to bring such

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1 person so offending before any justice of the peace
2 within such [township] county, to be dealt with according
3 to law.

4 Sec. 19. Section three hundred sixty-seven point
5 five (367.5), Code 1971, is amended to read as follows:
6 367.5 JURISDICTION OF MAYOR. In other cities
7 and towns, the mayor, or mayor pro tempore [when
8 authorized] , *may request approval from the chief judge*
9 *of the judicial district of the county to hold mayor's*
10 *court[,] . If approval is granted by the chief judge*
11 *of the judicial district of the county, the mayor*
12 *shall have exclusive jurisdiction of all actions or*
13 *prosecutions for violations of city or town ordinances,*
14 *and [the mayor] shall have, in criminal matters, the*
15 *jurisdiction of a justice of the peace, coextensive*
16 *with the county, and in civil cases, the jurisdiction*
17 *within the city or town that a justice of the peace*
18 *has within the [township] county.*

19 Sec. 20. Section three hundred sixty-seven point
20 thirteen (367.13), Code 1971, is amended to read as
21 follows:

22 367.13 FEES. Police judges in criminal cases
23 under ordinances or state laws shall [receive] *charge*
24 *the same fees as justices of the peace [receive] in*
25 *similar cases and all fees collected shall be paid*

Page 10

1 *into the municipal treasury.* In criminal cases under
2 ordinance, said fees shall be payable from the
3 municipal treasury, and in criminal cases under state
4 law, said fee shall be payable from the county
5 treasury. The council [may] *shall* by ordinance provide
6 a salary in lieu of all fees[, and thereafter all fees

7 collected shall be paid into the municipal treasury]
 8 and the salary may be based upon the salaries paid
 9 to justices of the peace.

10 Sec. 21. Section three hundred sixty-seven point
 11 fourteen (367.14), Code 1971, is amended to read as
 12 follows:

13 367.14 MARSHAL AS BAILIFF. The marshal or his
 14 deputy shall attend upon the sittings of the mayor's
 15 and police courts and perform the duties of bailiff
 16 therein. The fees for such services shall be the
 17 same as [constables] county sheriffs receive for similar
 18 services [in justice of the peace court]. Fees shall
 19 be payable from the municipal treasury for services
 20 in connection with criminal cases under ordinances,
 21 and from the county treasury for services in connection
 22 with criminal cases under the state law. The council
 23 may by ordinance provide a salary in lieu of all fees,
 24 and thereafter all fees collected shall be paid into
 25 the municipal treasury.

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1 Sec. 22. Section three hundred sixty-seven point
 2 fifteen (367.15), Code 1971, is amended to read as
 3 follows:

4 367.15 MAYOR'S FEES. For holding a mayor's or
 5 police court, or discharging the duties of a justice
 6 of the peace, the mayor shall receive in addition
 7 to his regular salary as mayor, such [fees or] salary
 8 as is by law or ordinance provided for officers
 9 performing such duties.

10 Sec. 23. Section four hundred forty-five point
 11 forty-nine (445.49), Code 1971, is amended to read
 12 as follows:

13 445.49 SHERIFF [OR CONSTABLE] AS COLLECTOR. In
 14 the discharge of his duties as collector, should it
 15 become necessary to make the delinquent taxes by
 16 distress and sale, or should no collector be appointed,
 17 or should the collector fail to institute proceedings
 18 to collect said delinquent taxes, the treasurer shall
 19 place the same in the hands of the sheriff[, or a
 20 constable,] who shall proceed to collect the same,
 21 and [either] he shall be entitled to receive the same
 22 compensation in addition to the five percent, as
 23 [constables are] he is entitled to receive for the sale
 24 of property on execution.

25 Sec. 24. Section five hundred eighty point four

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1 (580.4), unnumbered paragraph one (1), Code 1971,
 2 is amended to read as follows:

3 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be
 4 enforced by the holder filing [with any constable of
 5 the county in which the progeny is kept, or] with the
 6 sheriff of [such county] the county in which the progeny
 7 is kept, an affidavit which shall, in addition to

8 a demand for foreclosure, contain:

9 Sec. 25. Section five hundred eighty point five
10 (580.5), unnumbered paragraph one (1), Code 1971,
11 is amended to read as follows:

12 580.5 POSSESSION AND NOTICE. The [constable or]
13 sheriff shall, under said affidavit, take immediate
14 possession of said progeny, and give written notice
15 of the sale thereof, which notice shall contain:

16 Sec. 26. Section five hundred eighty point eight
17 (580.8), Code 1971, is amended to read as follows:

18 580.8 SALE—APPLICATION OF PROCEEDS. If payment
19 of the service fee[, and constable costs,] be not made
20 prior to the time of sale, as fixed in such notice,
21 the [constable] *sheriff* may sell property so held by
22 him, or so much thereof as may be necessary, at public
23 auction to the highest bidder, and the proceeds shall
24 be applied, first, to the payment of the costs, and
25 second, in payment of amount due for service fee.

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1 Any surplus arising from such sale shall be forthwith
2 paid to the owner of the property sold.

3 Sec. 27. Section six hundred one point three
4 (601.3), Code 1971, is amended to read as follows:

5 601.3 SUITS BROUGHT WHERE PARTY RESIDES. Actions
6 in all cases may be brought in the [township] *justice*
7 *of the peace district* where the plaintiff, or the
8 defendant, or one of several defendants, resides,
9 unless otherwise provided by law.

10 Sec. 28. Section six hundred one point four
11 (601.4), Code 1971, is amended to read as follows:

12 601.4 WHERE DEFENDANT SERVED. They may also be
13 brought in any other [township] *justice of the peace*
14 *district* of the same county, if actual service on
15 one or more of the defendants is made in such [township]
16 *district*.

17 Sec. 29. Section six hundred one point six (601.6),
18 Code 1971, is amended to read as follows:

19 601.6 ATTACHMENT. Actions aided by attachment
20 may be brought against nonresidents of the state in
21 any county [and township] wherein the property sought
22 to be levied upon is found.

23 Sec. 30. Section six hundred one point eight
24 (601.8), Code 1971, is amended to read as follows:

25 601.8 WRITTEN STIPULATION FOR PLACE OF SUIT.

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1 On written contracts stipulating for payment at a
2 particular place, action may be brought in the [township]
3 *justice of the peace district* where the payment was
4 agreed to be made.

5 Sec. 31. Section six hundred one point eleven
6 (601.11), Code 1971, is amended to read as follows:

7 601.11 CHANGE OF VENUE FOR FRAUD. Where an action
8 is brought relying upon the foregoing provisions to

9 fix the venue in a [township] *justice of the peace*
 10 *district* in a county other than the residence of the
 11 signer of a written contract, and the defendant files
 12 a verified answer setting forth a legal defense alleg-
 13 ing fraud in the inception of the contract, and he
 14 files therein a motion asking to have said cause
 15 transferred to the county of his residence, accompanied
 16 by a cost bond of fifty dollars to be approved by
 17 the court where the action is brought, the justice
 18 before whom such action is brought shall thereupon
 19 order the same transferred to such county upon the
 20 defendant paying fees of transcript and postage,
 21 and all papers and transcript shall forthwith be
 22 mailed, by certified mail [letter], to the clerk of
 23 the district court of the county of defendant's
 24 residence, and said cause shall be docketed for trial.
 25 Sec. 32. Section six hundred one point fourteen

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1 (601.14), Code 1971, is amended to read as follows:
 2 601.14 IN ADJOINING [TOWNSHIP] *DISTRICT*. If there
 3 is no justice in the proper [township] *justice of the*
 4 *peace district* qualified or able to act, the action
 5 may be commenced in any adjoining [township] *justice*
 6 *of the peace district* in the same county. If there
 7 [be no such] *is no* justice in an adjoining [township]
 8 *district*, it may be commenced before [the] a justice
 9 in [the same county nearest to the township in which
 10 the defendant resides] *an adjoining county*.

11 Sec. 33. Section six hundred one point fifteen
 12 (601.15), Code 1971, is amended by striking the section
 13 and inserting in lieu thereof the following:

14 601.15 INVOICES FURNISHED. The board of
 15 supervisors of each county shall furnish each justice
 16 of the peace in the county with a record book
 17 containing serially numbered invoice receipts in
 18 triplicate. The original of each invoice receipt
 19 shall be given to the defendant, one copy shall be
 20 transmitted to the board of supervisors, and one copy
 21 shall be retained by the justice of the peace. The
 22 board of supervisors shall also furnish each justice
 23 of the peace with a record book suitable for a docket.

24 Sec. 34. Section six hundred one point twenty-
 25 three (601.23), Code 1971, is amended to read as

Page 16

1 follows:

2 601.23 SERVICE AND RETURN. The service and return
 3 thereto must be made in the same manner as in the
 4 district court, except no service shall be made by
 5 publication other than is herein provided, nor shall
 6 any return made by another than the sheriff [or a
 7 constable] of the county be valid unless sworn to.

8 Sec. 35. Section six hundred one point thirty-

9 five (601.35), Code 1971, is amended to read as
 10 follows:
 11 601.35 NEXT NEAREST JUSTICE. When a change is
 12 allowed and the fees for transcript are paid, said
 13 justice shall transmit all the original papers in
 14 the case, and a transcript of his proceedings, to
 15 the next nearest justice in the [township] *county*, if
 16 there be any; if not, to the next nearest justice
 17 in [his county] *an adjoining county*, and said justice
 18 shall proceed to try said case, and, if he cannot
 19 try the same immediately, he shall then fix a time
 20 therefor, of which all parties shall take notice;
 21 provided, however, anything herein to the contrary
 22 notwithstanding, if any party seeking to have the
 23 place of trial changed shall so request and designate
 24 a municipal or superior court within the county, said
 25 cause and all original papers and transcript shall

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1 be removed immediately to such designated municipal
 2 court or superior court, if there be such municipal
 3 or superior court within the county, and docketed,
 4 the filing fee to be paid by plaintiff, for nonpayment
 5 of which the cause shall be dismissed.
 6 Sec. 36. Section six hundred one point forty-nine
 7 (601.49), Code 1971, is amended to read as follows:
 8 601.49 JURY SUMMONED. If a jury [be] *is* demanded,
 9 the justice shall issue his precept to [some constable
 10 of the township] *the sheriff*, directing him to summon
 11 the requisite number of jurors possessing the same
 12 qualifications as are required in the district court.
 13 Sec. 37. Section six hundred one point seventy-
 14 three (601.73), Code 1971, is amended to read as
 15 follows:
 16 601.73 FORM. Such execution shall be against
 17 the goods and chattels of the defendant therein, and
 18 shall be directed to [any constable] *the sheriff* of
 19 the county.
 20 Sec. 38. Section six hundred one point one hundred
 21 ten (601.110), Code 1971, is amended to read as
 22 follows:
 23 601.110 ATTACHMENT WITHOUT PERSONAL SERVICE.
 24 In actions in which an attachment is sought, if it
 25 is made to appear by affidavit that personal service

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1 cannot be had on the defendant within the state, the
 2 justice, upon the return day, unless the defendant
 3 appear, shall make an order fixing the day for the
 4 trial, not less than sixty days thereafter, and
 5 requiring notice to be given by [any constable] *the*
 6 *sheriff* as provided in section 601.111.
 7 Sec. 39. Section six hundred one point one hundred
 8 eighteen (601.118), Code 1971, is amended to read
 9 as follows:

10 601.118 INTERCHANGE. In case of sickness, or
11 other disability, or absence of a justice at the time
12 fixed for a trial of a cause or other proceeding,
13 any other justice of the [township] *county or an*
14 *adjoining county* may, at his request, attend and
15 transact the business for him without any transfer
16 to another office. The entries shall be made in the
17 docket of the justice at whose office the business
18 is transacted, and the same effect shall be given
19 to the proceedings as though no such interchange of
20 official service had taken place.

21 Sec. 40. Section six hundred one point one hundred
22 twenty-two (601.122), Code 1971, is amended to read
23 as follows:

24 601.122 SHERIFF [AND CONSTABLE]. The [constable]
25 *sheriff* is the proper executive officer in a justice's

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1 court[, but the sheriff may perform any of the duties
2 required of him]. The powers and duties of the sheriff
3 in relation to the business of the district court,
4 so far as the same are applicable and not modified
5 by statute, devolve upon the [constable] *sheriff* in
6 relation to the justice's court.

7 Sec. 41. Section six hundred one point one hundred
8 thirty-two (601.132), Code 1971, is amended to read
9 as follows:

10 601.132 ANNUAL REPORT TO BOARD OF SUPERVISORS.

11 *All justices of the peace shall pay into the county*
12 *treasury all criminal and civil fees collected in*
13 *each year including all fees collected pursuant to*
14 *section 601.128. All justices of the peace [and*
15 *constables] shall under oath make an annual report*
16 *to the board of supervisors, upon blanks furnished*
17 *by the county auditor, of all criminal fees taxed*
18 *and collected during the year, which report shall*
19 *also show that all criminal fees and fines collectible*
20 *by law have been received, such annual report to be*
21 *made on the [first] second Monday in January[, and before*
22 *the annual settlement shall be made,] and accompanied*
23 *with the receipts of the treasurer for all money paid*
24 *in to him.*

25 *All justices of the peace shall make an annual*

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1 *report for the preceding calendar year to the board*
2 *of supervisors and to the district court, upon blanks*
3 *furnished by the board of supervisors, of their total*
4 *case loads including all actions brought before them.*
5 *The report shall be filed on or before January*
6 *fifteenth of each year for the preceding year.*

7 Sec. 42. Section six hundred one point one hundred
8 thirty-three (601.133), Code 1971, is amended to read
9 as follows:

10 601.133 QUARTERLY REPORT TO COUNTY AUDITOR.

11 Justices of the peace shall make, under oath, quarterly
 12 reports, upon blanks furnished by the county auditor,
 13 and shall file the same with the county auditor, which
 14 reports shall contain a true and correct transcript
 15 of all criminal proceedings which have been instituted
 16 or adjudicated in their courts, with the names of
 17 all attending witnesses and jurors and fees taxed
 18 [in their favor].

19 Sec. 43. Section six hundred one point one hundred
 20 thirty-four (601.134), Code 1971, is amended to read
 21 as follows:

22 601.134 ATTENDANCE AT JUDICIAL CONFERENCE. [It
 23 shall be the duty of justices of the peace to attend
 24 the conference or school of instruction designated
 25 for them by the chief justice of the supreme court.]

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1 *Annually the court administrator of the judicial*
 2 *department shall cause at least one conference or*
 3 *school of instruction to be conducted for justices*
 4 *of the peace, which each justice of the peace shall*
 5 *attend unless excused by the court administrator for*
 6 *good cause. Reimbursement for expenses of attending*
 7 *[one] such [conference] conferences or [school] schools*
 8 *of instruction [per year] shall be made from the general*
 9 *fund of their county and be subject to the limitation*
 10 *contained in section 605.2. A justice of the peace*
 11 *who does not attend a conference or school and has*
 12 *not been excused by the court administrator is dis-*
 13 *qualified from office and a new justice of the peace*
 14 *shall be appointed within thirty days by the county*
 15 *board of supervisors.*

16 Sec. 44. Chapter six hundred one (601), Code 1971,
 17 is amended by adding the following new sections:

18 1. "Any person appearing as a defendant before
 19 a justice of the peace may have his case heard by
 20 the judge of the nearest municipal court, and in such
 21 case the judge of the municipal court shall act on
 22 behalf of the justice of the peace. Prior to the
 23 commencement of the hearing before the justice of
 24 the peace, the justice of the peace shall inform the
 25 defendant of his right to be tried by the judge of

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1 the municipal court."

2 2. "If the chief judge of a judicial district
 3 finds that cause exists for removal of a justice of
 4 the peace, he shall remove the justice of the peace
 5 and a successor shall be appointed by the county board
 6 of supervisors."

7 3. "The chief judge of the judicial district on
 8 the basis of the case load of each justice of the
 9 peace, shall set the annual salary of each justice
 10 of the peace as follows:

11 1. For hearing one hundred cases or less, six

12 hundred dollars.

13 2. For hearing not more than two hundred cases
14 but not less than one hundred one cases, nine hundred
15 dollars.

16 3. For hearing not more than four hundred cases
17 and not less than two hundred one cases, one thousand

18 eight hundred dollars.

19 4. For hearing not more than six hundred cases
20 and not less than four hundred one cases, two thousand
21 four hundred dollars.

22 5. For hearing not more than eight hundred cases,
23 and not less than six hundred one cases, three thousand
24 dollars.

25 6. For hearing not more than one thousand cases

Page 23

1 and not less than eight hundred one cases, four
2 thousand two hundred dollars.

3 7. For hearing not more than one thousand two
4 hundred cases and not less than one thousand one
5 cases, four thousand eight hundred dollars.

6 8. For hearing not more than one thousand five
7 hundred cases and not less than one thousand two hun-
8 dred one cases, five thousand four hundred dollars.

9 9. For hearing not more than two thousand cases
10 and not less than one thousand five hundred one cases,
11 six thousand dollars.

12 10. For hearing not more than two thousand five
13 hundred cases and not less than two thousand one
14 cases, six thousand six hundred dollars.

15 11. For hearing not more than three thousand cases
16 and not less than two thousand five hundred one cases,
17 seven thousand five hundred dollars.

18 12. For hearing more than three thousand cases,
19 nine thousand dollars."

20 4. "The salary of the justice of the peace shall
21 be payable monthly from the court fund of the county
22 in which his justice of the peace district is located
23 and also his actual and necessary expenses in the
24 performance of his duties away from his district
25 pursuant to section six hundred five point two (605.2)

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1 of the Code. The chief judge of the judicial district
2 shall certify to the appropriate county auditor the
3 annual salary to which each justice in his judicial
4 district is entitled."

5 5. "On January 1, 1975 justices of the peace whose
6 terms of office expire shall file all documents and
7 books pertaining to their office with the newly-elected
8 justices of the peace of the justice of the peace
9 district in which they are located. The newly elected
10 justices of the peace shall assume jurisdiction over
11 cases pending before the justices of the peace whose
12 terms have expired."

13 Sec. 45. Section six hundred two point one (602.1),
14 Code 1971, is amended to read as follows:

15 602.1 COURT ESTABLISHED—DISTRICT DEFINED. A
16 municipal court may be established in any city having
17 a population of five thousand or more, by proceeding
18 as hereinafter provided. All that part of each civil
19 township within the corporate limits of such city
20 shall constitute the municipal court district, *except*
21 *that upon the request of a justice of the peace, a*
22 *municipal court judge shall have jurisdiction over*
23 *the specific action for which the request is made.*

24 Sec. 46. Chapter six hundred four (604), Code
25 1971, is amended by adding the following new sections:

Page 25

1 "The chief judge of a judicial district may remove
2 a justice of the peace of that judicial district from
3 office for cause."

4 "The chief judge of a judicial district on the
5 basis of case load of each justice of the peace shall
6 set the annual salary of each justice of the peace
7 pursuant to section forty-four (44), subsection three
8 (3) of this Act. For the initial year the case load
9 for each justice of the peace district shall be
10 determined by dividing the total number of cases of
11 justices of the peace in the county for the preceding
12 year by the number of justice of peace districts
13 established in section three (3) of this Act in each
14 county. For each succeeding year, the caseload shall
15 be the caseload of the justice of the peace district
16 of the preceding year."

17 Sec. 47. Section six hundred twenty-two point
18 sixty-three (622.63), Code 1971, is amended to read
19 as follows:

20 622.63 SUBPOENAS. The clerks of the several
21 courts shall, on application of any person having
22 a cause or matter pending in court, issue a subpoena
23 for witnesses under the seal of the court, inserting
24 all the names required by the applicant in one
25 subpoena, if practicable, which may be served by the

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1 sheriff [or any constable] of the county, or by the
2 party or any other person.

3 Sec. 48. Section six hundred twenty-two point
4 seventy-eight (622.78), Code 1971, is amended to read
5 as follows:

6 622.78 SERVING SUBPOENA. If a witness conceals
7 himself, or in any manner attempts to avoid being
8 personally served with a subpoena, any sheriff [or
9 constable] having the subpoena may use all necessary
10 and proper means to serve the same, and may for that
11 purpose break into any building or other place where
12 the witness is to be found, having first made known
13 his business and demanded admission.

14 Sec. 49. Section six hundred thirty-nine point
15 sixty-eight (639.68), Code 1971, is amended to read
16 as follows:

17 639.68 SHERIFF[—CONSTABLES]. The word "sheriff",
18 or "officer", as used in this chapter is meant to
19 apply to [constables when the proceedings are in a
20 justice's court, or] the like officer of any other
21 court.

22 Sec. 50. Section six hundred forty-two point one
23 (642.1), Code 1971, is amended to read as follows:

24 642.1 WHO MAY BE GARNISHED. A sheriff [or constable]
25 may be garnished for money of the defendant in his

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1 hands; a judgment debtor of the defendant, when the
2 judgment has not been assigned on the record, or by
3 writing filed in the office of the clerk and by him
4 minuted as an assignment on the margin of the judgment
5 docket; and an executor, for money due from decedent.

6 Sec. 51. Section six hundred forty-four point
7 one (644.1), Code 1971, is amended to read as follows:

8 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.

9 If any person shall stop or take up any vessel or
10 watercraft, or any raft of logs, or part thereof,
11 or any logs suitable for making lumber or hewn timber,
12 or sawed lumber, found adrift within the limits or
13 upon the boundaries of this state, of the value of
14 five dollars or upwards, including the cargo, tackle,
15 rigging, and other appendages of such vessel or water-
16 craft, such person, within five days thereafter,
17 provided the same shall not have been previously
18 proved and restored to the owner, shall go before
19 some justice of the peace in the [township] *county* where
20 such property is found, and make affidavit setting
21 forth the exact description of such property; where
22 and when the same was found; whether any, and if so
23 what cargo, tackle, rigging, or other appendages were
24 found on board or attached thereto; and that the same
25 has not been altered or defaced, either in whole or

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1 in part, since the taking up, either by him or by
2 any other person to his knowledge.

3 Sec. 52. Section six hundred forty-four point
4 two (644.2), Code 1971, is amended to read as follows:

5 644.2 WARRANT—APPRAISAL—RETURN—RECORD. The
6 said justice shall thereupon issue his warrant,
7 directed to [some constable of his township] *the sheriff*
8 *of the county*, commanding him to summon three
9 respectable householders of the neighborhood, who
10 shall proceed without delay to examine and appraise
11 such property, including cargo, tackle, rigging, and
12 other appendages if any there be, and to make report
13 thereof under their hands to the justice issuing such
14 warrant, who shall enter the same, together with the

15 affidavit of the taker-up, at large in his estray
 16 book, and within five days shall transmit a certified
 17 copy thereof to the county auditor of the proper
 18 county, to be by him recorded in his estray book and
 19 filed in his office.

20 Sec. 53. Section six hundred forty-eight point
 21 five (648.5), Code 1971, is amended to read as follows:
 22 648.5 JURISDICTION—TRANSFER—APPEAL. The
 23 district, municipal, and superior courts, *and justices*
 24 *of the peace* within the county, [and justices of the
 25 peace within the township] where the subject matter

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1 of the action is situated, shall have concurrent
 2 jurisdiction of actions for the forcible entry or
 3 detention of real property, and the court first
 4 acquiring jurisdiction of an action therefor shall
 5 retain the same until judgment, unless it is
 6 transferred as hereinafter provided. Where an action
 7 is brought in the district, superior, [of] *or* municipal
 8 court it shall be tried as an equitable action, and
 9 upon presentation of the petition to the court or
 10 judge after the same has been filed, the court or
 11 judge shall make an order fixing the time and place
 12 for hearing upon said petition and shall prescribe
 13 that notice of the hearing be personally served upon
 14 the defendant or defendants, which service shall be
 15 at least five days prior to the date set for hearing.
 16 By agreement of the parties, it may be transferred
 17 from a justice's court to a municipal, superior, or
 18 the district court, or from a superior or a municipal
 19 to the district court, and all such actions in which
 20 judgment is rendered in a justice's court may be
 21 appealed to the district or superior court, as provided
 22 by law.

23 Sec. 54. Section six hundred forty-eight point
 24 eight (648.8), Code 1971, is amended to read as
 25 follows:

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1 648.8 VENUE. When brought before a justice of
 2 the peace, and there is none present or qualified
 3 to act in the [township] *justice of the peace district*
 4 where the subject thereof is situated, it may be
 5 brought in an adjoining [township] *district* in the
 6 county. If there [be] *is* no such justice in an adjoining
 7 [township] *district* in the county it may be commenced
 8 before [the] *a* justice in [the same] *an adjoining* county
 9 nearest to the [township] *justice of the peace district*
 10 in which the subject thereof is situated.

11 Sec. 55. Section six hundred sixty-seven point
 12 five (667.5), Code 1971, is amended to read as follows:

13 667.5 SERVICE OF WARRANT. Any [constable or] **marshal**
 14 of any city or town may execute the warrant, whether
 15 it issues from the office of the clerk of the district

16 or superior court, or of a justice.

17 Sec. 56. Section seven hundred nine point nine
18 (709.9), Code 1971, is amended to read as follows:

19 709.9 TAKING GOODS FROM OFFICER. If any person,
20 knowingly and without authority of law, take, carry
21 away, secrete, or destroy any goods or chattels while
22 the same are lawfully in the custody of any sheriff,
23 county medical examiner, marshal, [constable,] or other
24 officer, and held by such officer by virtue of
25 execution, writ of attachment, or other legal process,

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1 he shall be guilty of larceny, and, when the value
2 of the property so taken, carried away, secreted,
3 or destroyed exceeds the sum of twenty dollars, be
4 imprisoned in the penitentiary not more than one year;
5 and when it does not exceed twenty dollars, be fined
6 not exceeding one hundred dollars or imprisoned in
7 the county jail not more than thirty days.

8 Sec. 57. Section seven hundred twenty-five point
9 nine (725.9), Code 1971, is amended to read as follows:

10 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any
11 magistrate or police judge is authorized, on complaint
12 supported by oath or affirmation of one or more
13 persons, issue a warrant, directed to the sheriff
14 of the county within which such complaint is made,
15 [or to any constable] or police officer within said
16 county, directing him or them, or any of them, to
17 search for, seize and take possession of such books,
18 papers, pictures, circulars, articles, and things
19 named in this chapter; and said magistrate or police
20 judge shall deliver personally, or shall transmit,
21 enclosed and under seal, specimens thereof to the
22 county attorney of his county, and shall deposit
23 within the county jail of his county, or other secure
24 place, as to him shall seem meet, enclosed and under
25 seal, the remainder thereof, and shall, upon the

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1 conviction of the person or persons offending under
2 the provisions of this chapter, forthwith, in the
3 presence of the person or persons upon whose complaint
4 the seizure or arrest was made, if he or they shall
5 elect to be present, destroy, or cause to be destroyed,
6 the remainder thereof and shall cause to be entered
7 upon the record of his court the fact of such
8 destruction.

9 Sec. 58. Section seven hundred thirty-nine point
10 nine (739.9), Code 1971, is amended to read as follows:

11 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.
12 If any sheriff[,] or deputy sheriff[, or constable], or
13 any marshal, deputy marshal, policeman, or police
14 officer of any city or town, receive from a defendant,
15 or other person, any money or other valuable thing
16 as a consideration or inducement for omitting or

17 delaying to arrest any defendant or to carry him
 18 before a magistrate or to prison, or for postpon-
 19 ing, delaying, or neglecting the sale of property
 20 on execution, or for omitting or delaying to perform
 21 any other duty pertaining to his office, he shall
 22 be fined not exceeding five hundred dollars, or
 23 imprisoned in the county jail not exceeding six months,
 24 or both fined and imprisoned, at the discretion of
 25 the court.

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1 Sec. 59. Section seven hundred forty point five
 2 (740.5), Code 1971, is amended to read as follows:
 3 740.5 FALSELY ASSUMING TO BE OFFICER. If a person
 4 falsely assume to be a judge, justice of the peace,
 5 magistrate, sheriff, deputy sheriff, peace officer,
 6 special agent of the Iowa department of public safety,
 7 or conservation officer, [or constable,] and take upon
 8 himself to act as such, or require anyone to aid or
 9 assist him in any matter pertaining to the duty of
 10 any such officer, he shall be imprisoned in the county
 11 jail not more than one year, or be fined not exceeding
 12 three hundred dollars.

13 Sec. 60. Section seven hundred forty point six
 14 (740.6), Code 1971, is amended to read as follows:
 15 740.6 STIRRING UP QUARRELS AND SUITS. If any
 16 judge, justice of the peace, clerk of any court,
 17 sheriff, [constable,] attorney, or counselor at law,
 18 encourage, excite or stir up any action, quarrel,
 19 or controversy between two or more persons, with
 20 intent to injure such persons, he shall be fined not
 21 exceeding five hundred dollars, and shall be answerable
 22 to the party injured in treble damages.

23 Sec. 61. Section seven hundred forty-three point
 24 four (743.4), Code 1971, is amended to read as follows:
 25 743.4 UNLAWFUL ASSEMBLAGES—DISPERSION. When

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1 persons to the number of twelve or more, armed with
 2 dangerous weapons, or persons to the number of thirty
 3 or more, whether armed or not, are unlawfully or
 4 riotously assembled in any city or town, any judge,
 5 sheriff, and his deputies if they be present, the
 6 mayor, aldermen, marshal, [constables,] and justices
 7 of the peace of such city or town must go among the
 8 persons assembled, or as near them as may be safe,
 9 and command them, in the name of the state, immediately
 10 to disperse.

11 Sec. 62. Section seven hundred forty-eight point
 12 three (748.3), subsection two (2), Code 1971, is
 13 amended by striking the subsection.

14 Sec. 63. Section seven hundred sixty-one point
 15 three (761.3), Code 1971, is amended to read as
 16 follows:

17 761.3 PROCEDURE ON CHANGE. On filing such an

18 affidavit a change of venue must be allowed, and the
 19 magistrate must immediately transmit all original
 20 papers, and a transcript of the entire record in the
 21 case, to the nearest magistrate in the [township, if
 22 there be one, if not, to the nearest magistrate in
 23 the] county, who shall proceed with said examination
 24 as hereinafter provided; but one such change shall
 25 be allowed.

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1 Sec. 64. Section seven hundred sixty-two point
 2 fourteen (762.14), Code 1971, is amended to read as
 3 follows:

4 **762.14 CHANGE ALLOWED—TRANSMISSION OF PAPERS.**

5 If such affidavit be filed, the change of place of
 6 trial must be allowed, and the justice must immediately
 7 transmit all the original papers, and a transcript
 8 of all his docket entries in the case, to the next
 9 nearest justice in the [township] *county or an adjoining*
 10 *county*, unless said justice be a party to the action,
 11 or is related to either party by consanguinity, or
 12 affinity within the fourth degree, or where he has
 13 been attorney for either party in the action or
 14 proceeding; and in such case the justice before whom
 15 such action or proceedings is commenced shall transmit
 16 all the original papers, together with a transcript
 17 of all his docket entries, to [the next nearest] *another*
 18 *justice in the county or adjoining county* against
 19 whom none of the above objections exist, who shall
 20 proceed with the case as provided in this chapter,
 21 but no more than one change of place of trial in the
 22 same case shall be allowed.

23 Sec. 65. Section seven hundred sixty-two point
 24 forty-four (762.44), unnumbered paragraph five (5),
 25 Code 1971, is amended to read as follows:

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1 Accepted by me, at, in the [township]
 2 *county* of, this day of
 3, A.D.
 4 C..... D.....
 5 Justice of the peace.

6 Sec. 66. Section seven hundred sixty-three point
 7 four (763.4), Code 1971, is amended to read as follows:

8 **763.4 FORM OF BAIL BOND.** Bail is put in by a
 9 written undertaking, executed by one or more sufficient
 10 sureties (with or without the defendant, in the
 11 discretion of the court, clerk, or magistrate),
 12 accepted by the court clerk, or magistrate taking
 13 the same, and may be substantially in the following
 14 form:

15 County of
 16 An order having been made on the day of
 17, A.D., by A..... B.....,
 18 a justice of the peace (or other magistrate), of the

19 [township] county of _____, (or as the case
 20 may be) that C _____ D _____ be held
 21 to answer upon a charge of (stating briefly the nature
 22 of the offense), upon which he has been duly admitted
 23 to bail, in the sum of _____ dollars.
 24 We, E. _____ F _____ and G _____ H
 25 _____, hereby undertake that the said C

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1 _____ D _____, shall appear at the
 2 district court of the county of _____,
 3 on the _____ day of _____ (month), 19____
 4 (year) (which date shall not be more than twenty days
 5 after perfection of the undertaking), and answer said
 6 charge, and submit to the orders and judgment of said
 7 court, and not depart without leave of the same, or,
 8 if he fail to perform either of these conditions,
 9 that we will pay to the state of Iowa the sum of
 10 _____ dollars (inserting the sum in which
 11 the defendant is admitted to bail).
 12 _____ E. _____ F. _____
 13 _____ G. _____ H. _____
 14 Accepted by me as _____, [in the township
 15 of _____,] in the county of _____,
 16 this _____ day of _____, A.D.
 17 _____
 18 I. _____ J. _____ (with official title).
 19 Sec. 67. Sections six hundred one point one hundred
 20 nineteen (601.119), six hundred one point one hundred
 21 twenty-one (601.121), six hundred one point one hundred
 22 twenty-nine (601.129), six hundred one point one
 23 hundred thirty-one (601.131), and six hundred twenty-
 24 six point seventy-six (626.76), Code 1971, are
 25 repealed.

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1 Sec. 68. The effective date of this Act shall
 2 be July 1, 1974. Justices of the peace elected on
 3 the first Tuesday after the first Monday in November
 4 of 1972 shall complete their terms of office. Justices
 5 of the peace shall be elected pursuant to the provi-
 6 sions of this Act on the first Tuesday after the first
 7 Monday in November of 1974.
 8 2. Amend the title by striking all of said title
 9 after the word "Act" and inserting in lieu thereof the
 10 following: "relating to district court judges, justice
 11 of the peace courts, mayors' courts, police courts, and
 12 local law-enforcement personnel."

HOUSE AMENDMENT TO SENATE FILE 1008

1 Amend Senate File 1008, as amended and passed by the
 2 Senate and reprinted, as follows:
 3 1. Page 6, line 15, by striking the words "and one-
 4 half".

5 2. By adding the following new section:

6 "Section five hundred twenty-four point five hundred
7 nineteen (524.519), subsection one (1), Code 1971, is
8 amended to read as follows:

9 524.519 CHANGE OF CONTROL—SHARES AS SECURITY—
10 REPORTS.

11 1. Whenever [a change occurs in the ownership] *any*
12 *person proposes to purchase or otherwise acquire directly*
13 *or indirectly any of the outstanding shares of a state*
14 *bank [which will], and the proposed purchase or acquisition*
15 *would result in control or in a change in control of [a state]*
16 *the bank, the person proposing to purchase or acquire the*
17 *shares shall first apply in writing to the superintendent for*
18 *a certificate of approval for the proposed change of control.*
19 *The superintendent shall grant the certificate if he is*
20 *satisfied that the person who proposes to obtain control of*
21 *the bank is qualified by character, experience and financial*
22 *responsibility to control and operate the bank in a sound*
23 *and legal manner, and that the interests of the depositors,*
24 *creditors and shareholders of the bank, and of the public*
25 *generally, will not be jeopardized by the proposed change of*

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1 *control. If the proposed purchaser or acquirer is a*
2 *bank holding company as defined by section seven (7) of*
3 *this Act, it shall comply with section ten (10) of this*
4 *Act in lieu of seeking a certificate of approval under*
5 *this subsection. In any situation where he has reason to*
6 *believe any of the foregoing requirements have not been*
7 *complied with, it shall be the duty of the president or*
8 *cashier [shall] of a bank to promptly report in writing such*
9 *facts to the superintendent upon obtaining knowledge*
10 *thereof. As used in this section, the term control means*
11 *the power, directly or indirectly, to elect the board of*
12 *directors. If there is any doubt as to whether a change*
13 *in the ownership of the outstanding shares is sufficient*
14 *to result in control thereof, or to effect a change in*
15 *the control thereof, such doubt shall be resolved in favor*
16 *of reporting the facts to the superintendent."*

HOUSE CONCURRENT RESOLUTION 108

By Christensen, Doyle, Kelly, McCormick, and Schwieger

Whereas, institutional counselors are necessary for rehabilitative services at the state's penal and correctional institutions; and

Whereas, the case load of the penal and correctional institutions counselors is too high to allow for the adequate and effective counseling that is necessary; and

Whereas, parole under the supervision of parole agents is one of the most efficient and effective means of helping inmates to return to the communities of this state as productive citizens; and

Whereas, the case load of the state's parole agents is too high to allow the parole agents to operate as effectively as possible; and

Whereas, the Iowa crime commission has subgrants available for the hiring of additional counselors and parole agents by the department of social services, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the department of social services is urged to apply for, on a priority basis, the subgrants available from the Iowa crime commission for the hiring of additional counselors and parole agents.

UNFINISHED BUSINESS

House File 6

The Senate resumed consideration of House File 6.

Senator Rabedeaux offered the following amendment and moved its adoption:

- 1 Amend House File 6, page 1, line 3, by striking the word
- 2 "Code" and inserting in lieu thereof the word "code".

The amendment was adopted.

Senator Rabedeaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 6) the vote was:

Ayes, 32:

Arbuckle	Doderer	Mowry	Schaben
Bass	Erskine	Neu	Shaff
Briles	Graham	Nicholson	Shawver
Brownlee	Griffin	Ollenburg	Smith
Carlson	Kyhl	Rabedeaux	Stephens
Conklin	Lamborn	Rhodes	Van Drie
Curran	Laverty	Riley	Van Gilst
DeKoster	Miller	Robinson	Walsh

Nays, 7:

Gaudineer	Gross	Kennedy	Tapscott
Glenn	Hill	Palmer	

Absent or not voting, 11:

Anderson	Davis	Messerly	Potter
Balloun	Gilley	Milligan	Thordsen
Coleman	Keith	Potgeter	

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

SENATE FILE WITHDRAWN

Senator Rabedeaux asked and received unanimous consent that **Senate File 32** be withdrawn from further consideration of the Senate.

Senator Mowry moved that the vote by which **House File 6** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 6) the vote was:

Rule 24 was invoked.

Ayes, 27:

Arbuckle	DeKoster	Messerly	Shaff
Bass	Erskine	Mowry	Shawver
Briles	Graham	Neu	Smith
Brownlee	Griffin	Nicholson	Stephens
Carlson	Kyhl	Rabedeaux	Van Drie
Conklin	Lamborn	Rhodes	Walsh
Curran	Laverty	Riley	

Nays, 11:

Doderer	Gross	Miller	Tapscott
Gaudineer	Hill	Palmer	Van Gilst
Glenn	Kennedy	Schaben	

Absent or not voting, 12:

Anderson	Davis	Milligan	Potter
Balloun	Gilley	Ollenburg	Robinson
Coleman	Keith	Potgeter	Thordsen

The motion prevailed.

President Jepsen took the chair at 2:50 p.m.

CONSIDERATION OF BILLS

Senate File 1181

Senator Mowry asked and received unanimous consent to take up for consideration Senate File 1181.

On motion of Senator Mowry, Senate File 1181, a bill for an act relating to the Iowa liquor control commission appropriation, was taken up and considered.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1181) the vote was:

Ayes, 41:

Anderson	Glenn	Messerly	Schaben
Arbuckle	Graham	Miller	Shaff
Bass	Griffin	Mowry	Shawver
Briles	Gross	Neu	Smith
Brownlee	Hill	Nicholson	Stephens
Carlson	Keith	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
DeKoster	Kyhl	Rhodes	Van Drie
Doderer	Lamborn	Riley	Van Gilst
Erskine	Laverty	Robinson	Walsh
Gaudineer			

Nays, none.

Absent or not voting, 9:

Balloun	Davis	Milligan	Potter
Coleman	Gilley	Potgeter	Rabedeaux
Curran			

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

House File 1099

On motion of Senator Shaff, House File 1099, a bill for an act providing for an appraisal staff and appraisal manual in the department of revenue, and to make an appropriation therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaff moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1099) the vote was:

Ayes, 41:

Anderson	Glenn	Miller	Robinson
Balloun	Graham	Milligan	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Conklin	Kyhl	Potgeter	Thordsen
DeKoster	Lamborn	Rabedeaux	Van Drie
Doderer	Laverty	Rhodes	Van Gilst
Erskine	Messerly	Riley	Walsh
Gaudineer			

Nays, 2:

Bass	Schaben
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Absent or not voting, 7:

Arbuckle	Davis	Kennedy	Potter
Curran	Gilley	Mowry	

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

SENATE FILE WITHDRAWN

Senator Shaff asked and received unanimous consent that **Senate File 1075** be **withdrawn** from further consideration of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1258, a bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly relating to motor vehicle inspection.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1030, a bill for an act pertaining to the council of social services.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 103, creating a study committee consisting primarily of female members to conduct a study of women's correctional system in Iowa.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1030

- 1 Amend the title to Senate File 1030 by striking all
- 2 after the word "Act" and inserting in lieu thereof the
- 3 following: "relating to the recording of blind, deaf
- 4 and handicapped persons by the assessor."

HOUSE CONCURRENT RESOLUTION 103

By Lipsky, Egenes, Franklin, McElroy,
Miller, Sargisson and Shaw

Whereas, the protection of society and the rehabilitation of the female inmates concerns the penal and correctional system in Iowa; and

Whereas, the inmate population at the women's reformatory has been declining in recent years; and

Whereas, the Governor's Economy Committee has recommended that the present use of the women's reformatory be discontinued, and that the State Department of Social Services assign women to short-term area correctional and mental health facilities for rehabilitation and probationary purposes; and

Whereas, the existing Penal and Correctional Systems Study Committee consists primarily of legislative and nonlegislative members, NOW THEREFORE,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Legislative Council is authorized to create a study committee, **as**

provided by law, which shall consist primarily of female members of the appropriate standing committees of the House of Representatives and the Senate and primarily of female nonlegislative members having special knowledge in the field of correctional and rehabilitation facilities for women, to conduct during the 1972-1973 legislative interim a comprehensive study of the women's correctional system in Iowa. The study shall include, but not be limited to, a review and revision of present programs and facilities at the women's reformatory; assignments of inmates; the programs which should be implemented for the treatment of adult and juvenile women offenders; and recommendations regarding a five-year expenditures program for the reorganization of the penal and correctional system; and

Be It Further Resolved, That, in conjunction with the existing Penal and Correctional Systems Study Committee, the committee studying the women's correctional system shall prepare and submit a report of the study to the legislative council and to the members of the Sixty-fifth General Assembly, First Session. The report shall be accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

INTRODUCTION OF BILL

Senate File 1187, by Senator Van Drie, a bill for an act to establish a board of electronic service examiners to register electronics service personnel and to provide a penalty for violation of this Act.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1258, a bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly relating to motor vehicle inspection to extend the time within which a vehicle failing inspection must be repaired, to require inspection upon the transfer of a motor vehicle, to lengthen the period within which a motor vehicle must be inspected prior to transfer, and to permit the regrooving of specially designed tires.

Read first time and passed on file.

REQUEST FOR SENATE COMMERCE COMMITTEE MEETING

Pursuant to the Rules of the Senate, and specifically Rule 3, and Section 626, subsection 3 of Mason's Legislative Manual, the undersigned members of the Senate commerce committee hereby request a meeting of said committee on Wednesday, March 1, 1972 at 9:00 a.m.

GENE W. GLENN
JAMES A. POTGETER
WILLIAM D. PALMER

SENATE CONCURRENT RESOLUTION 116

By Neu

Whereas, the recent California Supreme Court Decision of Serrano v. Priest, as well as federal court decisions in the states of Minnesota and Texas, indicate that the school financing system in effect in Iowa and most other states may well be constitutionally questionable; and

Whereas, many court cases involving the same issues as were present in the California, Minnesota, and Texas are pending and the United States Supreme Court may make a ruling which could result in the state of Iowa having to rewrite its basic plan for financing education; and

Whereas, such organizations as the Education Commission of the States and the Council of State Governments have in the past and very likely will in the future conduct studies and seminars relating to the impact of the various court decisions on the school financing systems of the states and many publications have been and are presently being written in regard to such subject; and

Whereas, it is vital that the General Assembly keep well informed of the issues relating to school financing and the ramifications that could result because of pending court decisions; and

Whereas, if it will be necessary for the state of Iowa to change its method of financing education because of the recent court decisions the members of the General Assembly should become knowledgeable and review available studies and material relating to the recent court decisions so that the General Assembly will be adequately prepared to propose and act upon any legislation that may be required, *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council be authorized to create a study committee composed of six legislators, three from each house, representing both political parties, to be appointed by the president of the senate and the speaker of the house, and six citizen members appointed by the governor; and

Be It Further Resolved, That the study committee shall study the Serrano v. Priest decision, and other court decisions relating to the financing of education as well as the present method of financing education in Iowa, in order to determine what methods of financing schools and alternatives may be available to Iowa if its system of financing education should be found to be unconstitutional, and also to acquaint the public with the problems which may be created by the various court decisions; and

Be It Further Resolved, That the study committee shall make its reports of recommendations, accompanied by any bill drafts that may be required, to the legislative council and the general assembly meeting in the year 1973.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 28th day of February, 1972, sent to the Governor for his approval: Senate Files 1005 and 1046.

JOHN C. RHODES, Chairman

Passed on file.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 116 State government
 S. F. 1183 Commerce
 S. F. 1187 State government
 H.C.R. 103 State government
 H. F. 1038 Judiciary
 H. F. 1219 Conservation and recreation
 H. F. 1258 Transportation

EXPLANATIONS OF VOTE

When the final vote was taken on House File 6, we were absent from the Senate chambers attending a conference committee meeting. Had we been present we would have voted "aye" on this bill.

JAMES A. POTGETER
 GEORGE F. MILLIGAN
 CHARLES F. BALLOUN

When House File 6 was brought to a final vote, I was not in the Senate chamber because I was in the meeting of the conference committee on adult rights. Had I been present, I would have voted "aye" on the final passage of House File 6 and would have voted "no" on the motion to reconsider and lay on the table.

C. JOSEPH COLEMAN

The reason for my absence during the vote on House File 6 was due to the fact that I was attending a hearing of the Hawkeye Telephone Company. Had I been present, my vote would have been "aye".

QUENTIN V. ANDERSON

REPORTS OF COMMITTEES

Senator Mowry submitted the following reports:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 10**, a bill for an act relating to the maintenance of access roads, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the commerce committee amendment filed June 7, 1971, and found on page 1703 of the Senate Journal; and when so amended the bill do pass.**

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 1047**, a bill for an act relating to the lending and investing powers of savings and loan associations, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 1047 as passed by the House, page 2, by
- 2 striking lines 1 through 21, inclusive, and renumber the sub-
- 3 sequent sections accordingly.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred House File 1117, a bill for an act relating to the annual report of the commissioner of insurance, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on commerce, to which was referred House File 1128, a bill for an act relating to the annual certificate of authority of insurance companies, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred House File 1032, a bill for an act relating to resignations of school board members, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1182, page 2, line 4, by striking the words
- 2 "one hundred thousand (100,000)" and inserting in lieu thereof
- 3 "four hundred ninety-five thousand (495,000)".

R. DEAN ARBUCKLE

- 1 Amend Senate File 1182, page 2, after line 20,
- 2 by adding the following new section: "Sec. The funds
- 3 allocated from this appropriation shall follow the
- 4 percentage guide lines for various anticrime programs as
- 6 established by the regional anticrime commission office."

JOHN E. TAPSCOTT

- 1 Amend Senate File 1185 on page 2, line 4, by striking
- 2 the word "may" and inserting in lieu thereof the words
- 3 "[is hereby authorized to] *may*".

ALDEN J. ERSKINE

- 1 Amend the commerce committee amendment filed February 14,
- 2 1972, to House File 30, page 1, by adding the following
- 3 new paragraph after line 10:

4 "As a part of the inspection process, the inspector shall,
5 if provided by the easement contract, ascertain that the
6 trench excavation has been filled in in such a manner as
7 to provide that the top soil has been replaced on top and
8 all rocks and debris have been removed from the top soil."

CLIFTON C. LAMBORN

1 Amend the state government committee amendment filed
2 February 15, 1972, and found on page 393 of the Senate
3 Journal, to House File 367 as follows:

- 4 1. Line 10, by inserting after the word "federal" the
5 following: ", state and local".
- 6 2. Line 19, by inserting after the word "federal" the
7 following: ", state and local".

JOHN C. RHODES

1 Amend House File 571 as amended and passed by the House
2 as follows:

- 3 1. Page 3, line 29, insert after the period the
4 following:
5 "Such an affirmative defense shall be of no avail if
6 the obscene material be disseminated to pupils in the ele-
7 mentary or secondary schools, kindergarten through twelfth
8 grade. Text books depicting human physiology or hygiene
9 shall not be deemed obscene."
- 10 2. Page 3, line 33, by striking the word "seventeen"
11 and inserting in lieu thereof the word "eighteen".
- 12 3. Page 6, line 1, by striking the word "seventeen"
13 and inserting in lieu thereof the word "eighteen".
- 14 4. Page 6, line 5, by striking the word "seventeen"
15 and inserting in lieu thereof the word "eighteen".

EUGENE M. HILL

1 Amend House File 711, as amended and passed by the
2 House, as follows:

- 3 1. Page 7, line 2, by inserting after the number
4 and comma "1972," the words "except when operated or
5 used in an authorized special event,".
- 6 2. Page 7, by striking lines 25 through 27, inclusive, and
7 on page 8, by striking lines 1 through 4, inclusive.
- 8 3. Page 8, line 5, by striking the number "7" and insert-
9 ing in lieu thereof the number "6".
- 10 4. Page 8, line 12, by striking the number "8" and insert-
11 ing in lieu thereof the number "7".

COMMITTEE ON CONSERVATION AND
RECREATION

ALDEN J. ERSKINE, Chairman

1 Amend the amendment to House File 1147 by the committee
2 on state government filed February 25, 1972, page 1, by
3 striking lines 23 through 25 inclusive and on page 2 by
4 striking lines 1 and 2 inclusive.

ARTHUR A. NEU

1 Amend House File 1147 as amended, passed and reprinted
2 by the House as follows:

3 Page 3, after line 24, insert the following new subsection:

4 "5. Unless the contrary appears to the satisfaction of
5 registration or election officials, it shall be a rebuttable
6 presumption that a person not a voting resident of this state
7 at the time of matriculation at an institution of learning,
8 or at the time of enrollment, admission, entrance, or incar-
9 ceration to or in any other institution within this state
10 supported, in whole or in part, directly or indirectly, by
11 taxes imposed or levied by this state, or by any county,
12 city, or school district within this state, or by the ex-
13 emption from any lawful tax, and whether or not the support
14 is received directly or indirectly by the person who matri-
15 culates, enrolls, is admitted, gains entrance, or is incar-
16 cerated, has a voting residence elsewhere. This presumption
17 shall be maintained so long as the person is enrolled and
18 pursuing a course of study at an institution of learning,
19 or is an enrollee or inmate of any other institution herein
20 described."

EUGENE M. HILL

1 Amend House File 1147, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by inserting after line 29 the follow-
4 ing new section:

5 "Sec. Section thirty-nine point eighteen
6 (39.18), Code 1971, is amended to read as follows:

7 39.18 BOARD OF SUPERVISORS [AND TOWNSHIP TRUS-
TEES].

8 There shall be elected, biennially, in counties [and
9 townships], members of the board of supervisors [and
10 township trustees, respectively], for a term of four
11 years to succeed those whose term of office will expire
12 on the second secular day of January following said
13 election. The term of office of any supervisor [or
14 trustee], taking office for a four-year term one year
15 later than the January next succeeding his election,
16 shall, at the general election which next precedes by
17 more than one year the expiration of his term, be
18 refilled by a member elected to a three-year term or
19 a five-year term to be specified on the ballot as
20 determined by the board, so that the terms of no more
21 than a bare majority of the board will expire in the
22 same year. Thereafter all succeeding members shall
23 be elected to four-year terms."

24 2. Page 14, by inserting after line 34 the follow-
25 ing new section:

Page 2

1 "Sec. Section forty-nine point thirty (49.30),
2 Code 1971, is amended to read as follows:

3 49.30 ALL CANDIDATES ON ONE BALLOT—EXCEPTION.

4 The names of all candidates to be voted for in such
5 election precinct, except presidential electors, shall
6 be printed on one ballot, except that at any election
7 where voting machines are used, and it is impossible

8 to place the names of all candidates on the machine
 9 ballot, the county auditor, city clerk, or town clerk,
 10 may provide a separate printed ballot for the candidates
 11 for judge of district court where there is no contest,
 12 [and the township ticket, or either;] one [of each] of said
 13 printed ballots to be furnished each qualified voter."

14 3. Page 19B, by inserting after line 44 the follow-
 15 ing new section:

16 "Sec. Section sixty-nine point eight (69.8),
 17 subsection seven (7), Code 1971, is amended to read
 18 as follows:

19 7. TOWNSHIP OFFICES. [In township offices, including
 20 trustees, by the trustees, but where the offices of
 21 the three trustees are all vacant, the] *The county board*
 22 of supervisors shall have the power to either *appoint*
 23 *township officers* or instruct the county auditor to
 24 fill the vacancies or adopt a resolution stating that
 25 the board will exercise all powers and duties assigned

Page 3

1 by law to the trustees of the township in which such
 2 vacancies exist[, until such time as the vacancies may
 3 be filled by election]."

4 4. Page 20, by inserting after line 12 the follow-
 5 ing new sections:

6 "Sec. Section three hundred fifty-nine point
 7 ten (359.10), Code 1971, is amended by striking the
 8 section and inserting in lieu thereof the following
 9 new section:

10 359.10 APPOINTMENT OF TOWNSHIP TRUSTEES. **The board**
 11 of supervisors may appoint a successor to each township
 12 trustee as a vacancy occurs or his term expires. The
 13 appointment shall be for a term of four years. If a
 14 new township is formed, the board of supervisors may
 15 appoint the first township trustees as follows: one
 16 trustee shall be appointed for a term of two years,
 17 one trustee shall be appointed for a term of three
 18 years, and one trustee shall be appointed for a term
 19 of four years. If a vacancy occurs, the appointment
 20 shall be for the unexpired term.

21 Sec. Section three hundred fifty-nine point
 22 eleven (359.11), Code 1971, is amended by striking the
 23 section and inserting in lieu thereof the following
 24 new section:

25 359.11 TOWNSHIP CLERK—VACANCIES. Commencing July

Page 4

1 1, 1972, the board of supervisors may appoint a suc-
 2 cessor to each township clerk as a vacancy occurs or
 3 his term expires. The appointment shall be for a term
 4 of two years.

5 Sec. Section three hundred fifty-nine point
 6 twenty-three (359.23), Code 1971, is amended to read
 7 as follows:

8 359.23 RECEIPTS AND EXPENDITURES. Each township
 9 clerk[, on the morning of the day of the general election

10 and before the hour for opening the polls,] shall [post,
11 at the place where such election is to be held in his
12 township, a statement in writing,] *file a financial*
13 *statement with the board of supervisors not later than*
14 *December 1, 1972 and each two years thereafter*, showing
15 all receipts of money and disbursements in his office
16 for the preceding two years, which shall be certified
17 as correct by the trustees of the township.”

18 5. Page 21, line 8, by inserting after the word
19 “Sections” the words and figures “thirty-nine point
20 twenty-two (39.22), thirty-nine point twenty-three
21 (39.23), forty-three point twenty-one (43.21), forty-
22 three point fifty-three (43.53),”.

23 6. Page 21, line 14, by inserting after the comma
24 the words and figures “forty-nine point twenty-seven
25 (49.27), forty-nine point fifty-two (49.52),”.

Page 5

1 7. Page 22, line 3, by inserting after the comma
2 the words and figures “three hundred fifty-nine point
3 eleven (359.11), three hundred fifty-nine point twelve
4 (359.12), three hundred fifty-nine point thirteen
5 (359.13), three hundred fifty-nine point twenty-two
6 (359.22),”.

7 8. Renumber sections and correct internal refer-
8 ences as necessary in accordance with this amendment.

JAMES A. POTGETER
JOHN C. RHODES
GENE W. GLENN
JAMES W. GRIFFIN, SR.
LEE H. GAUDINEER, JR.

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Tuesday, February 29, 1972.

JOURNAL OF THE SENATE

FIFTY-FIRST DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, FEBRUARY 29, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Paul Mork, president of Waldorf College, Forest City, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, February 28, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Griffin for the day on request of Senator Lamborn; Senator Kennedy for the day due to the death of his mother on request of Senator Schaben; Senator Gilley for the day due to a death in his family on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Twenty-eight students from Arnolds Park High School, Arnolds Park, Iowa, accompanied by Mike May. Senator Smith.

Seventy-seven students from Rockford High School, Rockford, Iowa, accompanied by Gary Ackenback. Senator Kyhl.

Fifty students from St. Augustin's School, Des Moines, Iowa, accompanied by Nancy Jnoble and Leone Whithead. Senator Milligan.

Thirty students, members of Cub Scout Pack 360, Marion, Iowa. Senator Riley.

PETITION

The following petition was presented and placed on file:

By Senators Ollenburg and Curran, from forty-one residents

of Winnebago, Hancock and Cerro Gordo Counties urging the purchase of additional timberland, northeast of Pilot Knob State Park for recreational use.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

SUPPLEMENTAL REPORT OF
COMMITTEE ON MEMORIAL RESOLUTIONS

MR. PRESIDENT: Your committee on memorial resolutions begs leave to report that a committee should be appointed to prepare a suitable memorial resolution for the deceased former Lieutenant Governor and Governor of the State of Iowa:

Bourke B. Hickenlooper, Linn County

RICHARD L. STEPHENS, Chairman
RUDY VAN DRIE
CHARLES P. MILLER

On motion of Senator Miller, the report was adopted.

ANNOUNCEMENT BY THE PRESIDENT

President Jepsen announced the appointment of the following memorial resolution committee:

On Bourke B. Hickenlooper:
Senator Riley, Chairman
Senator Potter
Senator Robinson

HOUSE AMENDMENTS CONSIDERED

Senate File 428

Senator Riley called up for consideration Senate File 428, a bill for an act to provide a unified trial court having district court judges and district court magistrates; to discontinue superior, justice of the peace, and police courts; and to establish traffic violations offices within the district court to receive uniform traffic violation penalties, amended by the House, and moved that the Senate refuse to concur in the House amendments found on pages 546-564, inclusive, of the Senate Journal.

Action on the motion was temporarily deferred.

Senate File 1008

Senator Brownlee called up for consideration Senate File 1008, a bill for an act relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations, amended by the House,

and moved that the Senate concur in the following amendments:

1 Amend Senate File 1008, as amended and passed by the
2 Senate and reprinted, as follows:

3 1. Page 6, line 15, by striking the words "and one-
4 half".

5 2. By adding the following new section:

6 "Section five hundred twenty-four point five hundred
7 nineteen (524.519), subsection one (1), Code 1971, is
8 amended to read as follows:

9 524.519 CHANGE OF CONTROL—SHARES AS SECURITY—
10 REPORTS.

11 1. Whenever [a change occurs in the ownership] *any*
12 *person proposes to purchase or otherwise acquire directly*
13 *or indirectly any of the outstanding shares of a state*
14 *bank [which will], and the proposed purchase or acquisition*
15 *would result in control or in a change in control of [a state]*
16 *the bank, the person proposing to purchase or acquire the*
17 *shares shall first apply in writing to the superintendent for*
18 *a certificate of approval for the proposed change of control.*
19 *The superintendent shall grant the certificate if he is*
20 *satisfied that the person who proposes to obtain control of*
21 *the bank is qualified by character, experience and financial*
22 *responsibility to control and operate the bank in a sound*
23 *and legal manner, and that the interests of the depositors,*
24 *creditors and shareholders of the bank, and of the public*
25 *generally, will not be jeopardized by the proposed change of*

Page 2

1 *control. If the proposed purchaser or acquirer is a*
2 *bank holding company as defined by section seven (7) of*
3 *this Act, it shall comply with section ten (10) of this*
4 *Act in lieu of seeking a certificate of approval under*
5 *this subsection. In any situation where he has reason to*
6 *believe any of the foregoing requirements have not been*
7 *complied with, it shall be the duty of the president or*
8 *cashier [shall] of a bank to promptly report in writing such*
9 *facts to the superintendent upon obtaining knowledge*
10 *thereof. As used in this section, the term control means*
11 *the power, directly or indirectly, to elect the board of*
12 *directors. If there is any doubt as to whether a change*
13 *in the ownership of the outstanding shares is sufficient*
14 *to result in control thereof, or to effect a change in*
15 *the control thereof, such doubt shall be resolved in favor*
16 *of reporting the facts to the superintendent."*

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1008) the vote was:

Ayes, 41:

Anderson	Doderer	Messerly	Robinson
Arbuckle	Erskine	Mowry	Schaben
Balloun	Gaudineer	Neu	Shaff
Briles	Glenn	Nicholson	Shawver
Brownlee	Gross	Ollenburg	Smith
Carlson	Hill	Palmer	Stephens
Coleman	Keith	Potgeter	Thordsen
Conklin	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedeaux	Van Gilst
Davis	Laverty	Rhodes	Walsh
DeKoster			

Nays, 3:

Bass	Miller	Riley
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Voting present, 1:

Milligan

Absent or not voting, 5:

Gilley	Griffin	Kennedy	Tapscott
Graham			

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

Senator Brownlee moved that the vote by which Senate File 1008 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 1008) the vote was:

Ayes, 26:

Anderson	Erskine	Neu	Rhodes
Balloun	Keith	Nicholson	Shaff
Briles	Kyhl	Ollenburg	Shawver
Brownlee	Lamborn	Potgeter	Stephens
Carlson	Laverty	Potter	Van Drie
Conklin	Messerly	Rabedeaux	Walsh
Curran	Mowry		

Nays, 15:

Arbuckle	Gaudineer	Miller	Schaben
Bass	Glenn	Palmer	Thordsen
Coleman	Gross	Riley	Van Gilst
Doderer	Hill	Robinson	

Voting present, 2:

Milligan	Smith
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Absent or not voting, 7:

Davis	Gilley	Griffin	Tapscott
DeKoster	Graham	Kennedy	

The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate File 1014.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILL SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bill: Senate File 1014.

BILL SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 29th day of February, 1972, sent to the Governor for his approval: Senate File 1014.

JOHN C. RHODES, Chairman

Passed on file.

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

The Senate resumed session, President Jepsen presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 1030

Senator Briles called up for consideration Senate File 1030, a bill for an act pertaining to the council of social services, amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend the title to Senate File 1030 by striking all
- 2 after the word "Act" and inserting in lieu thereof the
- 3 following: "relating to the recording of blind, deaf
- 4 and handicapped persons by the assessor."

The motion prevailed and the Senate concurred in the House amendment.

Senator Briles moved that the bill as amended by the House

and concurred in by the Senate be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1030) the vote was:

Ayes, 44:

Anderson	Erskine	Miller	Riley
Arbuckle	Gaudineer	Milligan	Robinson
Balloun	Glenn	Mowry	Schaben
Briles	Graham	Neu	Shaff
Brownlee	Gross	Nicholson	Shawver
Carlson	Hill	Ollenburg	Smith
Coleman	Keith	Palmer	Stephens
Conklin	Kyhl	Potgeter	Thordsen
Curran	Lamborn	Potter	Van Drie
DeKoster	Laverty	Rabedeaux	Van Gilst
Doderer	Messerly	Rhodes	Walsh

Nays, 1:

Tapscott

Absent or not voting, 5:

Bass	Gilley	Griffin	Kennedy
Davis			

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

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 431

Senator Erskine called up for consideration the following report and moved its adoption:

CONFERENCE COMMITTEE REPORT ON SENATE FILE 431

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 431, a bill for an act relating to hunting restrictions, respectfully submit the following recommendations:

1. The House recedes from its amendments.
2. By striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section one hundred nine point forty-eight (109.48), Code 1971, is amended by striking the section and inserting in lieu thereof the following:

109.48 RESTRICTIONS. No person, except as otherwise provided by law, shall willfully disturb, pursue, shoot,

kill, take or attempt to take or have in possession any of the following game birds or animals except within the open season established by the commission: gray or fox squirrel, bobwhite quail, cottontail or jack rabbit, duck, snipe, pheasant, goose, woodcock, partridge, coot, rail, ruffed grouse, wild turkey, or deer. The seasons, bag limits, possession limits and locality shall be established by the commission under the authority of sections one hundred seven point twenty-four (107.24), one hundred nine point thirty-eight (109.38), and one hundred nine point thirty-nine (109.39) of the Code.

Subject to annual approval of the commission by departmental rule, no person shall take, possess, transport or use migratory game birds except during the periods of time and in the manner and numbers established under the provisions of the federal 'Migratory Bird Treaty Act' and the 'Migratory Bird Stamp Hunting Act'."

On the part of the Senate

ALDINE ERSKINE, Chairman
GEORGE SHAWVER
CHARLES MILLER

On the part of the House:

DALE L. TIEDEN, Chairman
PERRY CHRISTENSEN
WALTER W. P. KRUSE
NORMAN RODGERS

President pro tempore Kyhl took the chair at 11:30 a.m.

The motion prevailed and the conference committee report and the recommendations and amendment contained therein were adopted.

Senator Erskine moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 431) the vote was:

Ayes, 24:

Bass	Gaudineer	Mowry	Rhodes
Brownlee	Hill	Nicholson	Riley
Carlson	Lamborn	Ollenburg	Robinson
Conklin	Laverty	Palmer	Shaff
DeKoster	Miller	Potter	Shawver
Erskine	Milligan	Rabedeaux	Van Gilst

Nays, 20:

Anderson	Doderer	Messerly	Stephens
Balloun	Glenn	Neu	Tapscott
Briles	Graham	Potgeter	Thordsen
Coleman	Gross	Schaben	Van Drie
Curran	Kyhl	Smith	Walsh

Absent or not voting, 6:

Arbuckle	Gilley	Keith	Kennedy
Davis	Griffin		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

President Jepsen took the chair at 11:50 a.m.

HOUSE AMENDMENTS CONSIDERED

Senate File 428

The Senate resumed consideration of the House amendments to Senate File 428 and the motion that the Senate refuse to concur in the amendments.

Senator Riley requested a roll call on the motion.

On the question "Shall the Senate refuse to concur in the House amendments?" (S. F. 428) the vote was:

Rule 24 was invoked.

Ayes, 27:

Brownlee	Gaudineer	Ollenburg	Schaben
Carlson	Glenn	Palmer	Shaff
Conklin	Hill	Potgeter	Tapscott
Curran	Lamborn	Potter	Thordsen
Davis	Laverty	Rabedeaux	Van Gilst
DeKoster	Miller	Rhodes	Walsh
Doderer	Neu	Riley	

Nays, 17:

Anderson	Coleman	Keith	Nicholson
Arbuckle	Erskine	Kyhl	Shawver
Balloun	Graham	Messerly	Smith
Bass	Gross	Mowry	Stephens
Briles			

Absent or not voting, 6:

Gilley	Kennedy	Robinson	Van Drie
Griffin	Milligan		

The motion prevailed and the Senate refused to concur in the House amendments.

On motion of Senator Lamborn, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 590, a bill for an act relating to renal disease program.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 593, a bill for an act to make an appropriation to the executive council for a medical school in counties of over 200,000 population.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1070, a bill for an act relating to approval, coordination and supervision over electronic data processing for educational purposes.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 48, a bill for an act relating to movement of oversized mobile homes and vehicles.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1207, a bill for an act relating to hunting of migratory waterfowl, the issuance of stamps and the collection of fees.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 590

- 1 Amend Senate File 590, as amended and passed by the
 2 Senate, as follows:
 3 1. Page 2, by striking lines 13 through 17, inclusive,
 4 and inserting in lieu thereof the following:
 5 "composed of eleven persons selected as follows:
 6 (1). Three members from a list submitted by the kidney
 7 foundation of Iowa, inc.
 8 (2). One member from a list submitted by the Iowa regional
 9 medical program, but not a member of the nominating groups
 10 named in subsections one (1), three (3), four (4), or six (6)
 11 of this section.
 12 (3). One member from a list submitted by the Iowa nurses'
 13 association.
 14 (4). One member from a list submitted by the Iowa hospital
 15 association.
 16 (5). Three members representing the at-large consumers of
 17 health care in Iowa.
 18 (6). Two members representing the Iowa medical profession
 19 involved in renal dialysis and transplantation.
 20 Each member shall".
 21 2. Page 2, by striking lines 32 through 35, inclusive,
 22 and inserting in lieu thereof the following:
 23 3. "The commissioner, in consultation with the renal
 24 disease advisory committee, shall:
 25 (1). Establish financial criteria for participation in

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- 1 this program based on the resources of the individual
 2 patient with due regard to all sources of funds,
 3 including, but not limited to, insurance policies,

- 4 private foundations, medicare, welfare, veterans'
5 benefits, and vocational rehabilitation programs.
- 6 (2). Establish fees charged to the state for services
7 rendered under approved programs.
- 8 (3). Extend financial assistance to provide medical,
9 nursing, pharmaceutical, and technical services to persons
10 suffering from chronic renal failure and requiring dialysis
11 treatment or a kidney transplant as determined by
12 qualified physicians.
- 13 (4). Lease dialysis machines to the patient or to the
14 existing approved dialysis treatment center. No patient
15 residing in Iowa and able to participate in a home dialysis
16 program shall cease to be gainfully employed nor forced
17 to become an indigent or a transient due to insufficient
18 funds for the continuance of dialysis treatment within the
19 patient's home.
- 20 (5). Institute within existing approved dialysis treat-
21 ment centers a training program for home dialysis patients
22 and for technical assistants, and investigate the
23 availability of funds through regional medical funding
24 and other sources in order to carry out the provisions of
25 this subsection.

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- 1 (6). Adopt necessary rules and regulations regarding
2 the residency requirements for dialysis patients and,
3 in consultation with the department of social services,
4 determine policies affecting indigent patients who
5 are not residents of the State of Iowa."
- 6 3. Page 3, by striking lines 1 through 21, inclusive.
- 7 4. Page 3, line 23, by striking the words and
8 figures "biennium beginning July 1, 1971" and inserting
9 in lieu thereof the words and figures "fiscal year
10 beginning July 1, 1972".
- 11 5. Page 3, line 25, by striking the words and figures
12 "one hundred thousand (100,000)" and inserting in lieu
13 thereof the words and figures "thirty thousand (30,000)".

HOUSE AMENDMENT TO SENATE FILE 593

- 1 Amend Senate File 593, as amended and passed by the
2 Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
4 "school", the words "to acquire land and buildings and".
- 5 2. Page 1, line 12, by striking the words "upon land
6 owned by such medical school".
- 7 3. Page 1, line 14, by inserting after the word "which"
8 the word "school".
- 9 4. Page 1, line 27, by inserting before the word
10 "construction" the words "acquisition of land and".
- 11 5. Amend the title on page 1, by striking lines 2, 3 and
12 4 and inserting in lieu thereof the following: "the
13 acquisition of land and buildings, and the remodeling,
14 construction and equipping of a medical school in counties
15 having a population of over two hundred thousand."

HOUSE AMENDMENT TO SENATE FILE 1070

1 Amend Senate File 1070, as amended and passed
 2 by the Senate, as follows:
 3 By striking all after the word "districts," in line 9
 4 and all of lines 10 through 18 and inserting in lieu thereof
 5 the following: "county or joint county school systems
 6 and merged areas. A committee, consisting of the state
 7 superintendent of public instruction, the director of the
 8 department of general services, the state comptroller, or
 9 their designees, and two persons knowledgeable in the area
 10 of administrative-instructional computer systems to be
 11 appointed by the governor, shall assist and advise the
 12 state board of public instruction in approving, coordinating
 13 and supervising the use of electronic data processing
 14 computers by local school districts, county or joint county
 15 school systems and merged areas. The committee shall
 16 further inventory current practice and prepare and recommend
 17 a statewide plan for the use of electronic data processing
 18 computers in order to prevent the unnecessary proliferation
 19 of computers. These recommendations shall be submitted to
 20 the General Assembly by December 1, 1972 and annually
 21 thereafter by December 1 of each year. For purposes of this
 22 Act the term 'electronic data processing computers' shall
 23 refer to equipment having as a component thereof a memory
 24 core to store information."

INTRODUCTION OF BILLS

Senate File 1188, by committee on appropriations, an act relating to the publication of educational and scientific reports by the state archaeologist.

Read first time and placed on calendar.

Senate File 1189, by committee on appropriations, a bill for an act relating to the use and method of allocating funds appropriated for programs administered by the Iowa commission on alcoholism and making an appropriation.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1207, a bill for an act relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees.

Read first time and passed on file.

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

The Senate resumed session, President pro tempore Kyhl presiding.

RESOLUTIONS ADOPTED

House Concurrent Resolution 112

Senator Davis called up the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 112

By Millen and Clark

Whereas, the Aquinas High School Band of Fort Madison, Iowa, is the only band which has been invited to represent the state of Iowa in the Olympic Marching Band Tour and Competition; and

Whereas, the Fort Madison Aquinas High School Band will be competing in several European cities, among them Amsterdam, Berlin, Wiesbaden, Mainz, and Munich during the Olympic Marching Band Tour and Competition; and

Whereas, the Fort Madison Aquinas High School Band will be eligible if selected as one of the three top bands during the tour and competition, to perform at the Olympic Village in Munich, Germany, on August 26, 1972, which is the opening day of the Olympiad; and

Whereas, the Fort Madison Aquinas High School Band in accepting the invitation to participate in this great international event is bestowing upon the state of Iowa recognition, honor, and praise; and

Whereas, the members of the Fort Madison Aquinas High School Band and their families have agreed to absorb half of the cost of attending and participating in the Olympic festival but are hopeful that the remaining cost can be paid for from contributions by and efforts of industry, civic groups, fraternal organizations, and individuals of Iowa, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That congratulations be extended to the members and the director of the Fort Madison Aquinas High School Band, and any other persons who have aided the band to receive the invitation to participate in the 1972 Olympic Marching Band Tour and Competition, and that best wishes for success be extended to the Fort Madison Aquinas High School Band; and

Be It Further Resolved, That the General Assembly urges industry, civic groups, fraternal organizations, and individual citizens of Iowa to support the Fort Madison Aquinas High School Band in its efforts to raise sufficient funds to participate in the 1972 Olympic festival.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 105

Senator DeKoster called up the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 105

By DeKoster and Gaudineer

Whereas, the number of cases being appealed to the Iowa Supreme Court is mounting rapidly; and

Whereas, it has become evident that the backlog of unheard and un-

decided cases in that court is becoming larger; and

Whereas, several proposals have been made for alleviation of the problem including intermediate appeals courts for one class of cases, allowance for the court to set in divisions, and others; and

Whereas, the problem is becoming serious though not yet critical; and

Whereas, solution should be sought before the critical point is reached,
Now, Therefore,

Be It Resolved by the Senate, the House Concurring, That the legislative council be authorized to create a study committee consisting of legislative members from both political parties and both houses of the General Assembly and members of the Iowa Supreme Court for the purpose of studying the structure of the Iowa Supreme Court and the need for changes in the structure or for alternative appeals courts in Iowa; and

Be It Further Resolved, That the study committee make reports to the legislative council and shall submit a final report, including necessary bill drafts to implement its recommendations, to the legislative council. Copies of the report approved by the legislative council shall be submitted to the General Assembly meeting in the year 1973.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

House File 30

On motion of Senator Van Drie, House File 30, a bill for an act relating to the inspection of pipeline construction over private property, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Van Drie offered the following amendment by the committee on commerce.

- 1 House File 30 is amended by striking from page 1, lines 4
- 2 through 12, inclusive, and inserting in lieu thereof the following
- 3 new sections:
- 4 Section 1. Section four hundred ninety point four (490.4),
- 5 Code 1971, is amended by adding the following new paragraphs:
- 6 "A board of supervisors may, by majority vote, submit a request
- 7 in writing to the commission requesting that the services of a
- 8 qualified inspector be provided to inspect pipeline construction
- 9 within that county. Upon receipt of the request, the commission
- 10 shall make such inspector available.
- 11 Inspection of underground improvements altered during construction
- 12 of pipeline shall be conducted at the time of the replacement or
- 13 repair of such underground improvements.
- 14 All faulty construction, as determined by the inspector, shall
- 15 be repaired immediately by the contractor operating for the pipeline
- 16 company and the cost of such repairs shall be paid by said contractor.
- 17 If such repairs are not made by contractor, the commission shall
- 18 proceed to collect under the provisions of section four hundred
- 19 ninety point twenty-seven (490.27) of the Code."
- 20 Sec. 2. Section four hundred ninety point twenty-seven (490.27),

21 Code 1971, is amended as follows:

22 490.27 FINANCIAL CONDITION OF PERMITTEEBOND.
 Before any
 23 permit is granted under the provisions of this chapter the applicant
 24 must satisfy the state commerce commission that the applicant has
 25 property within this state other than pipe lines, subject to execu-

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1 tion of a value in excess of fifty thousand dollars, or said applicant
 2 must file and maintain with said commission a surety bond in the
 3 penal sum of fifty thousand dollars with surety approved by the
 4 commission, conditioned that said applicant will pay any and all
 5 damages legally recovered against it growing out of the *construction*
 6 or operation of its said pipe line and gas storage facilities in the
 7 state of Iowa. When such pipe-line company deposits with said
 8 state commerce commission security satisfactory to said commission
 9 as a guaranty for the payment of said damages, or furnishes to
 10 said commission satisfactory proofs of its solvency and financial
 11 ability to pay said damages, the said pipe-line company shall be
 12 relieved of the said provisions requiring bond.

Senator Lamborn withdrew the amendment to the amendment filed by him on February 17, 1972, and found on page 444 of the Senate Journal.

Senator Lamborn offered the following amendment to the amendment filed by him on February 22, 1972:

Division 1

1 Amend the committee on commerce amendment filed February
 2 14, 1972, to House File 30, as follows:
 3 Page 1, line 8, by striking the words "qualified in-
 4 spector" and inserting in lieu thereof the words "registered
 5 civil engineer".

Division 2

6 Page 1, line 10, by inserting after the period the follow-
 7 ing "All costs of inspection shall be paid pursuant to section
 8 four hundred ninety point fourteen (490.14) of the Code."

Senator Van Drie called for a division of the amendment, lines 1 through 5 to be considered as division 1, and lines 6, 7 and 8 to be considered as division 2.

Senator Lamborn moved the adoption of division 1 of his amendment to the amendment.

Division was called for.

Division 1 of the amendment to the amendment lost.

On motion of Senator Lamborn, division 2 of the amendment to the amendment was adopted.

Senator Lamborn offered the following amendment to the amendment and called for a division of the amendment, sections 1 and 2 to be considered as division 1, and section 3, as division 2:

Division 1

- 1 Amend the committee on commerce amendment filed February
- 2 14, 1972, to House File 30 as follows:
- 3 1. Page 1, line 8, by inserting after the word "to" the
- 4 word "adequately".
- 5 2. Page 1, line 11, by striking the word "Inspection" and
- 6 inserting in lieu thereof the words "Adequate inspection".

Division 2

- 7 3. Page 2, by adding the following new section after line 12:
- 8 "Sec. All trench excavations made for the laying of
- 9 pipelines shall be made in two separate operations with the re-
- 10 moval of the topsoil and placing it in one windrow the first
- 11 operation and the removal of the rest of the soil and the placing
- 12 of it in another windrow the second operation. In filling the
- 13 trench in, the pipeline company shall fill the soil in in such
- 14 a manner as to provide that the topsoil will be the last soil
- 15 filled in and will be on top."

Senator Lamborn withdrew division 2 of the amendment to the amendment.

On motion of Senator Lamborn, division 1 of the amendment to the amendment was adopted.

Senator Lamborn offered the following amendment to the amendment:

- 1 Amend the commerce committee amendment filed February 14,
- 2 1972, to House File 30, page 1, by adding the following
- 3 new paragraph after line 10:
- 4 "As a part of the inspection process, the inspector shall,
- 5 if provided by the easement contract, ascertain that the
- 6 trench excavation has been filled in such a manner as
- 7 to provide that the top soil has been replaced on top and
- 8 all rocks and debris have been removed from the top soil."

President Jepsen took the chair at 3:45 p.m.

Senator Lamborn moved the adoption of the amendment to the amendment and called for a division.

The amendment to the amendment was adopted.

On motion of Senator Van Drie, the committee amendment as amended was adopted.

Senator Van Drie moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 30) the vote was:

Ayes, 42:

Anderson	Gaudineer	Milligan	Schaben
Arbuckle	Glenn	Mowry	Shaff
Bass	Graham	Nicholson	Shawver
Briles	Gross	Ollenburg	Smith
Brownlee	Hill	Palmer	Stephens
Carlson	Keith	Potgeter	Tapscott
Coleman	Kyhl	Potter	Thordsen
Conklin	Lamborn	Rabedeaux	Van Drie
Curran	Lavery	Rhodes	Van Gilst
Doderer	Messerly	Riley	Walsh
Erskine	Miller		

Nays, 1:

Balloun

Absent or not voting, 7:

Davis	Gilley	Kennedy	Robinson
DeKoster	Griffin	Neu	

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

Senator Mowry asked and received unanimous consent that **Senate File 18** be withdrawn from further consideration of the Senate.

INTRODUCTION OF BILL

Senate File 1190, by committee on county government, a bill for an act relating to the regulation of county homes.

Read first time and placed on calendar.

COMMUNICATION FROM THE SECRETARY OF STATE

February 29, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1016 was published in the Mount Ayr Record-News, Mount Ayr, Iowa, February 24, 1972, and in The Clinton Herald, Clinton, Iowa, February 17, 1972.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **Senate File 1086**, a bill for an act relating to the Iowa insurance guaranty

association, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 1086 as follows:
 2 1. Page 2, lines 4 and 5, by striking the words "*on and*
 3 *after July 1, 1972*".
 4 2. Page 2, line 6, by adding after the word "surety," the
 5 word "*fidelity*".
 6 3. Page 3, line 12 after the word "jurisdiction" by striking
 7 the words "subsequent to July 1, 1970".
 8 4. Page 3 by striking lines 13 through 18, and renumbering
 9 the remaining subsections.
 10 5. Page 3, line 31, by striking the word "member" and inserting
 11 in lieu thereof the word "[member]".
 12 6. Page 4, line 25, by adding after the word "*directors*" the
 13 following words "*, subject to the approval of the commissioners*".

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Erskine submitted the following report:

MR. PRESIDENT: Your committee on conservation and recreation, to which was referred **House File 711**, a bill for an act relating to registration and safety regulations for snowmobiles, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the conservation and recreation committee amendment filed February 28, 1972, and found on page 574 of the Senate Journal; and when so amended the bill do pass.**

ALDEN J. ERSKINE, Chairman

Ordered passed on file.

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1038**, a bill for an act relating to eminent domain, begs leave to report it has had the same under consideration and recommends the same **do pass.**

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1203**, a bill for an act relating to erroneous and obsolete references in the Code of Iowa, begs leave to report it has had the same under consideration and recommends the same **do pass.**

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1133**, a bill for an act making corrective amendments to the "Iowa Beer and Liquor Control Act" by defining the phrase "intoxicating

liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing that certain refund provisions apply to all classes of retail beer permittees; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours, begs leave to report it has had the same under consideration and recommends that the bill be amended as follows; and when so amended the bill do pass:

- 1 Amend House File 1133 as passed by the House as follows:
- 2 Page 6, line 19 by striking the word "subjected" and
- 3 by striking all of lines 20 and 21 and insert in lieu thereof
- 4 the following: "*where such business is permitted by any valid*
- 5 *zoning ordinance or will be so permitted*".

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1049 as follows:
- 2 Line 11 after the word "homes" insert the words "*and*
- 3 *motor vehicles used as a conveyance upon the public streets*
- 4 *and highways and so designed, constructed, or reconstructed*
- 5 *as will permit the vehicle to be used as a place for human*
- 6 *habitation by one or more persons*".

RUDY VAN DRIE

- 1 1. Amend Senate File 1182, page 2, by adding after line
- 2 20 the following new sections:
- 3 "Sec. 5. There is hereby created a legislative
- 4 advisory committee to the Iowa crime commission composed
- 5 of six members. Three members shall be appointed from
- 6 the senate by the lieutenant governor and three members
- 7 from the house of representatives by the speaker of the
- 8 house. The Iowa crime commission, prior to implementing
- 9 any program, shall consult with and receive the advice
- 10 of the legislative advisory committee. The commission
- 11 does not have to accept any advice offered by the
- 12 committee. Prior to consulting with its legislative
- 13 advisory committee the Iowa crime commission shall
- 14 submit to such committee, in writing, a concise state-

15 ment of the guidelines used to implement such program
16 and the objectives to be obtained or accomplished by
17 such program; what portion of its appropriation and
18 allocation of federal funds will be utilized to accom-
19 plish each guideline and objective; the unit cost basis
20 for implementing the guidelines and objectives; and any
21 other information the committee may request.”

22 “Sec. 6. If federal guidelines permit and the Iowa
23 crime commission allocates the necessary funds, the
24 legislative advisory committee shall establish a post
25 audit evaluation of selected programs of the crime

Page 2

1 commission. The committee shall utilize the services of
2 the legislative fiscal director who shall employ such
3 additional personnel as is needed and supervise such
4 personnel in accomplishing the post audit evaluation of
5 the programs designated by the committee. Such personnel
6 shall be the employees of the committee.”

7 “Sec. 7. The individual performing the post audit
8 evaluation shall, in respect to each program to be
9 evaluated, determine the number of individuals who have
10 participated in and benefited from such program; establish
11 a unit cost basis for accomplishing the guidelines and
12 objectives reported pursuant to section five (5) of this
13 Act; determine the amount spent for planning, administra-
14 tive salaries, office salaries, office space, equipment,
15 overhead, and support and the allocation thereof to each
16 guideline and objective; determine the amount of any
17 state and federal funds actually reaching the persons to
18 be benefited in the form of a direct service or benefit;
19 and determine any other criteria which will indicate if
20 the benefits to be derived from the program are justified
21 by the costs of such program.”

22 “Sec. 8. The individual performing the post audit
23 evaluation shall file a written report with the committee
24 concerning all of his examinations and audits required
25 in sections five (5) and seven (7) of this Act and also

Page 3

1 send a copy thereof to the Iowa crime commission and
2 local government or combination of such units who after
3 receiving, examining, and studying such report shall
4 file, within a reasonable period of time, with the
5 committee its written response thereto specifically
6 answering any alleged illegal expenditures, unbusiness-
7 like practices, excessive personnel, excessive personnel
8 positions, inefficient and uneconomical implementation
9 of a program, and any other specific criticisms and
10 recommendations made in the report. All such reports
11 and responses thereto shall be a public record.”

12 “Sec. 9. The legislative advisory committee shall
13 meet to consider the reports filed and the responses
14 filed thereto and when there has been reported any
15 illegal expenditures, unbusinesslike practices, utiliza-

16 tion of excessive personnel or personnel positions,
 17 inefficient or uneconomical implementation of a program,
 18 or a program which is not accomplishing its purpose, the
 19 committee shall hold a public hearing thereon where the
 20 sworn testimony of the individual performing the post
 21 audit evaluation and personnel of the Iowa crime commis-
 22 sion and local government or combination of such units
 23 involved shall be received, and the committee may
 24 request any other evidence or testimony it deems relevant
 25 and material."

Page 4

1 "Sec. 10. The legislative advisory committee shall
 2 submit to the general assembly within thirty days of
 3 its next convening a written report of its audits and
 4 public hearings and any recommendations it may have
 5 based thereon."

6 "Sec. 11. Any general local government, a unit
 7 thereof, and combinations of such units that receive
 8 any federal or state funds pursuant to action of the
 9 Iowa crime commission shall, upon request of the
 10 legislative advisory committee to the Iowa crime com-
 11 mission, cooperate in the conducting of any such post
 12 audit evaluation and appear and testify upon request."

13 2. Page 1, line 4, amend the title by inserting
 14 after the word "units" the words "and creating a legisla-
 15 tive advisory committee".

LEE H. GAUDINEER, JR.
 FRANCIS L. MESSERLY

1 Amend House File 1147, as amended, passed, and reprinted
 2 by the House, page 4, line 3, by striking the words "*or city*".

JAMES A. POTGETER

1 Amend House File 1147 as amended, passed and reprinted
 2 by the House, page 5, by striking lines 28 and 29 and inserting
 3 in lieu thereof the following: "publication shall be in not less
 4 than two newspapers within the county, representing, if possible,".

JOHN C. RHODES

1 Amend House File 1147, as amended, passed and
 2 reprinted by the House, page 6, line 12, by striking the
 3 word "Precinct" and inserting in lieu of "A branch
 4 office of".

JOHN E. TAPSCOTT

1 Amend House File 1147, as amended, passed, and reprinted by
 2 the House, as follows:

- 3 1. Page 11A, line 34, by striking all after the word
- 4 "age", and on line 35, by striking the words "voting age".
- 5 2. Page 12, line 2, by striking all after the word "felony",
- 6 and on line 3 by striking the words "mental health".
- 7 3. Page 12, line 5, by striking the words "or who has been",

8 and on line 6, by striking the words "declared to be in good
9 mental health".

W. CHARLENE CONKLIN
JOHN E. TAPSCOTT
JAMES A. POTGETER

1 Amend the committee on state government amendment, filed
2 February 25, 1972, to House File 1147, as follows: Page 2, by
3 striking lines 8 through 10, inclusive, and insert in lieu
4 thereof the following:
5 "6. Page 7, line 3, by striking the words 'city or county'
6 and insert in lieu thereof the words '[city or county]
7 *cities and counties*'".

JAMES A. POTGETER

1 Amend the Hill amendment filed February 28, 1972, to
2 House File 1147 as follows:
3 1. Line 7, by striking the words "matriculation at"
4 and inserting in lieu thereof the words "admission to".
5 2. Lines 14 and 15, by striking the word
6 "matriculates,".

EUGENE M. HILL

On motion of Senator Lamborn, the Senate adjourned until
10:00 a.m., Wednesday, March 1, 1972.

JOURNAL OF THE SENATE

FIFTY-SECOND DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, MARCH 1, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Carl E. Wilson, pastor of the United Methodist Church, Mount Pleasant, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, February 29, 1972, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kennedy for the day on request of Senator Schaben; Senator Gilley for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Twenty-five students from Lytton High School, Lytton, Iowa, accompanied by Mrs. Stensrud and Mr. Carter. Senator Graham.

Eighteen students, members of Boy Scout Troop 108, from Cedar Rapids, Iowa. Senator Riley.

Twenty-nine students from Windsor Elementary School, Des Moines, Iowa, accompanied by Mrs. Bullington. Senator Milligan.

Sixty-three students from Central High School, Argyle, Iowa, accompanied by Howard Carter. Senator Davis.

Forty students from Gilmore City High School, Gilmore, Iowa, accompanied by Mrs. Velma Juelfs. Senator Keith.

PETITION

The following petition was presented and placed on file:

By Senator Bass, from twenty-three faculty members of Shenandoah Community School District from Page, Montgomery

and Fremont Counties favoring educational television for southwest Iowa.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Thomas Largen, Hamburg, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1087, a bill for an act relating to the designation of the general assembly and acts thereof.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1260, a bill for an act relating to exemptions from execution.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1260, a bill for an act relating to exemptions from execution and providing penalties.

Read first time and passed on file.

CONFERENCE COMMITTEE REPORT ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 85, a bill for an act creating a department of environmental quality, specifying its powers, duties and functions, and providing penalties for violations thereof, respectfully submit the following report:

1. The House and Senate conferees failed to reach an agreement.

On the part of the Senate:
CHARLES O. LAVERTY, Chairman
LEIGH R. CURRAN
CLOYD E. ROBINSON
RICHARD L. STEPHENS

On the part of the House:
L. W. KEHE, Chairman
GEORGE N. PIERSON
KENNETH D. SCOTT
MARION D. SIGLIN

APPOINTMENT OF SECOND CONFERENCE COMMITTEE

President Jepsen announced the appointment of the following second conference committee on **Senate File 85**, on the part

of the Senate: Senators Shawver, chairman; Rabedeaux, Walsh and Schaben.

SPECIAL ORDER OF BUSINESS

House File 1147

The hour having arrived, the Chair announced the special order of business for the consideration of House File 1147.

On motion of Senator Potgeter, House File 1147, a bill for an act relating to the election laws and providing penalties for violations thereof, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Potgeter offered the amendment filed by the committee on state government and called for a division of the amendment as follows :

- Division 1—sections 1 and 2
- Division 2—sections 3 and 4
- Division 3—sections 5, 6, 7 and 8
- Division 4—section 9
- Division 5—section 10
- Division 6—section 11
- Division 7—sections 12, 13 and 14
- Division 8—section 15
- Division 9—sections 16, 17, 18 and 19

Division 1

- 1 Amend House File 1147, as amended, passed, and re-
- 2 printed by the House as follows:
- 3 1. Page 2A, by striking from lines 25 and 26 the
- 4 words "including registration records,".
- 5 2. Page 2A, by inserting after the period in line
- 6 27 the following new sentences:
- 7 "All of the present records of registration, precinct
- 8 books, and all other documents and papers pertaining
- 9 to the registration of electors or those electors who
- 10 are currently registered that are upon the effective
- 11 date of this Act, in the care, custody, and control
- 12 of a city subject to the provisions of chapter forty-
- 13 eight (48) of the Code, shall be delivered by such city
- 14 to the county commissioner of registration. Such records
- 15 that establish that an elector is currently registered
- 16 and all precinct pollbooks shall be valid, and may
- 17 be used by the county commissioner of registration in
- 18 all subsequent elections as provided in this Act. An
- 19 elector who is validly registered to vote upon the

20 effective date of this Act, shall remain so registered
 21 and shall be entitled to vote in all subsequent elections
 22 as provided in this Act."

On motion of Senator Potgeter, division 1 of the committee amendment was adopted.

Division 2

23 3. Page 6, line 12, by striking the word "may" and
 24 inserting in lieu thereof the word "shall".

25 4. Page 6, line 13, by inserting after the word

Page 2

1 "clerk" the words "in cities with a population of more
 2 than ten thousand".

Senator Neu withdrew the amendment to division 2 of the amendment filed February 28, 1972, and found on page 574 of the Senate Journal.

Senator Potgeter moved the adoption of division 2 of the committee amendment.

Division was called for.

Division 2 of the amendment lost.

Division 3

3 5. Page 6, by inserting after the period in line
 4 24 the following new sentence:

5 "Notwithstanding the provisions of this section,
 6 the commissioner of registration may also appoint a
 7 city clerk as a deputy."

8 6. Page 7, line 3, by striking the words "city or
 9 county" and inserting in lieu thereof the words "cities
 10 and counties".

11 7. Page 7, line 31, by inserting after the word
 12 "party" the words "polling in excess of two percent
 13 of the popular vote in the county in the last preceding
 14 general election".

15 8. Page 7, by inserting after the period in line
 16 31 the following new sentences:

17 "If the county commissioner of registration maintains
 18 a computerized list of qualified electors by precinct,
 19 he shall, upon demand and without charge, on August
 20 first prior to the general election, provide the county
 21 chairman for each political party, a complete list of
 22 all qualified electors, by precinct, within the county.
 23 The county commissioner of registration, if computerized
 24 lists of qualified electors are maintained shall, each
 25 week, upon demand and without charge, from August first

Page 3

1 until October first, prior to the general election and
 2 each day, or on each day thereafter that the computerized
 3 list is updated, until the close of registration, pro-

4 vide the county chairman of each political party a list
5 of electors who have registered since the last such
6 list was provided."

Senator Potgeter offered the following amendment to division
3 of the committee amendment and moved its adoption:

1 Amend the committee on state government amendment, filed
2 February 25, 1972, to House File 1147, as follows: Page 2, by
3 striking lines 8 through 10, inclusive, and insert in lieu
4 thereof the following:
5 "6. Page 7, line 3, by striking the words 'city or county'
6 and insert in lieu thereof the words '[city or county]
7 *cities and counties*'".

The amendment to division 3 was adopted.

On motion of Senator Gaudineer, division 3 of the amendment
as amended was adopted.

Division 4

7 9. Page 7, by inserting after line 34 the following
8 new paragraph:
9 "Such lists shall not be used for any commercial
10 purpose, advertising, or solicitation; of any kind or
11 nature, other than to request such person's vote at
12 a primary or general election, or any other bona fide
13 political purpose. The commission shall keep a list
14 of the name, address, telephone number, and social
15 security number of each person who copies or duplicates
16 such lists. Any person, firm, or corporation that uses
17 such lists in violation of this section shall, upon
18 conviction, be imprisoned in the county jail, not to
19 exceed one year, or be fined not to exceed one thousand
20 dollars, or by both such fine and imprisonment, for
21 each violation."

On motion of Senator Gaudineer, division 4 of the committee
amendment was adopted.

Division 5

22 10. Page 12, line 12, by striking the word "four"
23 and inserting in lieu thereof the words "the last
24 preceding four consecutive".

On motion of Senator Potgeter, division 5 of the committee
amendment was adopted.

Division 6

25 11. Page 12, lines 19 and 20, by striking the words

Page 4

1 "an idiot or insane person or mentally ill" and inserting
2 in lieu thereof the words "currently mentally retarded,
3 mentally ill, or under conservatorship or guardianship
4 by reason of incompetency. Certification by the super-
5 intendent of a mental health hospital or other

6 institution upon the discharge of any such person that
 7 he is, at that time, restored to good mental health
 8 or gained normal intelligence, shall qualify such person
 9 to again be an elector, subject to the other provisions
 10 of this chapter. Termination by the court of any such
 11 conservatorship or guardianship shall qualify any such
 12 ward to again be an elector, subject to the other
 13 provisions of this chapter”.

Senator Conklin offered the following amendment to division 6 by Senators Conklin, Potgeter and Tapscott and moved its adoption:

- 1 Amend the committee on state government amendment filed
- 2 February 25, 1972, to House File 1147, as follows:
- 3 1. Page 4, line 2, by striking the words “currently
- 4 mentally retarded,” and on line 3, by striking the words
- 5 “mentally ill,” and inserting in lieu thereof the words
- 6 “severely or profoundly mentally retarded, or has been
- 7 diagnosed as ill for severe psychiatric reasons.”
- 8 2. Page 4, line 8, by striking the words “or gained
- 9 normal intelligence.”

The amendment to division 6 was adopted.

On motion of Senator Gaudineer, division 6 of the amendment as amended was adopted.

Division 7

- 14 12. Page 18, line 16, by striking the figure “53.11”
- 15 and inserting in lieu thereof the words and figure
- 16 “fifty-three point eleven (53.11) of the Code”.
- 17 13. Page 19B, line 40, by striking the words “pre-
- 18 cinct pollbooks and”.
- 19 14. Page 19B, by inserting after line 42 the follow-
- 20 ing new paragraph:
- 21 “In nonregistration areas, not later than thirty
- 22 days from the date of the official canvass, the affi-
- 23 davits of absentee voters shall be cross-checked with
- 24 the precinct pollbooks to insure that no one has voted
- 25 twice, in violation of law.”

On motion of Senator Potgeter, division 7 of the committee amendment was adopted.

President pro tempore Kyhl took the chair at 11:43 a.m.

Senator Bass called for a further division of the amendment, lines 1 through 12 on page 5 to be considered as division 8A; lines 13 through 25 on page 5, and lines 1 through 5 on page 6 to be considered as division 8B.

Division 8A

Page 5

- 1 15. Page 19B, by inserting after line 44 the follow-

2 ing new sections:
 3 "Sec. Section fifty-six point seven (56.7),
 4 Code 1971, is amended to read as follows:
 5 56.7 LIMITATION ON EXPENSES. It shall be unlawful
 6 for any candidate to expend in connection with any pri-
 7 mary election campaign more than [fifty percent of] the
 8 annual salary applicable to the position for which
 9 he is a candidate, and unlawful for him to expend in
 10 connection with his campaign for election to any office
 11 more than [fifty percent of] the annual salary applicable
 12 to the position for which he is a candidate.

Division 8B

13 Sec. Chapter fifty-six (56), Code 1971, is
 14 amended by adding the following new section:
 15 'DISCLOSURE OF CONTRIBUTIONS AND ELECTION EX-
 PENSES.

16 Every organization, committee, or corporation which
 17 has contributed funds to the political campaign of any
 18 candidate for public office or expended funds on behalf
 19 of any candidate for public office shall file a state-
 20 ment of expenses as provided in this chapter.

21 Every individual who has contributed funds in the
 22 amount of one hundred dollars or more to the political
 23 campaign of any candidate for public office or has
 24 expended one hundred dollars or more on behalf of any
 25 candidate for public office shall file a statement of

Page 6

1 expenses as provided in this chapter.'
 2 Sec. Section sixty-six point one (66.1), Code
 3 1971, is amended by adding the following new subsection:
 4 'Upon conviction of violating the provisions of
 5 chapter fifty-six (56) of the Code.'

Senator Glenn moved the adoption of division 8A of the committee amendment and requested a roll call.

On the question "Shall division 8A of the amendment be adopted?" (H.F. 1147) the vote was:

Ayes, 18:

Brownlee	Griffin	Palmer	Schaben
Coleman	Gross	Potgeter	Tapscott
Doderer	Hill	Riley	Van Gilst
Gaudineer	Milligan	Robinson	Walsh
Glenn	Neu		

Nays, 25:

Anderson	DeKoster	Messery	Rhodes
Arbuckle	Erskine	Mowry	Shawver
Balloun	Graham	Nicholson	Smith
Bass	Keith	Ollenburg	Stephens
Briles	Kyhl	Potter	Thordsen
Carlson	Lamborn	Rabedeaux	Van Drie
Curran			

Absent or not voting, 7:

Conklin	Gilley	Laverty	Shaff
Davis	Kennedy	Miller	

Division 8A of the amendment lost.

(House File 1147 and division 8B of the committee amendment pending.)

On motion of Senator Lamborn, the Senate recessed until 1:36 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker has appointed as members of the second conference committee on Senate File 85, a bill for an act creating a department of environmental quality, on the part of the House: the Representative from Cerro Gordo, Mr. Lawson, chairman; the Representative from Washington, Mr. Campbell; the Representative from Monona, Mr. Waugh, and the Representative from Benton, Mr. Wyckoff.

Also: That the House has insisted on its amendments to Senate File 428, a bill for an act providing for a unified trial court, and requests a conference committee:

Conferees on the part of the House are: the Representative from Clinton, Mr. Pelton, chairman; the Representative from Pottawattamie, Mr. Knoke; the Representative from Butler, Mr. Grassley, and the Representative from Linn, Mr. Radl.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 69

- 1 Amend the Senate amendment to House File 69 by striking
- 2 lines 2 through 19 and inserting in lieu thereof the following:
- 3 1. Page 1 by adding after line 5 the following:
- 4 Sec. 2. There is created in the office of the treasurer
- 5 of state a fund to be known as "the county indemnification
- 6 fund" to be used to indemnify and pay on behalf of each county
- 7 treasurer, recorder, auditor, attorney, clerk of court and
- 8 sheriff, and any deputies, assistants or employees in such

9 offices, all sums that said officers' deputies, assistants
10 or employees are legally obligated to pay because of their
11 negligent acts, errors or omissions. Funds from the county
12 indemnification fund shall be used to pay any loss actually
13 sustained because of theft, embezzlement or misappropriation
14 of any public funds under the care, custody and control of
15 any county officer, deputy, assistant, or employee.

16 This Act shall not be deemed to extend the liability of a
17 governmental subdivision exempted under the provisions
18 of section six hundred thirteen A point four (613A.4) of the
19 Code, and the fund established by this section shall not be
20 considered insurance under the provisions of section six
21 hundred thirteen A point seven (613A.7) of the
22 Code.

23 The county indemnification fund shall not be used to pay
24 premiums on any official or private bonds.

25 The establishment of the fund provided by this Act shall not

Page 2

1 relieve any insurer issuing insurance under the provisions
2 of section six hundred thirteen A point seven (613A.7) of
3 the Code or any surety on a bond required by chapter sixty-
4 four (64) of the Code from paying any loss incurred there-
5 under; nor shall any such insurer or surety be subrogated
6 to any of the assets of the fund established by this Act
7 regardless of any provisions in such policy of insurance or
8 bond.

9 Sec. 3. This Act shall not relieve county officers or
10 employees from giving official or private bonds required
11 under the provisions of chapter sixty-four (64) of the Code.

12 Sec. 4. The board of supervisors of each county shall
13 levy in 1972 and annually thereafter for three consecutive
14 years a tax of two-hundredths of a mill against the assessed
15 value of the taxable property of the county, to be collected
16 at the same time and in the same manner as other property
17 taxes and the proceeds of the levy shall be deposited in the
18 county indemnification fund.

19 Thereafter, if the balance in the fund on June 30 of any
20 year is less than three hundred thousand dollars, the treasurer
21 of state shall notify the board of supervisors of each county
22 to again levy for that year a two-hundredths mill levy to be
23 collected with other taxes in the next calendar year.

24 Sec. 5. Not later than the fifteenth of June or the
25 fifteenth day of December of each year in which the tax is

Page 3

1 collected, the county auditor shall transmit the amount of
2 the tax levied, by warrant, to the treasurer of state who
3 shall credit it to the county indemnification fund. The
4 treasurer of state shall invest any moneys in the fund in
5 the same manner as other public funds and shall credit any
6 interest received from that investment to the county
7 indemnification fund.

8 Sec. 6. Any claim for any negligent act, error, or
9 omission of a county treasurer, recorder, auditor, attorney,

10 clerk of court, sheriff, or any deputy, assistant or employee
 11 in such offices, committed after July 1, 1973, shall be
 12 processed and paid from such fund in accordance with the pro-
 13 visions of chapter twenty-five A (25A) of the Code, except
 14 that any payment of a claim, except a judgment, in excess of
 15 one thousand dollars shall have the unanimous approval of
 16 all members of the state appeal board, the attorney general,
 17 and the district court of Polk County.

18 Sec. 7. If a judgment is obtained against the county
 19 treasurer, recorder, auditor, attorney, clerk of court or
 20 sheriff, or any deputies, assistants, or employees in such
 21 offices for an act committed subsequent to July 1, 1973,
 22 which is payable from the county indemnification fund, the
 23 county attorney shall ascertain if any insurance policy or
 24 official or private bond exists covering the error or
 25 omission committed. If no insurance or bond exists, or if

Page 4

1 the judgment exceeds the limits of such insurance or bond,
 2 the county attorney shall submit a claim to the state
 3 comptroller against the county indemnification fund on behalf
 4 of the plaintiff to the action for the amount of the judgment
 5 exceeding the amount recoverable by reason of such insurance
 6 or bond. The state comptroller shall promptly issue a
 7 warrant payable to the plaintiff for such amount, and the
 8 treasurer of state shall pay the warrant.

9 Sec. 8. When a loss is sustained by the county as the
 10 result of a theft, embezzlement or misappropriation committed
 11 subsequent to July 1973, of a county treasurer, recorder,
 12 auditor, attorney, clerk of court or sheriff, or any
 13 deputies, assistants, or employees in such offices the amount
 14 of the loss which is to be replaced shall be determined by
 15 the auditor of state from a full and detailed audit made
 16 by him or under his authority, of the accounts in question of
 17 such officers, deputies, assistants, or employees in their
 18 office, which examination shall be reduced to writing and filed
 19 with the state comptroller. The state comptroller shall
 20 promptly issue a warrant payable to the county for such amount,
 21 and the treasurer of state shall pay the warrant. If any
 22 amount is subsequently recovered by the county from any source,
 23 the county treasurer shall pay such amounts to the treasurer of
 24 state for deposit in the county indemnification fund.

25 Sec. 9. Effective July 1, 1973, sections three hundred

Page 5

1 thirty-four point thirteen (334.13) through three hundred
 2 thirty-four point twenty-two (334.22), inclusive, Code
 3 1971, are repealed.

INTRODUCTION OF BILL

Senate File 1191, by committee on judiciary, a bill for an act relating to business corporations.

Read first time and placed on calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on Senate File 428, on the part of the Senate: Senators Riley, chairman; Thordsen, Messerly and Gross.

SPECIAL ORDER CONTINUED

House File 1147

The Senate resumed consideration of House File 1147 and division 8B of the committee amendment.

Senator Schaben offered the following amendment to division 8B of the amendment and moved its adoption:

- 1 Amend the state government committee amendment to
- 2 House File 1147, filed February 25, 1972, page 5, as
- 3 follows:
- 4 Line 17, by adding after the word "funds" the words
- 5 "or anything of value".
- 6 Line 18, after the word "funds", by adding the
- 7 words "or anything of value".
- 8 Line 21, by adding after the word "funds" the words
- 9 "or anything of value".

President Jepsen took the chair at 2:09 p.m.

The amendment to division 8B was adopted.

Senator Glenn moved the adoption of division 8B of the committee amendment as amended and requested a roll call.

On the question "Shall division 8B of the amendment as amended be adopted?" (H.F. 1147) the vote was:

Ayes, 14:

Arbuckle	Glenn	Palmer	Schaben
Coleman	Gross	Rhodes	Tapscott
Doderer	Hill	Robinson	Van Gilst
Gaudineer	Miller		

Nays, 33:

Anderson	Erskine	Milligan	Riley
Balloun	Graham	Mowry	Shaff
Bass	Griffin	Neu	Shawver
Briles	Keith	Nicholson	Smith
Brownlee	Kyhl	Ollenburg	Stephens
Carlson	Lamborn	Potgeter	Thordsen
Conklin	Laverty	Potter	Van Drie
Curran	Messerly	Rabedeaux	Walsh
Davis			

Absent or not voting, 3:

DeKoster	Gilley	Kennedy
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Division 8B of the amendment as amended lost.

Division 9

6 16. Page 20, by inserting after line 12 the follow-
7 ing new sections:

8 "Sec. Section four hundred forty-four point
9 nine (444.9), subsection two (2), Code 1971, is amended
10 by striking unnumbered paragraph two (2).

11 Sec. Chapter four hundred forty-four (444),
12 Code 1971, is amended by adding the following new
13 section:

14 'ELECTION EXPENSE FUND. There is created in the
15 office of the county treasurer of each county a fund
16 to be known as the election expense fund. Annually,
17 the board of supervisors shall levy an amount sufficient
18 to pay the costs of elections and voter registration,
19 pursuant to chapter forty-eight (48) of the Code,
20 incurred by the county. The funds deposited in this
21 account shall be used to pay election and voter
22 registration costs and shall not be appropriated for
23 any other purposes or transferred into any other county
24 fund. Any monies budgeted by any county for the
25 conducting of elections in the year 1972, shall be

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1 transferred to this fund. If additional funds are
2 needed to register voters, pursuant to chapter forty-
3 eight (48) of the Code, after the effective date of
4 this Act, and until July 1, 1973, such costs shall be
5 certified by the county commissioner of registration
6 to the board of supervisors, who shall, after approving
7 the costs thereof, authorize the issuance of anticipatory
8 warrants pursuant to section three hundred thirty-four
9 point five (334.5) of the Code, to pay such additional
10 costs. The monies necessary to redeem such warrants
11 shall be part of the levy for the next year.'

12 Sec. Section seven hundred thirty-eight point
13 seven (738.7), Code 1971, is amended to read as follows:

14 738.7 VOTING MORE THAN ONCE. If any elector unlaw-
15 fully vote more than once at any election which may
16 be held by virtue of any law of this state, he shall
17 be fined not exceeding [two] *three* hundred dollars, or
18 be imprisoned in the county jail not exceeding one
19 year."

20 17. Page 21, line 12, by inserting after the figure
21 "(48.14)," the words and figure "forty-eight point
22 eighteen (48.18),".

23 18. Page 22, line 2, by inserting after the figure
24 "(53.10)," the words and figure "fifty-six point eight
25 (56.8),".

Page 8

1 19. Renumber sections and correct internal refer-
2 ences as necessary in accordance with this amendment.

On motion of Senate Gaudineer, division 9 of the committee amendment was adopted.

Senator Potgeter offered the following amendment by Senators Potgeter, Rhodes, et al., and moved its adoption:

1 Amend House File 1147, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 3, by inserting after line 29 the follow-
4 ing new section:

5 "Sec. Section thirty-nine point eighteen
6 (39.18), Code 1971, is amended to read as follows:

7 39.18 BOARD OF SUPERVISORS [AND TOWNSHIP TRUS-
TEES].

8 There shall be elected, biennially, in counties [and
9 townships], members of the board of supervisors [and
10 township trustees, respectively], for a term of four
11 years to succeed those whose term of office will expire
12 on the second secular day of January following said
13 election. The term of office of any supervisor [or
14 trustee], taking office for a four-year term one year
15 later than the January next succeeding his election,
16 shall, at the general election which next precedes by
17 more than one year the expiration of his term, be
18 refilled by a member elected to a three-year term or
19 a five-year term to be specified on the ballot as
20 determined by the board, so that the terms of no more
21 than a bare majority of the board will expire in the
22 same year. Thereafter all succeeding members shall
23 be elected to four-year terms."

24 2. Page 14, by inserting after line 34 the follow-
25 ing new section:

Page 2

1 "Sec. Section forty-nine point thirty (49.30),
2 Code 1971, is amended to read as follows:

3 49.30 ALL CANDIDATES ON ONE BALLOT—EXCEPTION.

4 The names of all candidates to be voted for in such
5 election precinct, except presidential electors, shall
6 be printed on one ballot, except that at any election
7 where voting machines are used, and it is impossible
8 to place the names of all candidates on the machine
9 ballot, the county auditor, city clerk, or town clerk,
10 may provide a separate printed ballot for the candidates
11 for judge of district court where there is no contest,
12 [and the township ticket, or either;] one [of each] of said
13 printed ballots to be furnished each qualified voter."

14 3. Page 19B, by inserting after line 44 the follow-
15 ing new section:

16 "Sec. Section sixty-nine point eight (69.8),
17 subsection seven (7), Code 1971, is amended to read
18 as follows:

19 7. TOWNSHIP OFFICES. [In township offices, including
20 trustees, by the trustees, but where the offices of
21 the three trustees are all vacant, the] *The* county board
22 of supervisors shall have the power to either *appoint*
23 *township officers* or instruct the county auditor to

24 fill the vacancies or adopt a resolution stating that
25 the board will exercise all powers and duties assigned

Page 3

1 by law to the trustees of the township in which such
2 vacancies exist[, until such time as the vacancies may
3 be filled by election]."

4 4. Page 20, by inserting after line 12 the follow-
5 in new sections:

6 "Sec. Section three hundred fifty-nine point
7 ten (359.10), Code 1971, is amended by striking the
8 section and inserting in lieu thereof the following
9 new section:

10 359.10 APPOINTMENT OF TOWNSHIP TRUSTEES. The board
11 of supervisors may appoint a successor to each township
12 trustee as a vacancy occurs or his term expires. The
13 appointment shall be for a term of four years. If a
14 new township is formed, the board of supervisors may
15 appoint the first township trustees as follows: one
16 trustee shall be appointed for a term of two years,
17 one trustee shall be appointed for a term of three
18 years, and one trustee shall be appointed for a term
19 of four years. If a vacancy occurs, the appointment
20 shall be for the unexpired term.

21 Sec. Section three hundred fifty-nine point
22 eleven (359.11), Code 1971, is amended by striking the
23 section and inserting in lieu thereof the following
24 new section:

25 359.11 TOWNSHIP CLERK—VACANCIES. Commencing July

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1 1, 1972, the board of supervisors may appoint a suc-
2 cessor to each township clerk as a vacancy occurs or
3 his term expires. The appointment shall be for a term
4 of two years.

5 Sec. Section three hundred fifty-nine point
6 twenty-three (359.23), Code 1971, is amended to read
7 as follows:

8 359.23 RECEIPTS AND EXPENDITURES. Each township
9 clerk[, on the morning of the day of the general election
10 and before the hour for opening the polls,] shall [post,
11 at the place where such election is to be held in his
12 township, a statement in writing,] *file a financial*
13 *statement with the board of supervisors not later than*
14 *December 1, 1972 and each two years thereafter, showing*
15 *all receipts of money and disbursements in his office*
16 *for the preceding two years, which shall be certified*
17 *as correct by the trustees of the township."*

18 5. Page 21, line 8, by inserting after the word
19 "Sections" the words and figures "thirty-nine point
20 twenty-two (39.22), thirty-nine point twenty-three
21 (39.23), forty-three point twenty-one (43.21), forty-
22 three point fifty-three (43.53),".

23 6. Page 21, line 14, by inserting after the comma
24 the words and figures "forty-nine point twenty-seven
25 (49.27), forty-nine point fifty-two (49.52),".

Page 5

- 1 7. Page 22, line 3, by inserting after the comma
 2 the words and figures "three hundred fifty-nine point
 3 eleven (359.11), three hundred fifty-nine point twelve
 4 (359.12), three hundred fifty-nine point thirteen
 5 (359.13), three hundred fifty-nine point twenty-two
 6 (359.22),".
 7 8. Renumber sections and correct internal refer-
 8 ences as necessary in accordance with this amendment.

Roll call was requested.

On the question "Shall the Potgeter, Rhodes, et al., amendment be adopted?" (H.F. 1147) the vote was:

Ayes, 10:

Doderer	Milligan	Rhodes	Van Drie
Gaudineer	Neu	Riley	Walsh
Gross	Potgeter		

Nays, 32:

Anderson	Davis	Lamborn	Robinson
Arbuckle	Erskine	Laverty	Schaben
Balloun	Glenn	Messerly	Shaff
Bass	Graham	Mowry	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Hill	Ollenburg	Stephens
Carlson	Keith	Palmer	Thordsen
Conklin	Kyhl	Potter	Van Gilst

Absent or not voting, 8:

Coleman	DeKoster	Kennedy	Rabedeaux
Curran	Gilley	Miller	Tapscott

The amendment lost.

Senator Potgeter offered the following amendment and moved its adoption:

- 1 Amend House File 1147, as amended, passed, and reprinted
 2 by the House, page 4, line 3, by striking the words "*or city*".

The amendment was adopted.

Senator Glenn withdrew the amendment filed February 16, 1972, by Senators Glenn, Tapscott and Gaudineer and found on pages 422 and 423 of the Senate Journal.

Senator Mowry offered the following amendment filed by him on February 21, 1972:

- 1 Amend House File 1147 as amended, passed and reprinted by
 2 the House as follows:
 3 1. Page 3, line 23, by striking the words "a definite or".
 4 2. Page 3, after line 29 by adding the following new subsections:
 5 "5. In determining whether a person is a resident, for
 6 registration and voting purposes only, and whether at the time
 7 of any election or primary he will have been such a resident for

8 the entire time required by law, registration or election offi-
 9 cials, including challengers, may examine him under oath and
 10 consider the following indicia and such others as may appear
 11 relevant from his answers, notwithstanding any affidavits he
 12 has previously signed with reference thereto:

13 a. The factual basis for the person's intent to make a
 14 particular place his home for an indefinite or undetermin-
 15 able length of time; when he moved there, why and how long
 16 he intends to stay if not indefinitely or permanently.

17 b. When he last claimed another residence and whether he
 18 has abandoned his former residence. Whether he intends to
 19 make his former residence or any other place his home at
 20 any presently known time in the future, and when.

21 c. Whether he has registered or voted elsewhere. What he
 22 has done pertaining thereto and when.

23 d. At what place is he best known in and to the community.

24 e. Where he pays his real, personal and income taxes and
 25 the address shown on such returns.

Page 2

1 f. Whether he is claimed as a dependent on anyone's income
 2 tax return, withholding tax statement or declaration of
 3 estimated income and, if so, the address of that person.

4 g. The address shown on his driver's license and other
 5 identification in his possession or control.

6 h. The location of his real estate, automobile, bank
 7 accounts and other personal property, clothing and poss-
 8 essions and where they are registered or subject to tax.

9 i. The places where he has membership in clubs and other
 10 organizations and where he is registered for the draft.

11 j. The places where he pays dues, fees and tuition and
 12 whether such are paid on a resident or nonresident basis.

13 k. The place where he is employed.

14 l. The place he most frequently visits on vacations and
 15 how often.

16 m. The place where his spouse resides if other than with
 17 him.

18 n. Such other facts bearing upon his qualifications as
 19 appear relevant.

20 Intentionally false affidavits, or false answers under oath,
 21 to any questions propounded relative to such indicia, or to
 22 qualifications as a voter, shall constitute perjury and shall
 23 be punishable as such. Anyone who suborns or attempts to suborn
 24 such perjury shall be punished as provided in chapter seven
 25 hundred twenty-one (721) of the Code. Refusal to answer relevant

Page 3

1 questions shall be ground for denying the right to vote.
 2 Where permanent registration is in effect, if the registrar or
 3 mobile deputy registrar concludes from such examination under
 4 oath that a person seeking to register is ineligible to vote
 5 he may refuse to register him provided that any person who is
 6 refused registration may appeal to the district court of the
 7 county wherein he sought to register, and a date for hearing
 8 shall be fixed prior to the date of the next election and the

9 decision of the district court shall be final.

10 Where a person's right to vote is challenged at the polls on
11 election day, after being examined under oath pursuant to the
12 provisions of this section, his right to vote shall be decided
13 by majority vote of the election board whose decision shall be
14 final.

15 6. The state commissioner of elections shall prepare a list
16 of questions based upon the foregoing indicia, which questions
17 shall be printed and a reasonably sufficient number of copies
18 be distributed to the county commissioners of election to be dis-
19 tributed by them to the judges of election at the several polling
20 places in their respective jurisdictions. Anyone challenged, who
21 thereafter insists upon voting, may, in lieu of being questioned
22 orally as above provided, or in addition thereto or in combination
23 therewith, be required to answer said questions in writing and
24 under oath, and his answers shall have the same force, effect and
25 consequences as if he were questioned orally under oath.

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1 7. Any judge, clerk or challenger who shall intentionally
2 deny or inhibit the right of any person or persons to vote by
3 use of these indicia or questions, knowing that such person or
4 persons is or are qualified to vote, shall be guilty of official
5 misconduct and punished as provided in section forty-nine point
6 one hundred thirteen (49.113) of the Code."

7 3. Page 17, by striking lines 16 through 22, inclusive, and
8 insert in lieu thereof the following:

9 "49.81 OATH IN CASE OF CHALLENGE. If the person seeking
10 to vote is challenged when offering to vote, and if the person
11 seeking to vote insists that he is qualified to vote, and if
12 the challenge is not withdrawn, his right to vote shall be de-
13 cided by majority vote of the election board whose decision,
14 based on the qualifications and examination under section four
15 (4) of this Act and under section forty-nine point eighty (49.80),
16 of the Code, shall be final."

17 4. Page 5, by striking lines 32 through 35, inclusive, and on
18 page 6, by striking lines 1 through 3, inclusive, and insert in
19 lieu thereof the following:

20 "Sec. 9. Section forty-three point one hundred twenty
21 (43.120), Code 1971, is amended by striking the section and
22 insert in lieu thereof the following:

23 1. Whoever is guilty of any of the following acts shall be
24 fined not less than one hundred (100) dollars nor more than
25 five hundred (500) dollars, or be imprisoned in the county

Page 5

1 jail not less than thirty (30) days nor more than six (6)
2 months, to wit:

3 a. Offering or giving a bribe, either in money or other
4 consideration, to any elector for the purpose of influ-
5 encing his vote at a primary election.

6 b. Receiving and accepting such bribe by an elector
7 entitled to vote at any primary election.

8 c. Willfully voting or offering to vote at a primary
9 election by a person who has not met the qualifications
10 to vote.

11 d. Willfully voting or offering to vote at a primary
12 election by one who knows himself not to be a qualified
13 elector of the precinct where he votes or offers to vote.

14 e. Violating any provision of this chapter, or any pro-
15 vision of law made applicable to this chapter.

16 f. Knowingly procuring, aiding, or abetting any violation
17 specified in this section.

18 2. Whoever makes intentionally false affidavits, or false
19 answers under oath, to any questions propounded relative to
20 his qualifications and party affiliations, shall be guilty of
21 perjury and shall be punished as provided in section seven
22 hundred twenty-one point one (721.1), of the Code. Whoever
23 shall procure or induce another to commit such perjury shall
24 be guilty of subornation of perjury and shall be punished
25 as provided in section seven hundred twenty-one point one

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1 (721.1), of the Code. Whoever endeavors to incite or
2 procure another to commit perjury, though no perjury be
3 committed, shall be guilty of an attempt to suborn
4 perjury and punished as provided in section seven hundred
5 twenty-one point three (721.3), of the Code."

COMMITTEE OF THE WHOLE

Senator Mowry moved that the Senate resolve itself into a committee of the whole for the purpose of discussing his amendment and that the Honorable Richard C. Turner, Attorney General, be invited to appear before the committee.

Senator Walsh moved that the motion be amended and that Representative Charles H. Pelton also be invited to appear before the committee of the whole.

The amendment to the motion lost.

Senator Doderer moved that the motion be amended to include discussion of the amendment filed by Senator Hill on February 28, 1972.

The amendment to the motion was adopted.

Senator Glenn moved that the motion be amended and that the Honorable Melvin D. Synhorst, Secretary of State, also be invited to appear before the committee of the whole.

The Chair called for a division.

The amendment to the motion was adopted.

The Chair put the motion as amended: "Senator Mowry now moves that the Senate resolve itself into a committee of the whole for the purpose of discussing both the Mowry and the Hill

amendments and that the Honorable Richard C. Turner, Attorney General, and the Honorable Melvin D. Synhorst, Secretary of State, be invited to appear before the committee."

Roll call was requested.

On the question "Shall the Mowry motion as amended be adopted?" (H.F. 1147) the vote was:

Ayes, 31:

Anderson	Doderer	Lamborn	Robinson
Arbuckle	Erskine	Laverty	Shaff
Balloun	Glenn	Messerly	Shawver
Bass	Graham	Mowry	Smith
Briles	Griffin	Nicholson	Stephens
Carlson	Hill	Ollenburg	Thordsen
Conklin	Keith	Potter	Van Drie
Curran	Kyhl	Rabedeaux	

Nays, 15:

Brownlee	Miller	Potgeter	Tapscott
DeKoster	Milligan	Rhodes	Van Gilst
Gaudineer	Neu	Riley	Walsh
Gross	Palmer	Schaben	

Absent or not voting, 4:

Coleman	Davis	Gilley	Kennedy
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The motion prevailed and the Senate resolved itself into a committee of the whole.

The Chair directed the Sergeant-at-arms to invite the Attorney General and the Secretary of State to the Senate chamber.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to call the roll:

MR. PRESIDENT: Pursuant to Rule 19 of the Rules of the Senate of the Sixty-fourth General Assembly, we, the undersigned, do hereby request a Call of the Senate on House File 1147 and all amendments and motions thereto.

HAROLD A. THORDSEN
JOHN M. WALSH
CLIFTON C. LAMBORN
LEIGH R. CURRAN
H. L. OLLENBURG
RICHARD L. STEPHENS
W. CHARLENE CONKLIN
JOHN L. MOWRY

EDWARD E. NICHOLSON
EUGENE M. HILL
QUENTIN V. ANDERSON
ALDEN J. ERSKINE
CHARLES F. BALLOUN
EARL G. BASS
MARVIN W. SMITH
VERNON H. KYHL

Roll call revealed all members present with the exception of Senators Gilley and Kennedy who had already been excused for the day.

The Chair presented the Honorable Richard C. Turner, who appeared in the well of the Senate to explain the amendments and answer questions put to him by members of the Senate.

The Chair presented the Honorable Melvin D. Synhorst, who appeared in the well of the Senate to answer questions on the amendments.

President pro tempore Kyhl took the chair at 5:30 p.m.

Senator Glenn asked and received unanimous consent that the Honorable Melvin D. Synhorst be excused.

On motion of Senator Mowry, the Senate arose from the committee of the whole.

The Senate resumed consideration of the Mowry amendment.

Senator Mowry offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Mowry amendment filed February 21, 1972 to
- 2 House File 1147, page 1, line 4 by striking the figures
- 3 "29" and inserting in lieu thereof "24".

The amendment to the amendment was adopted.

Senator Mowry called for a division of his amendment into two divisions, section 1 to be considered as division 1 and the remainder of the amendment to be considered as division 2.

President Jepsen took the chair at 6:37 p.m.

Senator Mowry moved the adoption of division 1 of the amendment.

Division was called for.

Division 1 of the amendment lost.

Senator Mowry moved the adoption of division 2 of the amendment.

Roll call was requested.

On the question "Shall division 2 of the Mowry amendment be adopted?" (H.F. 1147) the vote was:

Rule 24 was invoked.

Ayes, 15:

Anderson	Erskine	Kyhl	Ollenburg
Balloun	Graham	Lamborn	Smith
Bass	Hill	Mowry	Stephens
Briles	Keith	Nicholson	

Nays, 32:

Brownlee	Gaudineer	Neu	Schaben
Carlson	Glenn	Palmer	Shaff
Coleman	Griffin	Potgeter	Shawver
Conklin	Gross	Potter	Tapscott
Curran	Laverty	Rabedeaux	Thordsen
Davis	Messerly	Rhodes	Van Drie
DeKoster	Miller	Riley	Van Gilst
Doderer	Milligan	Robinson	Walsh

Absent or not voting, 3:

Arbuckle	Gilley	Kennedy
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Division 2 of the amendment lost.

Senator Hill offered the following amendment filed by him on February 28, 1972:

1 Amend House File 1147 as amended, passed and reprinted
 2 by the House as follows:
 3 Page 3, after line 24, insert the following new subsection:
 4 "5. Unless the contrary appears to the satisfaction of
 5 registration or election officials, it shall be a rebuttable
 6 presumption that a person not a voting resident of this state
 7 at the time of matriculation at an institution of learning,
 8 or at the time of enrollment, admission, entrance, or incar-
 9 ceration to or in any other institution within this state
 10 supported, in whole or in part, directly or indirectly, by
 11 taxes imposed or levied by this state, or by any county,
 12 city, or school district within this state, or by the ex-
 13 emption from any lawful tax, and whether or not the support
 14 is received directly or indirectly by the person who matri-
 15 culates, enrolls, is admitted, gains entrance, or is incar-
 16 cerated, has a voting residence elsewhere. This presumption
 17 shall be maintained so long as the person is enrolled and
 18 pursuing a course of study at an institution of learning,
 19 or is an enrollee or inmate of any other institution herein
 20 described."

Senator Potgeter raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Hill offered the following amendment to the amend-
 ment and moved its adoption:

1 Amend the Hill amendment filed February 28, 1972, to
 2 House File 1147 as follows:

- 3 1. Line 7, by striking the words "matriculation at"
 4 and inserting in lieu thereof the words "admission to".
 5 2. Lines 14 and 15, by striking the word
 6 "matriculates,".

The amendment to the amendment was adopted.

Senator Rhodes took the chair at 7:23 p.m.

Senator Hill moved the adoption of his amendment as amended.

Roll call was requested.

On the question "Shall the Hill amendment as amended be adopted?" (H.F. 1147) the vote was:

Ayes, 14:

Anderson	Graham	Lamborn	Ollenburg
Balloun	Hill	Mowry	Smith
Bass	Keith	Nicholson	Stephens
Briles	Kyhl		

Nays, 34:

Arbuckle	Erskine	Neu	Schaben
Brownlee	Gaudineer	Palmer	Shaff
Carlson	Glenn	Potgeter	Shawver
Coleman	Griffin	Potter	Tapscott
Conklin	Gross	Rabedeaux	Thordsen
Curran	Laverty	Rhodes	Van Drie
Davis	Messerly	Riley	Van Gilst
DeKoster	Miller	Robinson	Walsh
Doderer	Milligan		

Absent or not voting, 2:

Gilley	Kennedy
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The amendment as amended lost.

Senator Hill withdrew the amendment filed by him February 16, 1972, and found on page 423 of the Senate Journal.

President pro tempore Kyhl took the chair at 7:40 p.m.

Senator Rhodes offered the following amendment and moved its adoption:

- 1 Amend House File 1147 as amended, passed and reprinted
- 2 by the House, page 5, by striking lines 28 and 29 and inserting
- 3 in lieu thereof the following: "publication shall be in not less
- 4 than two newspapers within the county, representing, if possible,".

President Jepsen took the chair at 7:47 p.m.

The amendment was adopted.

(House File 1147 pending.)

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Division 8B of the state government committee amendment, filed February 25, 1972, to House File 1147, failed to be adopted by the Senate on March 1, 1972.

TOM RILEY

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1247, a bill for an act making appropriations to educational radio and television facility board for purpose of making capital improvements.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1192, by committee on law enforcement, a bill for an act relating to the control of dangerous substances and the board of pharmacy.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1247, a bill for an act making appropriations to the educational radio and television facility board for the purpose of making capital improvements.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 117

By Committee on Commerce

Whereas, the cost of health care has increased rapidly in recent years; and

Whereas, health maintenance organizations are advanced as a new method to provide improved health care services at a reasonable cost; and

Whereas, the financial feasibility of operating health maintenance organizations in more sparsely populated rural areas has not been proven; and

Whereas, other problems concerning and regulation of health maintenance organizations should be studied prior to authorizing their establishment, *Now, Therefore*,

Be It Resolved by the Senate, the House of Representatives Concurring, That the legislative council create a study committee, consisting of legislative members of the General Assembly, to study the feasibility of authorizing the establishment of health maintenance organizations to provide pre-paid health care services to the citizens of this state; and

Be It Further Resolved, That the study committee make periodic reports to the legislative council and submit a final report, including necessary bill

drafts, to implement its recommendations, to the legislative council. Copies of the report approved by the legislative council shall be submitted to the First Session of the Sixty-fifth General Assembly in 1973.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 431 failed to pass the Senate.

WILSON L. DAVIS

EXPLANATION OF VOTE

MR. PRESIDENT: I was attending a Council of State Government meeting on no fault insurance in Chicago on February 29 and would have voted as follows: "aye" on final passage of Senate File 1030, Senate File 431 and House File 30. On Senate File 428 I would have voted "aye" on the Senate refusal to concur with the House. I would have voted "no" on the motion to concur with the House amendment to Senate File 1008 and "no" on final passage of Senate File 1008.

JAMES W. GRIFFIN, SR.

RULES COMMITTEE MEETING REQUESTED

March 1, 1972

Senator Clifton Lamborn, Chairman
Senate Rules Committee
Local

Dear Senator Lamborn:

I request a meeting of the Senate rules committee to consider the manner in which House File 307, as amended, has been handled in the Senate commerce committee and to give a determination on why it should not be filed and reported out on the calendar.

Sincerely,

JAMES A. POTGETER

BILL ASSIGNED TO COMMITTEE

S. F. 1136 Appropriations (Under Rule 37)

REPORTS OF COMMITTEES

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government, to which was referred **Senate File 424**, a bill for an act relating to the establishment of civil service for deputy county sheriffs and providing penalties for violations, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES E. BRILES, Chairman

Ordered passed on file.

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 288**, a bill for an act to establish the office of ombudsman for the investigation of citizen complaints and certain acts of government within the state, to define his powers and duties, and to provide penalties, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 288, as follows:
- 2 1. Page 2, by striking lines 1 through 20, inclusive,
- 3 and inserting in lieu thereof the following:
- 4 "Section 1. As used in this Act, unless the context
- 5 as otherwise requires:
- 6 1. 'Person' means an individual, aggregate of indi-
- 7 viduals, corporation, partnership, or unincorporated
- 8 association.
- 9 2. 'Agency' means all governmental entities, de-
- 10 partments, boards, commissions, councils or institu-
- 11 tions, and any officer, employee or member thereof
- 12 acting or purporting to act in the exercise of his
- 13 official duties, but it does not include:
- 14 a. Any court or judge or appurtenant judicial
- 15 staff.
- 16 b. The members, committees, or permanent or
- 17 temporary staffs of the Iowa general assembly.
- 18 c. The Governor of Iowa or his personal staff.
- 19 d. Any instrumentality formed pursuant to an
- 20 interstate compact and answerable to more than
- 21 one state.
- 22 3. 'Officer' means any officer of an agency.
- 23 4. 'Employee' means any employee of an agency.
- 24 5. 'Administrative action' means any policy or
- 25 action taken by an agency or failure to act pursuant

Page 2

- 1 to law.
- 2 6. 'Operations' means the organization and internal
- 3 administration of an agency."
- 4 2. Page 2, line 22, insert after the word "officer"
- 5 the words ", hereby designated the ombudsman, who shall
- 6 be".
- 7 3. Page 2, by striking lines 26 through 35, inclu-
- 8 sive.
- 9 4. Page 3, by striking lines 1 through 35, inclu-
- 10 sive, and inserting in lieu thereof the following:
- 11 "Sec. 3. The legislative council as created by
- 12 section two point forty-nine (2.49) of the Code, shall
- 13 nominate by majority vote of its total membership,
- 14 one person for the office of ombudsman. The person
- 15 nominated for appointment to the office of ombudsman
- 16 shall be confirmed by the passage of a concurrent
- 17 resolution by the general assembly, with a constitu-
- 18 tional majority in both the senate and house of
- 19 representatives required for passage."

- 20 5. Page 4, line 12, by striking the word "joint".
 21 6. Page 4, line 13, by striking the words
 22 "legislative committee on the office of the ombudsman,"
 23 and inserting in lieu thereof the words "legislative
 24 council,".
 25 7. Page 4, line 16, by striking the words "for

Page 3

- 1 neglect of duty,".
 2 8. Page 4, line 17, by striking the words "miscon-
 3 duct, or disability, by a two-thirds", and inserting in
 4 lieu thereof the words "by a majority".
 5 9. Page 4, line 23, by striking the words "the
 6 same salary as".
 7 10. Page 4, line 24, by striking the words "an
 8 associate justice of the supreme court", and inserting
 9 in lieu thereof the words "the salary of twenty thousand
 10 dollars per year".
 11 11. Page 4, line 27, by striking the word "joint".
 12 12. Page 4, line 28, by striking the word "commit-
 13 tee" and inserting in lieu thereof the words "legis-
 14 lative council".
 15 13. Page 4, line 33, by striking the word "joint".
 16 14. Page 4, line 34, by striking the words "legis-
 17 lative committee on the office of the ombudsman" and
 18 inserting in lieu thereof the words "legislative
 19 council".
 20 15. Page 5, line 11, by striking the word "state".
 21 16. Page 5, line 21, by striking the word "state".
 22 17. Page 5, line 27, by striking the word "state".
 23 18. Page 5, line 30, by striking the word "state".
 24 19. Page 5, line 32, by striking the word "state".
 25 20. Page 6, line 3, by striking the word "state".

Page 4

- 1 21. Page 6, line 5, by striking the word "state".
 2 22. Page 6, line 14, by striking the words "a
 3 state" and inserting in lieu thereof the word "an".
 4 23. Page 6, by striking line 20.
 5 24. Page 6, by striking lines 33 and 34, and
 6 inserting in lieu thereof the following: "3. The
 7 complainant has no substantive or procedural interest
 8 which is directly affected by the matter complained
 9 about."
 10 25. Page 7, by striking lines 10 through 13,
 11 inclusive, and inserting in lieu thereof the
 12 following:
 13 "If the ombudsman decides not to investigate, he
 14 shall inform the complainant of that decision and
 15 shall state his reasons. If the ombudsman decides to
 16 investigate, he shall notify the complainant of his
 17 decision and he shall also notify the agency of his
 18 intention to investigate. After completing his
 19 consideration of a complaint, whether or not it has
 20 been investigated, the ombudsman shall without delay
 21 inform the complainant of the fact, and when appro-

22 priate, the agency or agencies involved. The ombuds-
 23 man shall on request of the complainant, and as appro-
 24 priate, report the status of his investigation to the
 25 complainant."

Page 5

1 26. Page 7, line 20, by striking the words "a
 2 state" and inserting in lieu thereof the word "an".
 3 27. Page 7, line 21, by striking the word "state".
 4 28. Page 7, line 24, by striking the word "state".
 5 29. Page 7, line 34, by striking the word "state"
 6 before the word "agency".
 7 30. Page 9, by inserting the following new
 8 section after line 19:
 9 "Sec. There is appropriated from the general
 10 fund of the state to the office of ombudsman for the
 11 fiscal year beginning July 1, 1972 and ending June 30,
 12 1973 the sum of sixty thousand (60,000) dollars, or
 13 so much thereof as may be necessary, to carry out the
 14 provisions of this Act."

JAMES A. POTGETER, Chairman

Ordered passed on file.

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was referred **Senate File 1136**, a bill for an act relating to provided financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

1 Amend the Gaudineer and Messerly amendment filed February 29,
 2 1972,
 3 to Senate File 1182 by striking from page 2, line 6 the word "com-
 4 mittee" and substituting in lieu thereof the words "fiscal director".

FRANCIS L. MESSERLY

Amend Senate File 1190 as follows:

1 1. Page 2, by striking in line 4 the word "conjunction" and
 2 inserting in lieu thereof the word "consultation".
 3 2. Page 2, by striking in line 5 the word "prescribe" and in-
 4 serting in lieu thereof the words "negotiate distinct".
 5 3. Page 2, by inserting in line 6 after the word "regulations"
 6 the words "for the classification of county homes within the category
 7 of custodial homes".
 8 4. Page 2, by striking in line 7 the words "of the" and insert-
 9 ing in lieu thereof the word "for".
 10 5. Page 2, by adding on line 22 after the period the words "The
 11 board shall elect a chairman, vice-chairman and secretary-treasurer at

12 the first meeting of the board in each calendar year.”

13 6. Page 2, by striking all after the period in line 28, all
14 of lines 29, through 33 inclusive, and on line 34 the word “met.”,
15 and inserting in lieu thereof the following:

16 “No license shall be issued to or retained by a county home,
17 unless the state county home liaison board has submitted to the
18 commissioner of public health a certificate indicating the rules and
19 regulations promulgated for health care facilities under section
20 one hundred thirty-five C point nine (135C.9) of the Code are being
21 complied with or met.

22 The secretary-treasurer of the liaison board shall calculate the
23 actual costs or expenses incurred by board members in making inspec-
24 tions of county homes licensed or to be licensed under this Act.
25 Such expenses shall be filed with the board of supervisors in the

Page 2

1 counties wherein county homes were inspected. The county boards
2 shall pay the actual expenses as filed by the liaison board
3 secretary-treasurer not later than ninety days from filing.”

4 7. Page 3, by inserting in line 7 after the word “home”
5 the words, “however, such levy shall not exceed twenty thousand dollars
6 annually”.

**COMMITTEE ON COUNTY GOVERNMENT
JAMES E. BRILES, Chairman**

1 Amend House File 571 as follows:

2 1. Add the following new sections:

3 “Sec. As an alternate procedure to and in lieu
4 of criminal prosecution for violation of the public
5 offenses defined in sections two (2), three (3) and seven
6 (7) of this Act, the attorney general, or the county attorney
7 of any county wherein the public offenses were allegedly
8 committed, may seek injunctive relief against the per-
9 son, firm, or corporation it is alleged is in violation
10 of this Act by commencing an action in the name of the
11 state of Iowa upon relation to the attorney general or
12 county attorney in the district court of the county
13 wherein any of the alleged acts occurred. If such acts
14 occurred in more than one county or probably will occur
15 in more than one county, the district court of any of
16 such counties shall have jurisdiction of all the alleged
17 violations or probable violations in all counties of
18 this state as defined in this Act.”

19 “Sec. The district court shall, upon applica-
20 tion of the attorney general or county attorney,
21 grant a temporary injunction enjoining any person,
22 firm, or corporation from violating this Act in
23 respect to the publication, promotion, showing, or
24 dissemination of any film, book, magazine or periodical
25 if it finds upon hearing, to be set by the court, not

Page 2

1 ex parte, that the publication, promotion, showing, or
2 dissemination would probably be in violation of this
3 Act. The defendant shall be served notice of such

4 hearing in the same manner as original notices are
5 served. The date set for such hearing shall be at
6 least three days from the date the application is
7 filed."

8 "Sec. If a temporary injunction is granted,
9 it shall be without bond and effective upon filing
10 and notification to the defendant. The action for
11 a permanent injunction shall be tried within sixty
12 days of the commencement of the action and, if not
13 so tried, any temporary injunction granted shall be
14 dissolved by operation of law, unless prior to the
15 expiration of the sixty-day period, the court finds
16 that the delay in trial was caused by the defendant
17 or is at the defendant's request. The defendant
18 shall be entitled to a trial by jury upon request."

19 "Sec. A violation of any temporary or permanent
20 injunction shall be punishable as provided in chapter
21 six hundred sixty-five (665) of the Code. Each day's
22 violation of each such injunction shall be a separate
23 violation."

24 2. Page 1, line 2, amend the title by adding after

Page 3

1 "penalties" the words "or injunctive relief".

LEE H. GAUDINEER, JR.

1 Amend House File 1042, as passed by both the House
2 and Senate, line 6, by striking the word "shall" and
3 inserting in lieu thereof "[shall] *may*".

EDWARD E. NICHOLSON

1 Amend House File 1147, as amended, passed and reprinted
2 by the House, page 2A, by adding after line 35 the following
3 new section:

4 1. "Sec. Section three hundred forty point one (340.1),
5 Code 1971, is amended by adding the following new
6 paragraph:

7 The county commissioner of elections shall
8 receive a salary equal to ten percent of the salary
9 of the county auditor, in addition to his salary
10 as county auditor."

11 2. Renumber the subsequent sections accordingly.

MINNETTE DODERER
H. A. THORSEN

1 Amend House File 1147 as amended, passed and reprinted by the
2 House as follows:

3 Page 3, by inserting after line 24, the following new subsection:

4 "The registers and election officials, including the challengers,
5 may, after the signing of the affidavit, carefully and fully examine
6 said applicant relative to all matters of information indicated
7 by the registry book and, in addition:

8 1. Whether said applicant came into the precinct for the sole
9 purpose of voting at said election.

10 2. How long he intends to reside in said precinct.

11 3. Such other questions as may tend to test his qualifications
12 as a resident of the precinct, citizenship, and right to vote."

JOHN L. MOWRY

1 Amend House File 1147, as amended, passed, and reprinted
2 by the House, as follows:

3 1. Page 5, by adding after line 18 the following:

4 "FOR TOWNSHIP CLERK
5 (Vote for one.)
6 Dolores Black
7 John Raymond
8
9 "FOR TOWNSHIP TRUSTEES
10 (Vote for two.)
11 Margaret Jones
12 William Jones
13 H. S. Wilson
14"

15 2. Page 5, by striking line 24 and inserting in lieu thereof
16 "election, except township[, city or town] officers. Such".

JAMES A. POTGETER

1 Amend the committee on state government amendment
2 filed February 25, 1972, to House File 1147 as follows:

3 1. Page 5, line 22, by striking the word "one"
4 and inserting in lieu thereof the words "in excess
5 of five".

6 2. Page 5, line 24, by striking the word "one"
7 and inserting in lieu thereof the words "in excess
8 of five".

TOM RILEY

1 Amend House File 1147 as amended, passed, and reprinted
2 by the House as follows:

3 Page 6, line 12 strike the word "Precinct" and insert
4 in lieu thereof the word "Branch".

RUDY VAN DRIE

1 Amend House File 1147, as amended, passed, and reprinted by
2 the House, as follows:

3 1. Page 11A, line 33, by striking all after the word
4 "felonies", and by striking all of line 34 and line 35
5 and insert in lieu thereof the following words, ", of legal
6 declarations of mental incompetence and of diagnosis of
7 severe or profound mental retardation, or of severe psy-
8 chiatric illness of persons of voting age."

9 2. Page 12, line 19, by striking all after the word
10 "is" and by striking all of line 20 and inserting in lieu
11 thereof the words "severely or profoundly mentally retarded
12 for severe psychiatric reasons."

W. CHARLENE CONKLIN
JAMES A. POTGETER
JOHN E. TAPSCOTT

1 Amend House File 1147 as amended, passed and reprinted by the
2 House as follows:

3 Page 20, by adding after line 12 the following new paragraphs:

4 "A person elected to a public office of the state or its
5 political subdivisions shall, upon application to his employer,
6 be granted a leave of absence from his regular employment. Upon
7 receiving proof of election or reelection, the employer shall grant
8 the leave of absence for the period of time that is required to carry
9 out the duties of public office. The leave of absence shall be granted
10 without a loss of position or status. This would not apply to employers
11 employing one hundred (100) or less.

12 The leave of absence for a person regularly employed pursuant to the
13 provisions of chapter nineteen A (19A), of the Code, shall be according
14 to the provisions of section nineteen A point eighteen (19A.18), of the
15 Code."

CLOYD ROBINSON

1 Amend House File 1147 as amended, passed and reprinted by the
2 House as follows:

3 Page 20, by adding after line 12, the following new paragraph:

4 "A person elected to a public office of the state of its
5 political subdivisions shall, upon application to his employer,
6 be granted a leave of absence from his regular employment. Upon
7 receiving proof of election or reelection, the employer shall grant
8 the leave of absence for the period of time that is required to carry
9 out the duties of public office. The leave of absence shall be granted
10 without a loss of position or status. The provisions of this section
11 shall not apply to employers employing one hundred (100) or less
12 employees.

13 The leave of absence for a person regularly employed pursuant to the
14 provisions of chapter nineteen A (19A), of the Code, shall be according
15 to the provisions of section nineteen A point eighteen (19A.18), of the
16 Code."

CLOYD ROBINSON

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Thursday, March 2, 1972.

JOURNAL OF THE SENATE

FIFTY-THIRD DAY

SENATE CHAMBER
DES MOINES, IOWA, THURSDAY, MARCH 2, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Father G. F. Hemesath, pastor of the Saint Patrick's Church, Tama, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, March 1, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kennedy for the morning on request of Senator Lamborn.

DISTINGUISHED VISITOR

Senator Kyhl rose on a point of personal privilege and presented to the Senate the Honorable William L. Mooty, former Lieutenant Governor of Iowa, from Grundy County.

PRESENTATION OF VISITORS

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

Forty students from St. Bernard High School, Breda, Iowa, accompanied by Dennis Hornick. Senator Neu.

Twenty-five students from Oakland Community School, Oakland, Iowa, accompanied by Jack Fisher. Senator Schaben.

Thirty-two students from Newell-Providence Community High School, Newell, Iowa, accompanied by Mr. Campbell and Mr. Katt. Senator Brownlee.

Forty-five students from West Marshall Elementary School, Marshalltown, Iowa, accompanied by Mrs. Guthrie and Mrs. Eddy. Senator Mowry.

Seventy-six students from Marquette High School, Bellevue, Iowa, accompanied by Sister Mary Vincent and Jim O'Neal. Senator Lamborn.

Twenty-eight students from Norway High School, Norway, Iowa, accompanied by Dennis Elliott. Senator Balloun.

Eight students from Webster City High School, Webster City, Iowa, accompanied by Mrs. Town and Mrs. Scott. Senator Potgeter.

Ten students from Merrill Junior High School, Des Moines, Iowa, accompanied by Mrs. Cobb. Senator Milligan.

Thirty-five students from Rockwell-Swaledale Community School, Rockwell, Iowa, accompanied by Mr. Frederickson and Mr. Faradi. Senator Curran.

Thirty-two students from Glidden-Ralston Community School, Glidden, Iowa, accompanied by Mr. McCrea and Mr. Ploeger. Senator Neu.

One hundred students from Dubuque High School, Dubuque, Iowa, accompanied by Mrs. Brown, Mrs. Woolf and Don Ruden. Senator Walsh.

Thirty-six students from Whiting Community High School, Whiting, Iowa. Lu Frossard, a foreign exchange student from Rio de Janiero, Brazil, was a member of the group. Senator Neu.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 392 and 471.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 392 and 471.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has on this 2nd day of March, 1972, sent to the Governor for his approval: Senate Files 392 and 471.

JOHN C. RHODES, Chairman

Passed on file.

SENATOR EXCUSED

Senator Lamborn asked and received unanimous consent that Senator Arbuckle be excused temporarily.

ADOPTION OF CONCURRENT RESOLUTION

Senate Concurrent Resolution 114

Senator Walsh asked and received unanimous consent to take up for consideration the following resolution:

SENATE CONCURRENT RESOLUTION 114

By Walsh, Schaben, Lamborn, Coleman, Miller, Robinson,
Potgeter, Kennedy, Riley, Mowry, Nicholson,
Rabedeaux and Griffin

Whereas, the plight of families of Americans captured or missing in the war in southeast Asia is recognized by governmental agencies and private and public organizations; and

Whereas, the communication among families of captured and missing Americans facilitates the development of activities supporting the morale of these families and the dissemination of information regarding the possible release of prisoners of war, *Now Therefore*,

Be It Resolved by the Senate, the House of Representatives Concurring, That, the executive council shall order all flags at state buildings to be flown at half mast upon the anniversary of the capture or disappearance of Iowans missing in action in southeast Asia.

Be It Further Resolved, That the secretary of the executive council shall cause to be published, three days prior to the anniversary of the capture or disappearance of Americans missing in action, a newspaper article notifying readers in the area of residence of the American's family of the day to be honored. The following names and dates of capture or disappearance shall be submitted to the executive council for publication:

Name	Date of Capture or Disappearance
Dennis Eilers	December 24, 1965
Russell Martin	June 3, 1966
Dyke Spilman	September 27, 1966
Delbert Peterson	March 9, 1966
Larry Spencer	February 18, 1966
Steven Adams	October 18, 1966

Charles Boyd	April 22, 1966
Gary Anderson	May 19, 1967
Robert Naughton	May 18, 1967
James L. Hughes	May 5, 1967
Alan Piittmann	November 16, 1966
Dennis Hamilton	January 5, 1968
Michael Kjome	February 2, 1968
Ariel Cross	July 17, 1968
Bard Cuthbert	November 23, 1968
Charles Douglas King	December 25, 1968
James Herrick, Jr.	October 27, 1969
John Anderson	November 4, 1969
Laurent L. Gourley	August 9, 1969
Richard Ayers	April 16, 1970
Gary Scull	March 12, 1970
Carl Palen	January 3, 1971
Dwight E. Sullivan	October 17, 1967
Robert C. O'Hara	February 6, 1969
Robert Saavedra	April 28, 1968
Gray D. Warren	October 26, 1969
Harold E. Johnson	April 30, 1967
Harold D. Monlux	November 11, 1966
Donald E. Paxton	February 22, 1969
Edison W. Miller	October 13, 1967

Senator Walsh asked unanimous consent that mothers of the prisoners be permitted to sit in the Senate chamber during consideration of the resolution.

Objection was raised.

Senator Hill moved that Senate Concurrent Resolution 114 be referred to the committee on judiciary for further study.

Roll call was requested.

On the question "Shall the resolution be referred to the committee on judiciary?" (S.C.R. 114) the vote was:

Ayes, 12:

Anderson	Carlson	Glenn	Keith
Balloun	Conklin	Graham	Ollenburg
Bass	DeKoster	Hill	Stephens

Nays, 36:

Briles	Gross	Neu	Schaben
Brownlee	Kennedy	Nicholson	Shaff
Coleman	Kyhl	Palmer	Shawver
Curran	Lamborn	Potgeter	Smith
Doderer	Laverty	Potter	Tapscott
Erskine	Messerly	Rabedeaux	Thordsen
Gaudineer	Miller	Rhodes	Van Drie
Gilley	Milligan	Riley	Van Gilst
Griffin	Mowry	Robinson	Walsh

Absent or not voting, 2:

Arbuckle	Davis
----------	-------

The motion lost.

Senator Tapscott offered the following amendment:

- 1 Amend Senate Concurrent Resolution 114 by inserting
- 2 after line 13 the following: "Be it further resolved
- 3 that the Iowa legislature has shown its concern to our
- 4 prisoners of war and our concern to the continuance of
- 5 this immoral and unethical war in southeast Asia and
- 6 a copy of this resolution be sent to Iowa's congressmen,
- 7 senators and the President of the United States."

Senator Hill raised a point of order that the amendment was not germane to the subject matter of the resolution.

The Chair ruled the point well taken and the amendment out of order.

Senator Walsh moved the adoption of the resolution and requested a roll call.

On the question "Shall the resolution be adopted?" (S.C.R. 114) the vote was:

Ayes, 42:

Anderson	Gilley	Mowry	Robinson
Arbuckle	Glenn	Neu	Schaben
Briles	Gross	Nicholson	Shaff
Brownlee	Keith	Ollenburg	Shawver
Carlson	Kennedy	Palmer	Smith
Coleman	Kyhl	Potgeter	Tapscott
Curran	Lamborn	Potter	Thordsen
DeKoster	Laverty	Rabedeaux	Van Drie
Doderer	Messerly	Rhodes	Van Gilst
Erskine	Miller	Riley	Walsh
Gaudineer	Milligan		

Nays, 7:

Ballour	Conklin	Graham	Stephens
Bass	Davis	Hill	

Absent or not voting, 1:

Griffin

The resolution was adopted.

Senator Walsh asked and received unanimous consent that Senate Concurrent Resolution 114 be **immediately** messaged to the House, which request was complied with.

CALL OF THE SENATE

A Call of the Senate was still in effect on **House File 1147** and a roll call revealed all members present.

UNFINISHED BUSINESS
SPECIAL ORDER CONTINUED

House File 1147

The Senate resumed consideration of House File 1147, a bill for an act relating to the election laws and providing penalties for violations thereof.

Senator Tapscott offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1147, as amended, passed and
- 2 reprinted by the House, page 6, line 12, by striking the
- 3 word "Precinct" and inserting in lieu thereof "A branch
- 4 office of".

The amendment was adopted.

Senator Van Drie withdrew the amendment filed by him on March 1, 1972, and found on page 628 of the Senate Journal.

Senator Conklin withdrew the amendment filed by Senators Conklin, Tapscott and Potgeter on February 29, 1972, and found on pages 597 and 598 of the Senate Journal.

Senator Conklin offered the following amendment by Senators Conklin, Potgeter and Tapscott and called for a division of the amendment, section 1 to be considered as division 1, section 2, as division 2:

Division 1

- 1 Amend House File 1147, as amended, passed, and reprinted by
- 2 the House, as follows:
- 3 1. Page 11A, line 33, by striking all after the word
- 4 "felonies", and by striking all of line 34 and line 35
- 5 and insert in lieu thereof the following words, "of legal
- 6 declarations of mental incompetence and of diagnosis of
- 7 severe or profound mental retardation, or of severe psy-
- 8 chiatric illness of persons of voting age."

Division 2

- 9 2. Page 12, line 19, by striking all after the word
- 10 "is" and by striking all of line 20 and inserting in lieu
- 11 thereof the words "severely or profoundly mentally retarded
- 12 for severe psychiatric reasons."

Senator Conklin withdrew division 2 of the amendment.

On motion of Senator Conklin, division 1 of the amendment was adopted.

Senator Robinson withdrew the following amendment filed by him on March 1, 1972:

- 1 Amend House File 1147, as amended, passed and reprinted by the

2 House as follows:

3 Page 20, by adding after line 12 the following new paragraphs:

4 "A person elected to a public office of the state or its
5 political subdivisions shall, upon application to his employer,
6 be granted a leave of absence from his regular employment. Upon
7 receiving proof of election or reelection, the employer shall grant
8 the leave of absence for the period of time that is required to carry
9 out the duties of public office. The leave of absence shall be granted
10 without a loss of position or status. This would not apply to employers
11 employing one hundred (100) or less.

12 The leave of absence for a person regularly employed pursuant to the
13 provisions of chapter nineteen A (19A), of the Code, shall be according
14 to the provisions of section nineteen A point eighteen (19A.18), of the
15 Code."

Senator Robinson offered the following amendment:

1 Amend House File 1147 as amended, passed and reprinted by the
2 House as follows:

3 Page 20, by adding after line 12, the following new paragraph:

4 "A person elected to a public office of the state or its
5 political subdivisions shall, upon application to his employer,
6 be granted a leave of absence from his regular employment. Upon
7 receiving proof of election or reelection, the employer shall grant
8 the leave of absence for the period of time that is required to carry
9 out the duties of public office. The leave of absence shall be granted
10 without a loss of position or status. The provisions of this section
11 shall not apply to employers employing one hundred (100) or less
12 employees.

13 The leave of absence for a person regularly employed pursuant to the
14 provisions of chapter nineteen A (19A), of the Code, shall be according
15 to the provisions of section nineteen A point eighteen (19A.18), of the
16 Code."

Senator Van Drie raised the point of order that the amend-
ment was not germane.

The Chair ruled the point well taken and the amendment out
of order.

Senator Lamborn asked and received unanimous consent that
Senator Potter be excused from the Call of the Senate for the
remainder of the day.

Senator Thordsen offered the following amendment filed by
Senators Doderer and Thordsen:

1 Amend House File 1147, as amended, passed and reprinted
2 by the House, page 2A, by adding after line 35 the following
3 new section:

4 1. "Sec. Section three hundred forty point one (340.1),
5 Code 1971, is amended by adding the following new
6 paragraph:

7 The county commissioner of elections shall
8 receive a salary equal to ten percent of the salary
9 of the county auditor, in addition to his salary

10 as county auditor.”

11 2. Renumber the subsequent sections accordingly.

Senator Potgeter raised a point of order that the amendment was not germane.

The Chair ruled the point not well taken and the amendment in order.

Senator Ollenburg moved that the amendment be referred to the committee on county government.

Senator Ollenburg asked and received unanimous consent to withdraw the motion.

Senator Thordsen moved the adoption of the amendment and requested a roll call.

On the question “Shall the Doderer-Thordsen amendment be adopted?” (H.F. 1147) the vote was:

Ayes, 16:

Briles	Kennedy	Rhodes	Tapscott
Doderer	Nicholson	Riley	Thordsen
Gilley	Palmer	Robinson	Van Drie
Graham	Rabedeaux	Shawver	Van Gilst

Nays, 32:

Anderson	Davis	Keith	Neu
Balloun	DeKoster	Kyhl	Ollenburg
Bass	Erskine	Lamborn	Potgeter
Brownlee	Gaudineer	Laverty	Schaben
Carlson	Glenn	Messerly	Shaff
Coleman	Griffin	Miller	Smith
Conklin	Gross	Milligan	Stephens
Curran	Hill	Mowry	Walsh

Absent or not voting, 2:

Arbuckle	Potter
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The amendment lost.

Senator Potgeter offered the following amendment filed March 1, 1972, and moved its adoption:

1 Amend House File 1147, as amended, passed, and reprinted
2 by the House, as follows:

3 1. Page 5, by adding after line 18 the following:

4 “FOR TOWNSHIP CLERK

5 (Vote for one.)

6 Dolores Black

7 John Raymond

8

9 “FOR TOWNSHIP TRUSTEES

10 (Vote for two.)

- 11 Margaret Jones
 12 William Jones
 13 H. S. Wilson
 14
 15 2. Page 5, by striking line 24 and inserting in lieu thereof
 16 "election, except township[, city or town] officers. Such".

The amendment was adopted.

Senator Riley called up the following motion to reconsider filed by him on March 1, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Division 8B of the state government committee amendment, filed February 25, 1972, to House File 1147, failed to be adopted by the Senate on March 1, 1972.

Roll call was requested.

On the question "Shall the motion to reconsider division 8B of the committee amendment be adopted?" (H.F. 1147) the vote was:

Rule 24 was invoked.

Ayes, 19:

Arbuckle	Gilley	Kennedy	Robinson
Coleman	Glenn	Miller	Schaben
Conklin	Graham	Milligan	Tapscott
Doderer	Gross	Palmer	Van Gilst
Gaudineer	Hill	Riley	

Nays, 30:

Anderson	DeKoster	Mowry	Shaff
Balloun	Erskine	Neu	Shawver
Bass	Griffin	Nicholson	Smith
Briles	Keith	Ollenburg	Stephens
Brownlee	Kyhl	Potgeter	Thordsen
Carlson	Lamborn	Rabedeaux	Van Drie
Curran	Laverty	Rhodes	Walsh
Davis	Messerly		

Absent or not voting, 1:

Potter

The motion lost.

Senator Mowry offered the following amendment by Senators Gaudineer and Mowry:

- 1 Amend House File 1147, as amended and passed by the
- 2 House and reprinted, page 17, by adding after line 22, the
- 3 following new section:
- 4 1. "Sec. Chapter 49, Code 1971, is hereby
- 5 amended by adding the following new section thereto:
- 6 In case of all challenges of electors at the time he
- 7 is offering to vote in a precinct, an election judge may
- 8 place such person under oath and question him as, (1) where
- 9 he maintains his home; (2) how long he has maintained his

10 home at such place; (3) if he maintains a home at any other
 11 location; (4) his age; (5) and any other facts which will
 12 bear upon his qualifications. The election judge may permit
 13 the challenger to participate in such questions. The
 14 challenged elector shall be allowed to present to the judge
 15 such evidence and facts that he feels sustains the fact
 16 that he is qualified to vote. Upon completion thereof,
 17 the election judge hearing the challenge shall determine if
 18 the challenged elector shall be allowed to vote."
 19 2. By making internal corrections in conformity
 20 herewith.

Senator Schaben raised a point of order that the subject matter contained in the amendment had already been considered by the Senate.

The Chair ruled the point not well taken and the amendment in order.

Senator Milligan took the chair at 11:59 a.m.

President Jepsen took the chair at 12:10 p.m.

Senator Mowry moved the adoption of the amendment.

Roll call was requested.

On the question "Shall the Gaudineer-Mowry amendment be adopted?" (H.F. 1147) the vote was:

Ayes, 27:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Shaff
Balloun	Gilley	Messerly	Shawver
Bass	Graham	Mowry	Smith
Briles	Hill	Nicholson	Stephens
Conklin	Keith	Ollenburg	Thordsen
Curran	Kyhl	Rabedeaux	

Nays, 22:

Brownlee	Glenn	Neu	Schaben
Carlson	Griffin	Palmer	Tapscott
Coleman	Gross	Potgeter	Van Drie
Davis	Kennedy	Riley	Van Gilst
DeKoster	Miller	Robinson	Walsh
Doderer	Milligan		

Absent or not voting, 1:

Potter

The amendment was adopted.

Senator Mowry withdrew the following amendment filed March 1, 1972:

- 1 Amend House File 1147 as amended, passed and reprinted by the
- 2 House as follows:

- 3 Page 3, by inserting after line 24, the following new subsection:
 4 "The registers and election officials, including the challengers,
 5 may, after the signing of the affidavit, carefully and fully examine
 6 said applicant relative to all matters of information indicated
 7 by the registry book and, in addition:
 8 1. Whether said applicant came into the precinct for the sole
 9 purpose of voting at said election.
 10 2. How long he intends to reside in said precinct.
 11 3. Such other questions as may tend to test his qualifications
 12 as a resident of the precinct, citizenship, and right to vote."

Senator Tapscott offered the following amendment and moved its adoption:

- 1 Amend House File 1147 by adding the following new
 2 sections:
 3 "Sec. REGISTRATION OF VOTERS NOT REQUIRED—
 4 POLL LISTS KEPT BY CLERKS OF ELECTIONS. No registra-
 5 tion of voters, by party, shall be required under the
 6 provisions of this Act to vote in any primary elec-
 7 tion. The clerks of primary elections shall keep a
 8 list of the names of all persons voting at each pri-
 9 mary election. The clerk shall return one list and
 10 one tally sheet, which shall be part of the records
 11 and filed with other election returns. Each clerk
 12 shall be required to keep only one complete list of
 13 voters whether or not a special election is held
 14 simultaneously with the primary election."
 15 "Sec. Section forty-three point thirty-four
 16 (43.34), Code 1971, is amended by striking the sec-
 17 tion and inserting in lieu thereof the following:
 18 Sec. TALLY BOOKS OR SHEETS PROVIDED FOR
 19 ELECTION PRECINCTS. Two tally books or two sets
 20 of tally sheets shall be provided for each precinct.
 21 Such books or sheets shall contain a column for each
 22 political party or principle having candidates to be
 23 voted for at such voting precinct. Such books or
 24 sheets shall be furnished by the county auditor in
 25 the same manner as the poll books and ballots are

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- 1 furnished. The names of the candidates shall be placed
 2 on the tally books in the order in which they appear
 3 on the official sample ballot."
 4 "Sec. Section forty-three point thirty-six
 5 (43.36), Code 1971, is amended by striking the section
 6 and inserting in lieu thereof the following:
 7 Sec. AUSTRALIAN BALLOT. The Australian ballot
 8 system as is now used in this state, shall be used at
 9 said primary election. The endorsement of the judges
 10 shall appear upon the ballots, as provided for general
 11 elections."
 12 "Sec. Sections forty-three point thirty-five
 13 (43.35), forty-three point thirty-eight (43.38), forty-
 14 three point thirty-nine (43.39), forty-three point
 15 forty (43.40), forty-three point forty-one (43.41),

16 forty-three point forty-two (43.42), forty-three point
 17 forty-three (43.43), and forty-three point forty-four
 18 (43.44), Code 1971, are repealed.

The amendment lost.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1147) the vote was:

Rule 24 was invoked.

Ayes, 42:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Glenn	Milligan	Schaben
Briles	Griffin	Mowry	Shaff
Brownlee	Gross	Neu	Shawver
Carlson	Hill	Nicholson	Tapscott
Coleman	Keith	Palmer	Thordsen
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Rabedeaux	Van Gilst
DeKoster	Lamborn	Rhodes	Walsh
Doderer	Laverty		

Nays, 7:

Bass	Gilley	Ollenburg	Stephens
Conklin	Graham	Smith	

Absent or not voting, 1:

Potter

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

On motion of Senator Lamborn, the Senate recessed until 2:20 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 260, a bill for an act relating to weather modification in counties.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 260

1 Amend Senate File 260, as amended and passed by the Senate,
 2 on page 3, by inserting after line 27 the following new
 3 section:
 4 "Sec. If a tax levy has been authorized under section
 5 five (5) of this Act, the county board of supervisors shall,
 6 upon receipt of a petition signed by at least one hundred
 7 owners and tenants of agricultural land located in the
 8 county, submit to the owners and tenants of agricultural land
 9 at any general election or special election called for that
 10 purpose the following question: 'Shall the power to levy a
 11 tax for the administration of an artificial weather modifica-
 12 tion program be cancelled?' Notice of the date and time of
 13 election and the question to be voted upon shall be published
 14 each week for two consecutive weeks in a newspaper of
 15 general circulation throughout the county. If a majority of
 16 the agricultural landowners and tenants voting favor the
 17 question, no further tax levy as provided in section six (6)
 18 of this Act shall be made."

INTRODUCTION OF BILL

Senate File 1193, by committee on social services, a bill for an act relating to regional medical educational facilities.

Read first time and placed on calendar.

HOUSE AMENDMENTS CONSIDERED

Senate File 590

Senator Smith called up for consideration **Senate File 590**, a bill for an act relating to a renal disease program and to provide an appropriation therefor, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 590, as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 2, by striking lines 13 through 17, inclusive,
- 4 and inserting in lieu thereof the following:
- 5 "composed of eleven persons selected as follows:
- 6 (1). Three members from a list submitted by the kidney
- 7 foundation of Iowa, inc.
- 8 (2). One member from a list submitted by the Iowa regional
- 9 medical program, but not a member of the nominating groups
- 10 named in subsections one (1), three (3), four (4), or six (6)
- 11 of this section.
- 12 (3). One member from a list submitted by the Iowa nurses'
- 13 association.
- 14 (4). One member from a list submitted by the Iowa hospital
- 15 association.
- 16 (5). Three members representing the at-large consumers of
- 17 health care in Iowa.
- 18 (6). Two members representing the Iowa medical profession

19 involved in renal dialysis and transplantation.
20 Each member shall".
21 2. Page 2, by striking lines 32 through 35, inclusive,
22 and inserting in lieu thereof the following:
23 3. "The commissioner, in consultation with the renal
24 disease advisory committee, shall:
25 (1). Establish financial criteria for participation in

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1 this program based on the resources of the individual
2 patient with due regard to all sources of funds,
3 including, but not limited to, insurance policies,
4 private foundations, medicare, welfare, veterans'
5 benefits, and vocational rehabilitation programs.
6 (2). Establish fees charged to the state for services
7 rendered under approved programs.
8 (3). Extend financial assistance to provide medical,
9 nursing, pharmaceutical, and technical services to persons
10 suffering from chronic renal failure to requiring dialysis
11 treatment or a kidney transplant as determined by
12 qualified physicians.
13 (4). Lease dialysis machines to the patient or to the
14 existing approved dialysis treatment center. No patient
15 residing in Iowa and able to participate in a home dialysis
16 program shall cease to be gainfully employed nor forced
17 to become an indigent or a transient due to insufficient
18 funds for the continuance of dialysis treatment within the
19 patient's home.
20 (5). Institute within existing approved dialysis treat-
21 ment centers a training program for home dialysis patients
22 and for technical assistants, and investigate the
23 availability of funds through regional medical funding
24 and other sources in order to carry out the provisions of
25 this subsection.

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1 (6). Adopt necessary rules and regulations regarding
2 the residency requirements for dialysis patients and,
3 in consultation with the department of social services,
4 determine policies affecting indigent patients who
5 are not residents of the State of Iowa."
6 3. Page 3, by striking lines 1 through 21, inclusive.
7 4. Page 3, line 23, by striking the words and
8 figures "biennium beginning July 1, 1971" and inserting
9 in lieu thereof the words and figures "fiscal year
10 beginning July 1, 1972".
11 5. Page 3, line 25, by striking the words and figures
12 "one hundred thousand (100,000)" and inserting in lieu
13 thereof the words and figures "thirty thousand (30,000)".

The motion prevailed and the Senate concurred in the House amendments.

Senator Smith moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which

motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 590) the vote was:

Ayes, 36:

Anderson	Doderer	Kyhl	Palmer
Bass	Erskine	Lamborn	Riley
Briles	Gaudineer	Laverty	Robinson
Brownlee	Glenn	Messerly	Shaff
Carlson	Graham	Miller	Smith
Conklin	Gross	Mowry	Stephens
Curran	Hill	Neu	Tapscott
Davis	Keith	Nicholson	Van Drie
DeKoster	Kennedy	Ollenburg	Walsh

Nays, none.

Absent or not voting, 14:

Arbuckle	Griffin	Rabedeaux	Shawver
Balloun	Milligan	Rhodes	Thordsen
Coleman	Potgeter	Schaben	Van Gilst
Gilley	Potter		

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

SENATE FILE WITHDRAWN

Senator Miller asked and received unanimous consent that **Senate File 1116** be **withdrawn** from further consideration of the Senate.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 69

Senator Gaudineer called up for consideration House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees, amended by the Senate, further amended by the House, and moved that the Senate concur in the House amendment to the Senate amendment found on pages 606-608, inclusive, of the Senate Journal.

The motion prevailed, and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 69) the vote was:

Ayes, 36:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Lavery	Riley
Briles	Glenn	Messerly	Robinson
Brownlee	Graham	Mowry	Shawver
Carlson	Gross	Neu	Smith
Conklin	Hill	Nicholson	Stephens
Curran	Keith	Ollenburg	Tapscott
Davis	Kennedy	Palmer	Van Drie
DeKoster	Kyhl	Rabedeaux	Walsh

Nays, 3:

Bass	Griffin	Thorsen
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Absent or not voting, 11:

Balloun	Gilley	Potgeter	Shaff
Coleman	Miller	Potter	Van Gilst
Doderer	Milligan	Schaben	

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

CONSIDERATION OF BILLS

Senate File 1182

On motion of Senator Mowry, Senate File 1182, a bill for an act to appropriate funds from the general fund of the state of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units, was taken up and considered.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer and Messerly:

1 1. Amend Senate File 1182, page 2, by adding after line
 2 20 the following new sections:
 3 "Sec. 5. There is hereby created a legislative
 4 advisory committee to the Iowa crime commission composed
 5 of six members. Three members shall be appointed from
 6 the senate by the lieutenant governor and three members
 7 from the house of representatives by the speaker of the
 8 house. The Iowa crime commission, prior to implementing
 9 any program, shall consult with and receive the advice
 10 of the legislative advisory committee. The commission
 11 does not have to accept any advice offered by the
 12 committee. Prior to consulting with its legislative
 13 advisory committee the Iowa crime commission shall
 14 submit to such committee, in writing, a concise state-
 15 ment of the guidelines used to implement such program
 16 and the objectives to be obtained or accomplished by
 17 such program; what portion of its appropriation and
 18 allocation of federal funds will be utilized to accom-
 19 plish each guideline and objective; the unit cost basis

20 for implementing the guidelines and objectives; and any
21 other information the committee may request.”
22 “Sec. 6. If federal guidelines permit and the Iowa
23 crime commission allocates the necessary funds, the
24 legislative advisory committee shall establish a post
25 audit evaluation of selected programs of the crime

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1 commission. The committee shall utilize the services of
2 the legislative fiscal director who shall employ such
3 additional personnel as is needed and supervise such
4 personnel in accomplishing the post audit evaluation of
5 the programs designated by the committee. Such personnel
6 shall be the employees of the committee.”
7 “Sec. 7. The individual performing the post audit
8 evaluation shall, in respect to each program to be
9 evaluated, determine the number of individuals who have
10 participated in and benefited from such program; establish
11 a unit cost basis for accomplishing the guidelines and
12 objectives reported pursuant to section five (5) of this
13 Act; determine the amount spent for planning, administra-
14 tive salaries, office salaries, office space, equipment,
15 overhead, and support and the allocation thereof to each
16 guideline and objective; determine the amount of any
17 state and federal funds actually reaching the persons to
18 be benefited in the form of a direct service or benefit;
19 and determine any other criteria which will indicate if
20 the benefits to be derived from the program are justified
21 by the costs of such program.”
22 “Sec. 8. The individual performing the post audit
23 evaluation shall file a written report with the committee
24 concerning all of his examinations and audits required
25 in sections five (5) and seven (7) of this Act and also

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1 send a copy thereof to the Iowa crime commission and
2 local government or combination of such units who after
3 receiving, examining, and studying such report shall
4 file, within a reasonable period of time, with the
5 committee its written response thereto specifically
6 answering any alleged illegal expenditures, unbusiness-
7 like practices, excessive personnel, excessive personnel
8 positions, inefficient and uneconomical implementation
9 of a program, and any other specific criticisms and
10 recommendations made in the report. All such reports
11 and responses thereto shall be a public record.”
12 “Sec. 9. The legislative advisory committee shall
13 meet to consider the reports filed and the responses
14 filed thereto and when there has been reported any
15 illegal expenditures, unbusinesslike practices, utiliza-
16 tion of excessive personnel or personnel positions,
17 inefficient or uneconomical implementation of a program,
18 or a program which is not accomplishing its purpose, the
19 committee shall hold a public hearing thereon where the
20 sworn testimony of the individual performing the post
21 audit evaluation and personnel of the Iowa crime commis-

22 sion and local government or combination of such units
23 involved shall be received, and the committee may
24 request any other evidence or testimony it deems relevant
25 and material."

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1 "Sec. 10. The legislative advisory committee shall
2 submit to the general assembly within thirty days of
3 its next convening a written report of its audits and
4 public hearings and any recommendations it may have
5 based thereon."

6 "Sec. 11. Any general local government, a unit
7 thereof, and combinations of such units that receive
8 any federal or state funds pursuant to action of the
9 Iowa crime commission shall, upon request of the
10 legislative advisory committee to the Iowa crime com-
11 mission, cooperate in the conducting of any such post
12 audit evaluation and appear and testify upon request."

13 2. Page 1, line 4, amend the title by inserting
14 after the word "units" the words "and creating a legisla-
15 tive advisory committee".

Senator Messerly offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Gaudineer and Messerly amendment filed February 29,
1972,
- 2 to Senate File 1182 by striking from page 2, line 6 the word "com-
3 mittee" and substituting in lieu thereof the words "fiscal director".

The amendment to the amendment was adopted.

Senator Arbuckle raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Kennedy offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Gaudineer-Messerly amendment filed February
- 2 29, 1972, to Senate File 1182, page 1, line 9, by inserting
- 3 after the word "program," the words "subsequent to July
- 4 1, 1972."

Roll call was requested.

On the question "Shall the amendment to the amendment be adopted?" (S.F. 1182) the vote was:

Ayes, 20:

Arbuckle	Doderer	Kennedy	Robinson
Briles	Gaudineer	Kyhl	Tapscott
Brownlee	Gilley	Miller	Van Drie
Carlson	Glenn	Palmer	Van Gilst
DeKoster	Gross	Riley	Walsh

Nays, 15:

Anderson	Hill	Messerly	Shawver
Bass	Keith	Mowry	Smith
Curran	Lamborn	Rabedeaux	Thordsen
Griffin	Laverty	Shaff	

Absent or not voting, 15:

Balloun	Erskine	Nicholson	Rhodes
Coleman	Graham	Ollenburg	Schaben
Conklin	Milligan	Potgeter	Stephens
Davis	Neu	Potter	

The amendment to the amendment was adopted.

On motion of Senator Gaudineer, the amendment as amended was adopted.

Senator Arbuckle offered the following amendment:

- 1 Amend Senate File 1182, page 2, line 4, by striking the words
- 2 "one hundred thousand (100,000)" and inserting in lieu thereof
- 3 four hundred ninety-five thousand (495,000)".

Senator Arbuckle moved the adoption of the amendment and requested a roll call.

On the question "Shall the Arbuckle amendment be adopted?" (S.F. 1182) the vote was:

Ayes, 7:

Arbuckle	Coleman	Kennedy	Walsh
Bass	Curran	Miller	

Nays, 31:

Anderson	Gilley	Messerly	Shawver
Balloun	Glenn	Milligan	Smith
Brownlee	Graham	Mowry	Stephens
Carlson	Gross	Palmer	Tapscott
Davis	Hill	Rabedeaux	Thordsen
DeKoster	Keith	Rhodes	Van Drie
Doderer	Kyhl	Riley	Van Gilst
Erskine	Lamborn	Shaff	

Absent or not voting, 12:

Briles	Griffin	Nicholson	Potter
Conklin	Laverty	Ollenburg	Robinson
Gaudineer	Neu	Potgeter	Schaben

The amendment lost.

Senator Tapscott offered the following amendment and moved its adoption:

- 1 Amend Senate File 1182, page 2, after line 20,
- 2 by adding the following new section: "Sec. The funds
- 3 allocated from this appropriation shall follow the
- 4 percentage guide lines for various anticrime programs as
- 5 established by the regional anticrime commission office."

The amendment lost.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1182) the vote was:

Ayes, 39:

Anderson	Doderer	Kyhl	Shaff
Arbuckle	Erskine	Lamborn	Shawver
Balloun	Gaudineer	Messerly	Smith
Bass	Gilley	Miller	Stephens
Brownlee	Glenn	Milligan	Tapscott
Carlson	Graham	Mowry	Thordsen
Coleman	Gross	Palmer	Van Drie
Curran	Hill	Potgeter	Van Gilst
Davis	Keith	Rabedeaux	Walsh
DeKoster	Kennedy	Riley	

Nays, 1:

Conklin

Absent or not voting, 10:

Briles	Neu	Potter	Robinson
Griffin	Nicholson	Rhodes	Schaben
Laverty	Ollenburg		

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

Senate File 1188

On motion of Senator Balloun, Senate File 1188, a bill for an act relating to the publication of educational and scientific reports by the state archeologist, was taken up and considered.

Senator Balloun moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1188) the vote was:

Ayes, 39:

Anderson	Erskine	Lamborn	Shaff
Balloun	Gaudineer	Messerly	Shawver
Bass	Gilley	Miller	Smith
Brownlee	Glenn	Milligan	Stephens
Carlson	Graham	Mowry	Tapscott
Coleman	Gross	Palmer	Thordsen
Conklin	Hill	Potgeter	Van Drie
Curran	Keith	Rabedeaux	Van Gilst
Davis	Kennedy	Rhodes	Walsh
Doderer	Kyhl	Riley	

Nays, none.

Absent or not voting, 11:

Arbuckle	Griffin	Nicholson	Robinson
Briles	Laverty	Ollenburg	Schaben
DeKoster	Neu	Potter	

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

Senate File 274

On motion of Senator Riley, Senate File 274, a bill for an act relating to age discrimination in employment, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Riley offered the following amendment filed by the committee on human and industrial relations and moved its adoption:

- 1 Amend Senate File 274, page 2, after line 33 by adding
- 2 the following new section:
- 3 "Sec. Section one hundred five A point fifteen
- 4 (105A.15), Code 1971, is amended as follows:
- 5 105A.15 SEX PROVISIONS NOT APPLICABLE TO RETIRE-
MENT PLANS.
- 6 The provisions of this chapter relating to discrimination
- 7 because of sex *or age* shall not be construed to apply to any
- 8 retirement plan or benefit system of any employer unless such
- 9 plan or system is a mere subterfuge adopted for the purpose
- 10 of evading the provisions of this chapter."

The amendment was adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 274) the vote was:

Ayes, 44:

Anderson	Doderer	Kyhl	Rhodes
Arbuckle	Erskine	Lamborn	Riley
Balloun	Gaudineer	Laverty	Robinson
Bass	Gilley	Messenger	Shaff
Brownlee	Glenn	Miller	Shawver
Carlson	Graham	Milligan	Smith
Coleman	Griffin	Mowry	Tapscott
Conklin	Gross	Palmer	Thordsen
Curran	Hill	Potgeter	Van Drie
Davis	Keith	Potter	Van Gilst
DeKoster	Kennedy	Rabedeaux	Walsh

Nays, none.

Absent or not voting, 6:

Briles	Nicholson	Schaben	Stephens
Neu	Ollenburg		

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1143, a bill for an act relating to installment loans by state banks.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 114, providing for the flying of all flags at state buildings at half mast upon the anniversary of the capture or disappearance of Iowans missing in action in southeast Asia.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1194, by committee on judiciary, a bill for an act relating to the Iowa Probate Code.

Read first time and placed on calendar.

Senate File 1195, by committee on county government, a bill for an act relating to the drawing of grand jurors.

Read first time and placed on calendar.

Senate File 1196, by committee on commerce (committee on commerce), a bill for an act relating to bonded warehouses.

Read first time and placed on calendar.

Senate File 1197, by Senator Van Gilst, a bill for an act relating to abandoned railroad right-of-way.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1143, a bill for an act relating to installment loans by state banks.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 118

By Van Drie, Arbuckle, Walsh, Neu, Rhodes, Robinson,
Schaben, Tapscott, Bass, Griffin, Doderer,
Rabedeaux, Gross, Hill, Briles,
Milligan, Carlson, and Van Gilst

Whereas, the Sixty-fourth General Assembly, First Session, appropriated funds to the state highway commission in chapter thirty-one (31), Acts of the Sixty-fourth General Assembly, First Session, for the payment of sal-

aries and for providing other economic benefits for employees of the state highway commission; and

Whereas, it was intended by the general assembly that benefits be provided for each employee of the state highway commission at a cost of fifteen dollars per month; and

Whereas, the state highway commission is presently contributing twelve dollars per month for hospitalization and medical insurance for each of its employees; and

Whereas, the executive council has determined that an expenditure for disability income protection must be authorized by the general assembly; *Now, Therefore*,

Be It Resolved by the Senate, the House of Representatives Concurring, That the general assembly recommends that the executive council approve the expenditure of three dollars per month for the purchase of disability income protection and life insurance protection for each employee of the state highway commission.

EXPLANATIONS OF VOTE

When the final votes were taken on Senate File 590 and House File 69, I was absent from the Senate chamber attending a conference committee meeting on adult rights. Had I been present, I would have voted "aye" on both bills.

C. JOSEPH COLEMAN

I voted "no" on House File 1147 primarily for two reasons. First, I felt this placed an undue burden on our county auditors. It seems to me their work load should not include overseeing elections, particularly school elections and municipal elections. Second, I feel this legislation will loosen our voter qualifications to such an extent that we will in the years ahead have a voter fraud which will make the 1960 voting of tombstones in Chicago look like a clean election by comparison.

RICHARD L. STEPHENS

BILLS ASSIGNED TO COMMITTEE

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

- S.C.R. 117 State government
- H. F. 1220 County government
- H. F. 1247 Appropriations

REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 307**, a bill for an act relating to the amount of credit life insurance that may be sold to a debtor, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 307 as follows:
- 2 1. By striking everything after line 11, and in-

3 serting in lieu thereof the following:

4 "to a debtor with seasonal income, or [ten] *twenty-*
5 *five* thousand dollars, whichever is less.

6 Sec. 2. No individual policy of credit life or
7 accident and health insurance or certificate under a
8 policy of group credit life or credit accident and
9 health insurance shall be issued for delivery or
10 delivered in this state unless the premium rates
11 charged for the insurance are approved by the commis-
12 sioner of insurance.

13 Sec. 3. Rates shall be made in accordance with
14 the following provisions:

15 1. Rates shall not be excessive, inadequate or
16 unfairly discriminatory.

17 2. Due consideration shall be given to past and
18 prospective loss experience within and outside this
19 state, to a reasonable margin for underwriting profit
20 and contingencies, to past and prospective expenses
21 both countrywide and those specially applicable to
22 this state, and to all other relevant factors within
23 and outside this state, but rates shall be deemed
24 reasonable under this Act if they reasonably may be
25 expected to produce a ratio of seventy-five percent

Page 2

1 by taking earned premiums minus not to exceed thirty-
2 three and one-third percent for commissions or com-
3 pensation, whether actually paid or not, divided into
4 claims incurred.

5 Sec. 4. Section five hundred thirty-five point
6 two (535.2), subsection one (1), paragraph "g", Code
7 1971, is amended to read as follows:

8 g. Money due, or to become due, where there is a
9 contract to pay interest, and no rate is stipulated.

10 [Excessive charges or premiums for credit life,
11 accident or health insurance written in connection
12 with money loaned shall be included in the rate of
13 interest unless

14 a. the average of the debtor by the insurance is
15 not a factor in the approval by the creditor of the
16 extension of credit, and this fact is clearly dis-
17 closed in writing to the person applying for or
18 obtaining the extension of credit, and

19 b. in order to obtain the insurance in connection
20 with the extension of credit, the person to whom the
21 credit is extended must give specific affirmative
22 written indication of his desire to do so after
23 written disclosure to him of the cost thereof.]

24 Sec. 5. Section five hundred thirty-five point
25 two (535.2), subsection one (1), Code 1971, is

Page 3

1 amended by striking unnumbered paragraphs one (1) and two (2)."

2 2. Amend the title by adding on line 2, after the word
3 "debtor", the following "and providing for regulation thereof".

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Thordsen submitted the following report:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **House File 1001**, a bill for an act relating to the safety inspection and regulation of amusement rides, devices, and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

1 Amend House File 1001, as amended and passed by the House,
 2 as follows:
 3 1. Page 2, by inserting after line 30 the following new
 4 sections:
 5 "Sec. There is created within the bureau of labor an
 6 amusement safety board consisting of five members appointed by
 7 the governor. The membership shall be selected as follows:
 8 1. One member shall be a resident operator of a carnival
 9 ride business.
 10 2. One member shall be a director of the Iowa state fair
 11 board.
 12 3. One member shall be a master electrician.
 13 4. One member shall be a professional engineer registered
 14 under chapter one hundred fourteen (114), of the Code.
 15 5. One member shall be an elector of this state representing
 16 the general public. Each member shall be appointed to a term of
 17 four years, except that of the appointees to the initial board,
 18 two members, designated by the governor, shall be appointed to
 19 two-year terms. The term of each member of the board shall com-
 20 mence on the first day of July on the year of the appointment. If
 21 a vacancy occurs, the appointment shall be for the unexpired term.
 22 Sec. The amusement safety board shall organize annually
 23 during the month of July by electing a chairman and vice chairman.
 24 Other meetings shall be held when necessary and shall be called by
 25 the chairman or upon written request of a majority of the members

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1 of the board. The members shall be paid ten cents a mile for
 2 travel, and their reasonable and necessary expenses while
 3 attending such meetings from funds appropriated to the
 4 bureau of labor. A majority of the board shall constitute a
 5 quorum and a quorum of the board shall be required to determine
 6 any matter relating to its duties."
 7 2. Page 5, by striking lines 7 and 8, and inserting in
 8 lieu thereof the following:
 9 "Sec. Any person aggrieved by an order of the
 10 commissioner may appeal the order to the amusement safety
 11 board. The appellant shall file a written notice of appeal
 12 with the commissioner within three (3) days of the issuance
 13 of the order. Within thirty (30) days after receiving the
 14 notice of appeal, the amusement safety board shall hold a
 15 public hearing for the purpose of hearing the arguments of
 16 the aggrieved person. A complete record shall be made of
 17 the proceedings. The amusement safety board shall issue
 18 its findings in writing to the aggrieved person within ten

19 (10) days of the conclusion of the hearing. If the aggrieved
20 person is not satisfied with the findings of the amusement
21 safety board, he may appeal the findings to the district
22 court."

23 3. By renumbering the sections to conform to this
24 amendment.

HAROLD A. THORSEN, Chairman

Ordered passed on file.

AMENDMENT FILED

1 Amend Senate File 1189 as follows:

2 By striking all after the enacting clause and
3 inserting the following:

4 1. "Section 1. For purposes of carrying out the
5 provisions of section one hundred twenty-three A point
6 eight (123A.8) and chapter one hundred twenty-three B
7 (123B), of the Code, relating to the treatment of
8 alcoholism, subject to the approval of the governor
9 for the fiscal year commencing July 1, 1972, and ending
10 June 30, 1973, there is appropriated from the general
11 fund of the state, the sum of seven hundred thousand
12 dollars (\$700,000.00) to the Iowa commission on alcoholism.

13 Sec. 2. No part of the appropriation provided for
14 the treatment of alcoholism shall be used for salaries,
15 support and maintenance of the commission on alcoholism,
16 excluding individuals employed by the local alcoholism
17 or detoxification units."

18 2. Amend the title, page 1, line 1, by striking all
19 after the word "Act" and by striking lines 2 and 3 and
20 insert in lieu thereof the words "making an appropriation
21 to the Iowa Commission on Alcoholism."

JOHN E. TAPSCOTT

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Friday, March 3, 1972.

JOURNAL OF THE SENATE

FIFTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, MARCH 3, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by Father Louis J. Mulligan, pastor of the Saint Joseph's Church, What Cheer, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, March 2, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gaudineer for the day on request of Senator Schaben.

PRESENTATION OF VISITORS

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

Ninety students from Belmond Community High School, Belmond, Iowa, accompanied by Mr. Gray and Mr. Middlestat. Senator Ollenburg.

Thirty-five students from Pleasantville High School, Pleasantville, Iowa, accompanied by Marvin Cook. Senator Laverty.

Nineteen students from Cedar Falls, Iowa, accompanied by Mrs. Stickfort and Mrs. Short. Senator Messerly.

Thirty-nine students from Fort Dodge, Iowa, accompanied by Mrs. Fletchall.

Eighty-five students from Cedar Rapids, Iowa. Senator Riley.

Ten students from Cleveland School, Cedar Rapids, Iowa, accompanied by Mrs. Ted Anderson and Mrs. Bill McNeal. Senator Riley.

Forty-five students from Burt Junior High School, Burt, Iowa, accompanied by Mrs. Brace. Senator Keith.

Twelve students from Clinton Community College, Clinton, Iowa, accompanied by Mrs. Holcombe. Senator Shaff.

Five students participating in the New Careers program, Des Moines, Iowa, accompanied by Bill Sharpe. Senator Tapscott.

PETITIONS

The following petitions were presented and placed on file:

By Senator Conklin, from eighty-two residents of Black Hawk County, urging that more consideration be given to senior citizens relative to homestead exemptions and other cost of living areas.

By Senator Thordsen, from thirty-two members of the Marshalltown, Iowa, police department opposing Senate File 1174.

By Senator Messerly, from one hundred twenty-three residents of Black Hawk County favoring increased benefits for senior citizens.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Perry Wiegel, Van Meter, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 291, a bill for an act to abolish the county school system, to provide educational services through the merged areas, and to provide a method of finance.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1156, a bill for an act creating an Iowa world exposition authority.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 291, a bill for an act to abolish the county school system, to provide educational services through the merged areas, and to provide a method of finance.

Read first time and passed on file.

House File 1156, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers and responsibilities.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1189

On motion of Senator Anderson, Senate File 1189, a bill for an act relating to the use and method of allocating funds appropriated for programs administered by the Iowa commission on alcoholism and making an appropriation, was taken up and considered.

Senator Tapscott offered the following amendment filed by him:

- 1 Amend Senate File 1189 as follows:
- 2 By striking all after the enacting clause and
- 3 inserting the following:
- 4 1. "Section 1. For purposes of carrying out the
- 5 provisions of section one hundred twenty-three A point
- 6 eight (123A.8) and chapter one hundred twenty-three B
- 7 (123B), of the Code, relating to the treatment of
- 8 alcoholism, subject to the approval of the governor
- 9 for the fiscal year commencing July 1, 1972, and ending
- 10 June 30, 1973, there is appropriated from the general
- 11 fund of the state, the sum of seven hundred thousand
- 12 dollars (\$700,000.00) to the Iowa commission on alcoholism.
- 13 Sec. 2. No part of the appropriation provided for
- 14 the treatment of alcoholism shall be used for salaries,
- 15 support and maintenance of the commission on alcoholism,
- 16 excluding individuals employed by the local alcoholism
- 17 or detoxification units."
- 18 2. Amend the title, page 1, line 1, by striking all
- 19 after the word "Act" and by striking lines 2 and 3 and
- 20 insert in lieu thereof the words "making an appropriation
- 21 to the Iowa Commission on Alcoholism."

Senator Rhodes took the chair at 10:10 a.m.

President Jepsen took the chair at 10:59 a.m.

Senator Tapscott moved the adoption of his amendment and requested a roll call.

On the question "Shall the Tapscott amendment be adopted?" (S.F. 1189) the vote was:

Rule 24 was invoked.

Ayes, 13:

Carlson	Kyhl	Milligan	Potgeter
Doderer	Laverty	Neu	Schaben
Glenn	Miller	Palmer	Tapscott
Kennedy			

Nays, 33:

Anderson	DeKoster	Lamborn	Riley
Arbuckle	Erskine	Messerly	Robinson
Balloun	Gilley	Mowry	Shawver
Bass	Graham	Nicholson	Smith
Briles	Griffin	Ollenburg	Stephens
Brownlee	Gross	Potter	Thordsen
Coleman	Hill	Rabedeaux	Van Drie
Conklin	Keith	Rhodes	Van Gilst
Davis			

Absent or not voting, 4:

Curran	Gaudineer	Shaff	Walsh
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The amendment lost.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1189, page 3, line 6, by adding
- 2 after the word "Iowa" the words ", and an additional
- 3 ten thousand dollars (10,000) for the alcoholic treatment
- 4 center, Oakdale hospital, Iowa City, Iowa."

Division was called for.

The amendment was adopted.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend Senate File 1189, page 3, line 9, by adding
- 2 after the word "center" the words "and the alcoholic
- 3 treatment center, Oakdale hospital, Iowa City, Iowa".

The amendment was adopted.

Senator Tapscott offered the following amendment:

- 1 Amend Senate File 1189, page 3, line 3, by
- 2 striking the words and figures "twenty thousand"
- 3 (20,000) and inserting in lieu thereof the words
- 4 and figures "one hundred thousand (100,000)".

Senator Griffin took the chair at 12:10 p.m.

Senator Tapscott moved the adoption of the amendment and requested a roll call.

On the question "Shall the Tapscott amendment be adopted?" (S.F. 1189) the vote was:

Rule 24 was invoked.

Ayes, 19:

Carlson	Kennedy	Neu	Shawver
Doderer	Kyhl	Palmer	Tapscott
Glenn	Laverty	Potgeter	Van Gilst
Gross	Miller	Robinson	Walsh
Hill	Milligan	Schaben	

Nays, 29:

Anderson	Davis	Lamborn	Rhodes
Arbuckle	DeKoster	Messerly	Riley
Balloun	Erskine	Mowry	Shaff
Bass	Gilley	Nicholson	Smith
Briles	Graham	Ollenburg	Stephens
Brownlee	Griffin	Potter	Thordsen
Coleman	Keith	Rabedeaux	Van Drie
Conklin			

Absent or not voting, 2:

Curran	Gaudineer
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The amendment lost.

Senator Tapscott offered the following amendment:

- 1 Amend Senate File 1189, page 3, line 3, by striking
- 2 the words and figures "twenty thousand (20,000)" and
- 3 inserting in lieu thereof the words and figures "seventy
- 4 thousand (70,000)".

Senator Tapscott moved the adoption of the amendment and requested a roll call.

On the question "Shall the Tapscott amendment be adopted?" (S.F. 1189) the vote was:

Ayes, 20:

Carlson	Hill	Milligan	Schaben
DeKoster	Kennedy	Neu	Shawver
Doderer	Kyhl	Palmer	Tapscott
Glenn	Laverty	Potgeter	Van Gilst
Gross	Miller	Robinson	Walsh

Nays, 27:

Anderson	Conklin	Lamborn	Riley
Arbuckle	Davis	Messerly	Shaff
Balloun	Erskine	Nicholson	Smith
Bass	Gilley	Ollenburg	Stephens
Briles	Graham	Potter	Thordsen
Brownlee	Griffin	Rabedeaux	Van Drie
Coleman	Keith	Rhodes	

Absent or not voting, 3:

Curran	Gaudineer	Mowry
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The amendment lost.

Senator Doderer moved that Senate File 1189 be referred to the committee on state government for further study.

Division was called for.

The motion lost.

Senator Arbuckle offered the following amendment:

- 1 Amend Senate File 1189, page 2, after line 34, by adding
- 2 the following new paragraph:
- 3 "If the money allocated to an area is not entirely spent,
- 4 the remainder shall revert to the Iowa commission on alcohol-
- 5 ism to be reallocated to any other area so designated by the
- 6 commission."

President pro tempore Kyhl took the chair at 2:02 p.m.

President Jepsen took the chair at 2:14 p.m.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 19 of the Permanent Rules of the Senate, we, the undersigned, request a Call of the Senate on Senate File 1189 and all amendments and motions thereto.

GENE W. GLENN
 JOHN E. TAPSCOTT
 GENE V. KENNEDY
 MINNETTE DODERER
 WILLIAM D. PALMER
 G. WILLIAM GROSS
 JOHN M. WALSH
 CLOYD E. ROBINSON
 JAMES F. SCHABEN
 C. JOSEPH COLEMAN

Senator Lamborn moved that the Call of the Senate be lifted.

Roll call was requested.

On the question "Shall the motion to lift the Call of the Senate be adopted?" (S.F. 1189) the vote was:

Rule 24 was invoked.

Ayes, 32:

Anderson	Davis	Lamborn	Rhodes
Arbuckle	DeKoster	Laverty	Shaff
Balloun	Erskine	Messerly	Shawver
Bass	Gilley	Milligan	Smith
Briles	Graham	Nicholson	Stephens
Brownlee	Griffin	Potgeter	Thordsen
Carlson	Keith	Potter	Van Drie
Conklin	Kyhl	Rabedeaux	Walsh

Nays, 10:

Coleman	Gross	Palmer	Schaben
Doderer	Hill	Robinson	Tapscott
Glenn	Kennedy		

Absent or not voting, 8:

Curran	Miller	Neu	Riley
Gaudineer	Mowry	Ollenburg	Van Gilst

The motion prevailed and the Call of the Senate was lifted.

Senator Arbuckle moved the adoption of his amendment and called for a division.

The amendment was adopted.

Senator Anderson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1189) the vote was:

Rule 24 was invoked.

Ayes, 31:

Anderson	Erskine	Lamborn	Shaff
Arbuckle	Gilley	Messerly	Shawver
Balloun	Graham	Nicholson	Smith
Bass	Griffin	Potter	Stephens
Briles	Gross	Rabedeaux	Thordsen
Brownlee	Hill	Rhodes	Van Drie
Coleman	Keith	Robinson	Walsh
Davis	Kyhl	Schaben	

Nays, 11:

Carlson	Doderer	Laverty	Potgeter
Conklin	Glenn	Milligan	Tapscott
DeKoster	Kennedy	Palmer	

Absent or not voting, 8:

Curran	Miller	Neu	Riley
Gaudineer	Mowry	Ollenburg	Van Gilst

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move that the vote by which Senate File 1189 passed the Senate be reconsidered.

CHARLES F. BALLOUN

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 671, a bill for an act to provide for the disposal of abandoned motor vehicles.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1198, by committee on ways and means, a bill for an act to allow cities and towns to extend agreements to refrain from annexing specifically described territory.

Read first time and placed on calendar.

MOTION TO RECONSIDER

MR. PRESIDENT: We move to reconsider the vote by which House File 69 passed the Senate, March 2, 1972.

JOHN L. MOWRY
LUCAS J. DeKOSTER

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 2, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 1005—Relating to the military records of veterans.
- S. F. 1014—Relating to money advances by county boards of supervisors to county conservation boards from money in the county general funds.
- S. F. 1046—Permitting the commissioner of social services to grant easements for water or sewage lines and for drainage across certain lands belonging to the state.
- H. F. 227—Relating to fee for issuance of tax deed.
- H. F. 391—Relating to the bonding of operators of slaughterhouses buying cattle, hogs, or sheep, and the bonding of agents, dealers, or brokers of such operators, and providing a penalty.
- H. F. 412—Relating to administrative rules of departments of the state.
- H. F. 494—Relating to the transfer of portions of the primary road system into the secondary road system.
- H. F. 684—Relating to enforcement of the motor fuel tax laws.
- H. F. 1012—Requiring posting of bond in conjunction with petition to establish a rural water district.
- H. F. 1036—Requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.
- H. F. 1052—Relating to the deposit and use of fees collected by the Iowa state commerce commission.
- H. F. 1084—To provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission.
- H. F. 1104—Relating to protective eyeglass lenses.

EXPLANATION OF VOTE

When the final votes were taken on Senate File 590 and House File 69, I was absent from the Senate chamber attending a conference committee meeting on adult rights. Had I been present, I would have voted "aye" on both bills.

JAMES A. POTGETER

BILLS ASSIGNED TO COMMITTEE

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

- S. F. 387 State government (under Rule 37)
- S. F. 1197 Transportation
- H. F. 291 Schools
- H. F. 1143 Commerce

REPORTS OF COMMITTEES

Senator Messerly submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred **Senate File 387**, a bill for an act relating to collective bargaining in public employment, providing penalties for violations, and making an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 387 by striking everything after
- 2 the enacting clause and inserting in lieu thereof the
- 3 following:
- 4 Section 1. PUBLIC POLICY. It is the public policy
- 5 of this state to promote an orderly and constructive
- 6 relationship between all public employers and public
- 7 employees subject to the paramount right of the citizens
- 8 of this state for the protection of their health, safety,
- 9 and welfare. Unresolved disputes between public
- 10 employers and public employees are injurious to the
- 11 public and adequate means must be provided to resolve
- 12 these differences. A harmonious relationship between
- 13 the public employer and the public employee is neces-
- 14 sary for the protection of all persons and this
- 15 relationship will be facilitated by granting public
- 16 employees the right to organize and bargain collectively
- 17 with public employers, requiring public employers to
- 18 bargain with employee organizations representing public
- 19 employees, and establishing procedures to provide for
- 20 the protection of the rights of the public employee,
- 21 public employer, and the general public.
- 22 Sec. 2. TITLE. This Act shall be cited as the
- 23 "Public Employment Negotiations Act".
- 24 Sec. 3. DEFINITIONS. When used in this Act, unless
- 25 the context otherwise requires:

Page 2

1 1. "Public employer" means the state of Iowa and
2 independently, the department of social services, state
3 highway commission, and state board of regents and,
4 collectively, for all other boards, commissions, agencies
5 and departments. "Public employer" also means the
6 political subdivisions of this state, including school
7 districts and other special purpose districts.

8 2. "Public employee" means any person employed by
9 a public employer except persons excluded under the
10 provisions of section four (4) of this Act.

11 3. "Employee organization" means an organization
12 of any kind which includes public employees and which
13 has as one of its purposes the representation of public
14 employees in their employment relations with public
15 employers.

16 4. "Board" means the public employment relations
17 board.

18 5. "Strike" means any concerted stoppage of work
19 or slowdown.

20 6. "Supervisory employee" means any public employee
21 having authority, in the interest of the public employer,
22 to hire, transfer, suspend, lay off, recall, promote,
23 discharge, assign, reward, or discipline other public
24 employees, or responsibly to direct them, or to adjust
25 their grievances, or effectively to recommend such

Page 3

1 action, if in connection with the foregoing the exercise
2 of such authority is not of a merely routine or clerical
3 nature, but requires the use of independent judgment.
4 In order to qualify as a supervisory employee, an indi-
5 vidual must have authority to perform the preponderance
6 of these specified acts of authority.

7 7. "Professional employee" means any public employee
8 whose work is predominantly intellectual and varied
9 in character, requires consistent exercise of discretion
10 and judgment, requires knowledge of an advanced nature
11 in the field of science or learning customarily acquired
12 by specialized study in an institution of higher
13 learning, and is of such character that the output or
14 result accomplished cannot be standardized in relation
15 to a given period of time.

16 Sec. 4. EXCLUSIONS. The following public employees
17 shall be excluded from the provisions of this Act:

18 1. Officials elected by popular vote, and persons
19 appointed to fill vacancies in elective offices, their
20 immediate secretaries, two deputies, and the immediate
21 secretary of each of the two deputies.

22 2. Members and the chief administrative officers
23 of boards and commissions and their immediate
24 secretaries.

25 3. The personal staff of the governor, all persons

Page 4

1 appointed by the governor and their immediate

- 2 secretaries.
- 3 4. Patients and inmates employed, sentenced, or
4 committed to any state or local institution.
- 5 5. Persons employed permanently by the board.
- 6 6. Persons employed by the legislative branch of
7 government, office of the attorney general, judges of
8 the supreme, district, and municipal courts, and the
9 employees of such judges and courts.
- 10 7. Officers and enlisted men of the armed services
11 under state jurisdiction.
- 12 8. All persons whose salaries are set by the general
13 assembly.
- 14 9. All persons holding a status of student in any
15 state or local institution.
- 16 10. Persons who regularly work for a public employer
17 less than twenty hours per week or five months per year.
- 18 11. All persons in a confidential relationship with
19 their public employer.
- 20 **Sec. 5. RIGHTS OF PUBLIC EMPLOYEES.** Every public
21 employee shall have the right to:
- 22 1. Form, join, assist, and participate in an employee
23 organization of his own choosing.
- 24 2. Engage in collective bargaining through an
25 exclusive bargaining representative selected pursuant

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- 1 to the provisions of this Act.
- 2 3. Engage in other concerted activities for the
3 purpose of collective bargaining or other mutual aid
4 or protection insofar as any such activity is not
5 prohibited by this Act or any other law of the state
6 of Iowa.
- 7 4. Refuse to join or participate in the activities
8 of employee organizations, including the payment of
9 any dues, fees or assessments or service fees of any
10 type.
- 11 **Sec. 6. UNFAIR LABOR PRACTICES—PUBLIC EMPLOYERS.**
- 12 It shall be an unfair labor practice for any public
13 employer to:
- 14 1. Interfere with, restrain, or coerce public
15 employees in the exercise of their rights guaranteed
16 under the provisions of this Act.
- 17 2. Encourage or discourage membership in or activity
18 on behalf of an employee organization by discrimination.
- 19 3. Dominate or interfere with the formation,
20 existence, or administration of any employee
21 organization.
- 22 4. Discriminate against a public employee because
23 he has filed a petition or complaint or given information
24 or testimony under the provisions of this Act, or because
25 he has formed, joined, or chosen to be represented by

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- 1 an employee organization.
- 2 5. Refuse to bargain collectively in good faith
3 with an employee organization which has been certified

4 or recognized as the exclusive representative of public
5 employees in an appropriate unit.

6 6. Refuse to utilize impasse procedures established
7 in accordance with the provisions of this Act.

8 Sec. 7. UNFAIR LABOR PRACTICES—EMPLOYEE
9 ORGANIZATION. It shall be an unfair labor practice
10 for an employee organization to:

11 1. Restrain, coerce, or intimidate a public employee
12 in the exercise of his rights under the provisions of
13 this Act.

14 2. Coerce, intimidate, or induce any public employer,
15 its representative or agent, to interfere with any of
16 its public employees in the exercise of their rights
17 under the provisions of this Act or engage in any
18 practice with regard to its public employees which would
19 constitute an unfair labor practice if undertaken by
20 such public employer on his own initiative.

21 3. Refuse to bargain collectively in good faith
22 with a public employer.

23 4. Refuse to utilize impasse procedures established
24 in accordance with the provisions of this Act.

25 Sec. 8. UNFAIR LABOR PRACTICE VIOLATIONS.

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1 1. Any public employer, public employee, or employee
2 organization claiming to be aggrieved by an unfair labor
3 practice may, within six months of the alleged violation,
4 commence a civil action in the district court for the
5 county in which the alleged violation is claimed to
6 have occurred. The issue shall be tried at law to the
7 court without a jury.

8 2. The district court shall enjoin any such violation
9 which the court determines to exist and shall issue
10 an order requiring such party to cease and desist from
11 such unfair labor practice, and may order such
12 affirmative action including reinstatement of public
13 employees with or without back pay, as will effectuate
14 the policies of this Act.

15 3. The rules of civil procedure shall be applicable
16 to actions under this section. Such actions shall be
17 advanced on the court docket over all other actions,
18 except criminal actions and tried as expeditiously as
19 possible.

20 4. Violations of any such order shall be heard and
21 determined pursuant to chapter six hundred sixty-five
22 (665) of the Code.

23 Sec. 9. PUBLIC EMPLOYMENT RELATIONS BOARD.

24 1. There is established an autonomous board to be
25 known as the public employment relations board. The

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1 governor shall assign the board to an existing agency,
2 except an agency of which he has the unqualified right
3 to discharge the head, for the purpose of administration.
4 The board shall consist of three members appointed by
5 the governor with the approval of two-thirds of the

6 senate. Not more than two members of the board shall
7 be of the same political affiliation.

8 Each member shall be appointed for a term of six
9 years, except that of the members first appointed, one
10 member shall be appointed for a term of two years
11 commencing July 1, 1972 and ending June 30, 1974, one
12 member shall be appointed for a term of four years
13 commencing July 1, 1972 and ending June 30, 1976, and
14 one member shall be appointed for a term of six years
15 commencing July 1, 1972 and ending June 30, 1978. The
16 member first appointed for a term of six years shall
17 serve as chairman and each of his successors shall also
18 serve as chairman.

19 A member appointed to fill a vacancy shall be
20 appointed for the unexpired term of the member that
21 he succeeds.

22 2. The members of the board shall be selected on
23 the basis of their knowledge, ability, and experience
24 in the field of labor-management relations.

25 The chairman shall devote full time to the duties

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1 of his office and shall receive an annual salary of
2 fifteen thousand dollars. He shall not be selected
3 on the basis of his political affiliation and shall
4 not engage in any political activity while he holds
5 this position. The remaining two members shall devote
6 such time as is necessary to carry out the duties and
7 responsibilities of the office. Members of the board,
8 except the chairman, shall receive a per diem of forty
9 dollars and necessary travel and expenses incurred in
10 the performance of their official duties.

11 3. The board may appoint an executive director and
12 employ such other persons as are necessary for the
13 performance of its functions. Personnel of the board
14 shall be employed pursuant to the provisions of chapter
15 nineteen A (19A) of the Code.

16 **Sec. 10. GENERAL POWERS AND DUTIES OF THE BOARD.**

17 The board shall:

18 1. Establish procedures for resolving disputes
19 concerning representation questions in public employment.

20 2. Conduct studies relating to conditions of
21 employment of public employees throughout the state
22 and any other problem arising under this Act.

23 3. Assemble and make available to employee
24 organizations, public employers, mediators, and
25 arbitrators statistical data relating to wages, benefits,

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1 and employment practices in the public and private
2 employment sector.

3 4. Maintain, after consulting with employee
4 representatives and public employers, panels of qualified
5 persons representative of the public to be available
6 to serve as mediators and arbitrators.

7 5. Hold necessary hearings and may administer oaths,

8 examine witnesses and documents, take testimony and
9 receive evidence, compel the attendance of witnesses
10 and the production of records by the issuance of
11 subpoenas, and delegate such power to members of the
12 board, or persons appointed or employed by the board
13 for the performance of its functions. The board may
14 petition the district court at the seat of government
15 or of the county wherein any hearing is held to enforce
16 a board order compelling the attendance of witnesses
17 and the production of records.

18 6. Have such other powers and duties as are necessary
19 or appropriate to effectuate the policies of this Act.

20 7. Promulgate rules and regulations under the
21 provisions of chapter seventeen A (17A) of the Code
22 necessary or appropriate to effectuate the purposes
23 of this Act.

24 8. After all of its members have been appointed
25 and qualified, subject to subsection seven (7) of this

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1 section, determine the appropriate bargaining unit for
2 each classification of employment in state government
3 independently for the department of social services,
4 state highway commission, state board of regents, and,
5 collectively, all other boards, commissions, agencies
6 and departments in accordance with the provisions of
7 this Act after publication of reasonable notice and
8 public hearings thereon where all interested parties
9 shall have an opportunity to be heard. The board shall
10 also determine the general principles and guidelines
11 for determining an appropriate unit for local political
12 subdivisions pursuant to the criteria set forth in
13 section thirteen (13) of this Act.

14 Sec. 11. REPRESENTATION. A board certification
15 of the bargaining status of a group of public employees
16 may be requested in a petition submitted by an employee
17 organization, public employee, or a public employer.

18 1. The petition of an employee organization shall
19 allege that:

20 a. The employee organization has submitted a request
21 to a public employer to bargain collectively with a
22 designated group of public employees.

23 b. The request is accompanied by written evidence
24 that a majority of such public employees are members
25 of such organization or have authorized it to represent

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1 them for purposes of collective bargaining.

2 c. Either the public employer has failed to recognize
3 the employee organization and has not submitted a
4 petition to the board acknowledging receipt of the
5 request of the employee organization to bargain which
6 has not been certified by the board, or that the public
7 employer has voluntarily recognized the employee
8 organization as the bargaining representative of such
9 public employees.

10 2. The petition of a public employee shall allege
 11 that an employee organization which has been certified
 12 or recognized as the bargaining representative does
 13 not represent a majority of such public employees.

14 3. The petition of a public employer shall allege
 15 that it has received a request to bargain from an
 16 employee organization which has not been certified or
 17 recognized as the bargaining representative of the
 18 public employees in an appropriate bargaining unit.

19 Sec. 12. BOARD ACTIONS ON PETITIONS. The board
 20 may investigate the allegations of any petition filed
 21 pursuant to section eleven (11) of this Act and shall
 22 give notice of the receipt of such petitions to all
 23 public employees, employee organizations, and public
 24 employers named or described in such petitions or
 25 interested in the representation question presented.

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1 The board may take any of the following actions:

2 1. Dismiss the petition or withdraw certification
 3 or recognition if it finds that less than thirty percent
 4 of the public employees in a unit appropriate for
 5 collective bargaining wish to be represented by the
 6 petitioning employee organization.

7 2. Certify an employee organization as bargaining
 8 representative unless:

9 a. The right to such certification is challenged
 10 by the public employer.

11 b. Such certification is opposed by another employee
 12 organization which has submitted proof satisfactory
 13 to the board of the support of not less than ten percent
 14 of the public employees in the appropriate unit.

15 c. The board has reasonable cause to doubt that
 16 such organization represents a majority of the public
 17 employees in a unit appropriate for collective
 18 bargaining.

19 3. Hold hearings to determine the appropriate
 20 bargaining unit.

21 Sec. 13. APPROPRIATE BARGAINING UNIT.

22 1. When further action is directed under section
 23 twelve (12) of this Act and if the appropriate unit
 24 has not been determined, the board shall hold a hearing
 25 to determine the appropriate unit of public employees

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1 for the purposes of collective bargaining after giving
 2 notice of the hearing to all parties previously notified
 3 of the petition filed pursuant to section eleven (11),
 4 subsection one (1), of this Act.

5 2. In determining the appropriate unit, the board
 6 shall consider:

7 a. The community of interest among public employees.

8 b. The authority of the public employer to establish
 9 or make effective recommendations with respect to the
 10 working conditions of included public employees.

- 11 c. The burden on the public employer of creating
12 an excessive number of bargaining units.
- 13 d. The similarity of duties, skills, and working
14 conditions of the public employees.
- 15 e. The history of negotiations or discussions
16 concerning wages, hours, and other conditions of
17 employment between a public employer and a group or
18 organization of public employees.
- 19 f. The extent of organization among the public employees.
- 20 g. The desires of the public employees.
- 21 h. The practices of area employers.
- 22 i. The efficiency of operations of the public employer.
- 23 j. The impact upon public employee job rights.
- 24 k. The interrelation of tasks performed by any group of
25 public employees.

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- 1 l. Joint supervision, if any, of public employees.
- 2 m. Such other factors, consistent with the provisions
3 and purposes of this Act, as the board may determine
4 to be appropriate and in the public interest.
- 5 3. In applying the foregoing criteria to the public
6 employees of the state, special consideration shall
7 be given to the desirability of placing public employees
8 who perform comparable services within the same
9 bargaining unit regardless of such employees'
10 geographical location.
- 11 4. Professional and nonprofessional employees shall
12 not be included in the same unit unless a majority of
13 both agree.
- 14 5. No unit shall include supervisory employees and
15 nonsupervisory employees.
- 16 6. Where two or more units may be determined to
17 be appropriate, the board may prescribe procedures under
18 which the choice between such units may be made by a
19 vote of the public employees.
- 20 **Sec. 14. ELECTIONS.**
- 21 1. After the board determination of the appropriate
22 bargaining unit, the board shall hold an election at
23 which all public employees in the appropriate unit are
24 given the right to vote by secret ballot. The ballot
25 shall list any employee organization which has petitioned

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- 1 for certification or which has presented proof
2 satisfactory to the board of the support of ten percent
3 or more public employees in the appropriate unit and
4 also listing "no exclusive bargaining representative"
5 as one of the choices.
- 6 2. If none of the choices on the ballot receive
7 a majority of the votes cast, the board shall conduct
8 a run-off election among the two choices receiving the
9 greatest number of votes.
- 10 3. If the board finds that misconduct or other
11 circumstances prevented the public employees eligible
12 to vote from freely expressing their preferences, the

13 board may invalidate the election and hold a second
14 election for such employees.

15 4. Upon the completion of a valid election in which
16 the majority choice of those voting is determined, the
17 board shall certify the results of the election and
18 shall give notice of the order to all employee
19 organizations listed on the ballot, or public employers.

20 5. Beginning with the date on which an order
21 certifying the results of an election in an appropriate
22 unit is issued, no petition shall be considered under
23 this section with respect to the public employees in
24 that unit for a period of one year or for a period not
25 exceeding two years from the effective date of a

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1 collective bargaining agreement between a public employer
2 and the certified bargaining representative.

3 6. Any public employee, employee organization, or
4 public employer aggrieved by a final order of the board
5 may file a petition requesting that the district court
6 issue a writ of certiorari, and setting forth that the
7 board decision is illegal, in whole or in part, and
8 specifying the grounds of the illegality. A copy of
9 such petition shall be transmitted by the clerk of the
10 district court to the board requesting that a transcript
11 of the board proceedings be filed with the court. Such
12 petition shall be presented to the court within twenty
13 days from the date of the filing of the final order
14 by the board.

15 **Sec. 15. DUTY TO ENGAGE IN COLLECTIVE BARGAINING.**

16 Upon the receipt by a public employer of a request by
17 an employee organization to bargain on behalf of public
18 employees, the duty to engage in collective bargaining
19 shall arise:

20 1. Immediately if the employee organization has
21 been certified by the board as the bargaining
22 representative for such employees.

23 2. At such time as the public employer recognizes
24 an employee organization, which is not certified, as
25 the bargaining representative for those employees.

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1 For purposes of this section, the public employer shall
2 be deemed to have recognized the employee organization
3 unless, thirty days after the receipt of the request,
4 the public employer has petitioned the board pursuant
5 to section eleven (11) of this Act or has received a
6 written notice that another employee organization has
7 asserted a claim to represent some or all of those
8 public employees.

9 **Sec. 16. SCOPE OF COLLECTIVE BARGAINING.**

10 1. Collective bargaining shall be required with
11 respect to wages, salaries, and other economic benefits,
12 hours or periods of service, and working conditions
13 of employment, including but not limited to:

14 a. Procedures for the adjustment of grievances under

15 the collective bargaining agreement.

16 b. Matters relating to laws dealing with public
17 employment, including the supplementation of existing
18 statutory benefits, so long as any agreed upon terms
19 are not inconsistent with such laws.

20 c. Terms authorizing dues checkoff for those public
21 employees who are members of the employee organization.

22 d. The period of time, not to exceed two years,
23 for which the collective bargaining agreement shall
24 be in effect.

25 2. Salaries of state employees shall be allowed

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1 only to the extent that any agreed salary does not have
2 the effect of reclassifying into a higher classification
3 those employees to whom such agreed or negotiated salary
4 applies. The employee organization shall have the right
5 to apply to the merit employment commission for
6 reclassification of any group of state employees for
7 whom it is the exclusive bargaining representative.
8 The merit employment commission shall, after hearing
9 determine whether or not such group of employees shall
10 be reclassified or retain its present classification.

11 3. Collective bargaining on behalf of state employees
12 concerning any terms which require funding shall be
13 conducted on a statewide basis with the governor or
14 his designee representing the state. The governor or
15 his designee representing the state may apply to the
16 board for an order requiring that separate bargaining
17 units of the department of social services, state highway
18 commission, state board of regents, and collectively,
19 all other boards, commissions, agencies and departments
20 who represent employees who perform comparable services
21 to engage in joint bargaining concerning all matters
22 which will require funding by an appropriation from
23 the general assembly. The board upon receiving such
24 an application shall set a time, date and place of
25 hearing thereon and give the bargaining units concerned

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1 at least thirty days written notice of such hearing
2 by ordinary mail. If the board upon hearing finds that
3 the bargaining units designated in the application do
4 substantially represent employees that perform
5 substantially comparable services, it shall grant the
6 application and enter an order requiring joint
7 bargaining. If only part of the units designated
8 represent such employees, the board shall grant the
9 application only as to those units, deny it as to those
10 that do not, and enter the appropriate order.

11 4. There shall be no duty to bargain collectively
12 policy matters relating to the mission of the agency.

13 **Sec. 17. COLLECTIVE BARGAINING PROCEDURES.**

14 1. The duty to engage in good faith collective
15 bargaining shall include the duty to meet at reasonable
16 times in an attempt to reach mutual agreement until

17 such agreement is reached or impasse occurs and reduce
 18 the terms of any agreement to writing signed by each
 19 of the parties, but with no obligation by either party
 20 to make concessions or to agree upon particular terms.
 21 2. The employee organization certified or recognized
 22 as bargaining representative shall be the exclusive
 23 representative of all public employees in the bargaining
 24 unit and shall represent all such employees fairly.
 25 Exclusive representation shall not prevent any public

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1 employee from meeting and adjusting individual grievances
 2 with a public employer so long as any such adjustment
 3 is consistent with the terms of the collective bargaining
 4 agreement then in force and so long as the bargaining
 5 representative is given notice and an opportunity to
 6 be present at such meeting.
 7 3. The employee organization and the public employer
 8 may designate any person as its representative to engage
 9 in collective bargaining negotiations.
 10 4. Negotiating sessions, mediation, and the
 11 deliberative process of arbitrators shall be exempt
 12 from the provisions of chapter twenty-eight A (28A)
 13 of the Code. Hearings conducted by arbitrators shall
 14 be open to the public.
 15 5. The terms of any collective bargaining agreement
 16 may be enforced by a civil action in the district court
 17 of the county in which the agreement is made upon the
 18 initiative of either party.
 19 6. The terms of a collective bargaining agreement
 20 for which the public employer does not have authority
 21 to appropriate funds shall be construed as a joint
 22 recommendation requiring the public employer to make
 23 a good faith effort to obtain the funds and to adjust
 24 any failure to do so through further collective
 25 bargaining.

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1 7. If agreed to by the parties nothing in this Act
 2 shall be construed to prohibit supplementary bargaining
 3 on behalf of public employees in a part of the bargaining
 4 unit concerning matters uniquely affecting those public
 5 employees or cooperation and coordination of bargaining
 6 between two or more bargaining units.
 7 **Sec. 18. IMPASSE PROCEDURES—AGREEMENT OF PARTIES.**
 8 As the first step in the performance of their duty to
 9 bargain, the public employer and the employee
 10 organization shall endeavor to agree upon impasse
 11 procedures including mediation and arbitration and the
 12 selection of mediators and arbitrators. Such agreement
 13 shall provide for mediation no later than one hundred
 14 twenty days prior to the budget submission date of the
 15 public employer and for arbitration no later than ninety
 16 days prior to the budget submission date of the public
 17 employer.
 18 The parties may provide for binding arbitration and

19 the selection of one or more arbitrators.

20 The cost of impasse procedures shall be shared equally
21 by the public employer and the employee organization.

22 If the parties fail to agree upon mediation and
23 arbitration procedures, the impasse procedures provided
24 in sections nineteen (19) and twenty (20) of this Act
25 shall apply.

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1 Sec. 19. MEDIATION. In the absence of an impasse
2 agreement between the parties or the failure of either
3 party to utilize its procedures, one hundred twenty
4 days prior to the budget submission date, the board
5 shall, upon the request of either party, appoint an
6 impartial and disinterested person to act as mediator.

7 It shall be the function of the mediator to bring
8 the parties together voluntarily to effectuate a
9 settlement of the dispute, but the mediator may not
10 compel the parties to agree.

11 Sec. 20. FINAL OFFER ARBITRATION.

12 1. If the impasse is not resolved through mediation
13 within twenty-five days, the parties may mutually agree
14 to notify the chairman of the board that they wish to
15 submit the dispute to final offer arbitration, or if
16 the parties fail to resolve the impasse at least ninety-
17 five days prior to the certified budget submission date,
18 the parties shall notify the chairman of the board and
19 the parties shall submit the dispute to final offer
20 arbitration.

21 2. Each party shall submit within four days of noti-
22 fication to the board, a final offer to the chairman
23 of the board, with proof of service of a copy thereof
24 upon the other party, to be preserved for the board
25 of arbitrators. At the same time, each party may submit

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1 one alternative offer to the other party. The offer
2 submitted to the chairman of the board shall constitute
3 a complete draft of the proposed collective bargaining
4 agreement and submit for arbitration a proposal on spe-
5 cific impasse items. The parties may continue to nego-
6 tiate all offers until an agreement is reached or a
7 decision is rendered by a board of arbitrators.

8 3. The board of arbitrators shall consist of three
9 members, one appointed by the employer, one appointed
10 by the bargaining agent. These appointments shall be
11 made within four days after notice to the chairman of
12 the board that the dispute was not resolved through
13 mediation. The two members appointed shall mutually
14 agree upon a third member within four days. The third
15 member appointed shall be the chairman of the board
16 of arbitrators.

17 4. If after four days the third member has not been
18 mutually agreed upon, a list of three arbitrators with
19 experience in public sector arbitration shall be sub-
20 mitted to both parties by the board. The designee of

21 the employer shall have two days to remove one name
22 and the bargaining agent or his designee shall have
23 one additional day to remove one of the two remaining
24 names. The remaining member shall become the chairman
25 of the board of arbitrators. The chairman shall call

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1 a meeting within ten days thereafter, at a location
2 designated by the chairman.

3 5. If a vacancy should occur on the board of arbitra-
4 tors, the selection for replacement of such member shall
5 be in the same manner and within the same time limits
6 as the original member was chosen. No final selection
7 under subsection eight (8) of this section shall be
8 made by the board until the vacancy has been filled.

9 6. The board of arbitrators shall at no time engage
10 in an effort to mediate or otherwise settle the dispute
11 in any manner other than that prescribed in this section.

12 7. From the time of appointment until such time
13 as the board of arbitrators makes its final
14 determination, there shall be no discussion relating
15 to recommendations for settlement of the dispute by
16 the members of the board of arbitrators with parties
17 other than those who are direct parties to the dispute.
18 The board of arbitrators shall have the power to subpoena
19 any persons necessary to arrive at a decision and shall
20 conduct formal or informal hearings to discuss offers
21 submitted by both parties.

22 8. The board of arbitrators shall take into account
23 the following factors:

24 a. Past collective bargaining contracts between
25 the parties including the bargaining that led up to

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1 such contracts.

2 b. Comparison of wages, hours, and conditions of
3 employment of the involved employees with those of other
4 employees doing comparable work, giving consideration
5 to factors peculiar to the area and the classifications
6 involved.

7 c. The interests and welfare of the public, the
8 ability of the employer to finance economic adjustments
9 and the effect of such adjustments on the normal standard
10 of services.

11 9. The board of arbitrators shall select within
12 fifteen days from the date of its last meeting the most
13 reasonable, in its judgment, of the final offers on
14 the impasse items submitted by the parties, unless a
15 majority of the board of arbitrators finds both positions
16 to be unreasonable. If the board of arbitrators finds
17 the offers of the parties to be unreasonable on any
18 of the impasse items, it shall reject the last offers
19 of the parties on those items only. The parties shall
20 then have four days to submit a second offer on the
21 unresolved items to the board of arbitrators. The board
22 of arbitrators shall select, within ten days the most

23 reasonable of the items in the second final offers
24 submitted by the parties.
25 10. The board of arbitrators shall not compromise

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1 or alter any of the items in any final offer submitted
2 as provided in subsection nine (9) of this section.
3 Selection of an offer shall be based on the content
4 of that offer and no consideration shall be given to,
5 nor shall any evidence be received concerning the
6 collective bargaining in this dispute including offers
7 of settlement not contained in the offers submitted
8 to the board of arbitrators unless there is mutual
9 agreement to submit proposals on specific impasse items.
10 In such case, the board of arbitrators shall consider
11 all previously agreed upon items.
12 11. The offer selected by the board of arbitrators,
13 including any previously agreed upon items, shall be
14 deemed to represent the contract between the parties.
15 12. The determination of the board of arbitrators
16 shall be by majority and shall be final and binding.
17 The board of arbitrators shall give written explanation
18 for its selection.
19 13. If the board of arbitrators is unable to reach
20 agreement on the second offer within ten days or if
21 the final offer procedures fail to settle the impasse
22 at least thirty days prior to the certified budget
23 submission date, the board shall not be bound by the
24 previous final offer positions of the parties and shall
25 make any settlement of the impasse it deems to be fair

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1 and reasonable. The board of arbitrators shall inform
2 the parties of its findings not later than ten days
3 prior to the certified budget submission date. The
4 board of arbitrators shall give the parties written
5 explanation of its findings.
6 14. The board of arbitrators' determination shall
7 be final and binding.
8 15. If the board of arbitrators fails to act within
9 the time limits set forth in this Act, the board shall
10 dismiss the board of arbitrators and assume jurisdiction
11 of the dispute. The board shall establish whatever
12 procedures are deemed necessary to settle the impasse,
13 including, but not limited to, final and binding
14 arbitration.
15 Sec. 21. STRIKES. It shall be unlawful for any
16 public employee or any employee organization representing
17 any public employees to induce, instigate, ratify, or
18 participate in a strike against a public employer.
19 For purposes of this section and section twenty-two
20 (22) of this Act "strike" shall include any stoppage
21 of work or any concerted refusal to render service or
22 perform duties:
23 1. As required by an existing collective bargaining

24 agreement, or

25 2. An act coercing a public employer to enter into

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1 a collective bargaining agreement.

2 Sec. 22. STRIKE VIOLATIONS.

3 1. In the event of a strike or a threatened strike
4 contrary to the provisions of this Act, the public
5 employer may petition the district court for the county
6 in which the strike has occurred or is threatened to
7 occur for an injunction terminating or preventing the
8 strike.

9 2. No permanent injunction may be issued under
10 subsection one (1) of this section until the public
11 employee or employee organization against whom it is
12 to be directed has been given notice and an opportunity
13 to be heard, and no temporary injunction may be issued
14 without such notice and hearing except upon the basis
15 of a signed affidavit alleging facts from which the
16 court determines the existence of a substantial
17 likelihood that an irreparable injury to the public
18 health, safety, or welfare will occur in the absence
19 of such order.

20 3. In every judicial proceeding under this section,
21 the court's decision shall expressly determine whether
22 the public employer affected has violated any duty
23 created by this Act, and whether such violation is a
24 contributing cause to the commencement or duration of
25 the strike being enjoined or restrained, and such

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1 determination shall be taken into account in imposing
2 any sanctions authorized by this section.

3 4. If a failure to comply with the court's order
4 restraining or enjoining a strike should occur, such
5 noncompliance may be punished under the provisions of
6 chapter six hundred sixty-five (665) of the Code and,
7 in imposing penalties for contempt under this section,
8 the court shall take into account:

9 a. The extent of any willful defiance of or
10 resistance to the court's order.

11 b. The impact of the strike on the public health,
12 safety, or welfare.

13 c. The extent to which any violation of any duty
14 created by this Act by the public employer affected
15 was a contributing cause to the commencement or duration
16 of the strike.

17 5. The public employer may suspend, discharge, or
18 subject to other disciplinary action applicable to
19 misconduct in employment, any public employee who
20 participates in a strike in violation of this Act.

21 6. A permanent injunction issued by the court upon
22 a finding that public employees of an employee
23 organization have violated the provisions of section
24 twenty-one (21) of this Act, may include an order
25 suspending the right of the employee organization to

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1 be the exclusive representative for a period of twenty-
2 four months following the date of the violation. During
3 the period of suspension a public employer shall not
4 check off dues for the employee organization. The
5 provisions of this subsection shall be in addition to
6 any other legal remedy.

7 Sec. 23. LEGAL ACTIONS. Any employee organization
8 and any public employer may sue or be sued as an entity.
9 Service upon any officer of an employee organization
10 shall constitute service upon the organization. Service
11 upon the public employer shall be in accordance with
12 law or the rules of civil procedure. Any judgment
13 obtained against an employee organization shall be
14 enforceable as to the assets of the employee organization
15 only, and the individual assets of any public employee
16 or public official shall be exempt.

17 Sec. 24. Public employees and public employee organi-
18 zations covered under this Act, shall be subject to
19 the provisions of chapter nineteen A point eighteen
20 (19A.18) of the Code and section three hundred sixty-
21 five point twenty-nine (365.29) of the Code relating
22 to political activity.

23 Notwithstanding anything in this Act to the contrary
24 no employee organization that has been recognized or
25 certified as an exclusive bargaining agent in conformity

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1 with this Act which is in violation of this section
2 shall be entitled to recognition or certification, or
3 to the continuance of any prior recognition or
4 certification as a representative of any public employees
5 and there shall be no duty on the part of any public
6 employer to bargain with any such employee organization
7 which is in violation of this section.

8 Any violation of this section shall be deemed to
9 be a misdemeanor and any officer, director, trustee
10 or other agent of any employee organization that has
11 been recognized or certified as an exclusive bargaining
12 agent in conformity with this Act who aids, abets,
13 causes or knowingly permits a violation of this section
14 shall likewise be guilty of a misdemeanor and shall
15 be punished accordingly.

16 Sec. 25. Chapter nineteen A (19A), Code 1971, is
17 amended by adding the following new section:

18 "A pay plan established pursuant to this Act shall
19 be altered to the extent necessary and possible in order
20 to reflect an agreement resulting from collective
21 bargaining pursuant to the public employment negotiations
22 Act."

23 Sec. 26. EFFECTIVE DATES. The provisions of this
24 Act relative to the duty to bargain shall not be
25 effective until July 1, 1972 for state employees and

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1 shall not be effective until January 1, 1973 for all

2 other public employees. If the governor determines
 3 that the administrative machinery is not available to
 4 effectively allow collective bargaining by the public
 5 employer or public employees, he may by executive order
 6 delay application of the provisions of this Act as they
 7 may affect state employees for an additional period
 8 of time, but in no event later than July 1, 1973.
 9 Sec. 27. There is appropriated from the general
 10 fund of the state to the public employment relations
 11 board the sum of seventy-five thousand (75,000) dollars,
 12 or so much thereof as may be necessary, for the fiscal
 13 year, beginning July 1, 1972 and ending June 30, 1973,
 14 for salaries, support, maintenance, planning, and
 15 miscellaneous expenses incurred in the administration
 16 of the provisions of this Act.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 1127**, a bill for an act relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school-related functions, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

1 Amend House File 1127, as amended and passed by the House,
 2 after line 20 by inserting a new section as follows:
 3 "Sec. Section two hundred seventy-nine point nine
 4 (279.9), Code of 1971, as amended by chapter one hundred
 5 forty-nine (149), section ten (10), Acts of the Sixty-
 6 fourth General Assembly, First Session, is further amended
 7 to read as follows:
 8 279.9 USE OF TOBACCO. Such rules shall prohibit the
 9 use of tobacco *and the use or possession of alcoholic*
 10 *liquor or beer* or any controlled substance as defined in
 11 senate file 1, section 101, subsection 6, Acts of the
 12 Sixty-fourth General Assembly, First Session, by any stu-
 13 dent of such schools and the board may suspend or expel
 14 any student for any violation of such rule."

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

Senator Potgeter submitted the following reports:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 1056**, a bill for an act relating to legal holidays for state employees, begs leave to report it has had the same under consideration and recommends the same **do pass.**

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **House Concurrent Resolution 107**, a resolution to create a study committee to conduct a detailed study of tax structure as it relates to local taxing body expenditures and to recommend methods of implementing tax reform measures which will effectively reduce emphasis on real and personal property taxes, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House Concurrent Resolution 107, page 1, line 13, by
- 2 striking the word "shall" and inserting the word "may".

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate Concurrent Resolution 116**, a resolution to establish a committee to study the method of financing education in Iowa, begs leave to report it has had the same under consideration and recommends the same **do pass.**

JAMES A. POTGETER, Chairman

Ordered passed on file.

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee ways and means, to which was referred **Senate File 1102**, a bill for an act relating to the service tax on storage of goods, begs leave to report it has had the same under consideration and recommends the same **do pass.**

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the House amendment to Senate File 593 as
- 2 found on page 587 of the Senate Journal of February
- 3 29, 1972, as follows:

- 4 1. By inserting the following after line 10:
- 5 5. Page 2, by adding the following new sections
- 6 after line 30:

7 Sec. 3. A regional education board to be known
 8 as the midwestern board for medical and allied health
 9 education is established pursuant to the provisions
 10 of this Act. As used in this Act "regional education
 11 board" or "board" means the midwestern board for
 12 medical and allied health education. The board, which
 13 may initially be comprised of representatives of the
 14 states of Iowa, Minnesota, North Dakota and South
 15 Dakota, shall promote the education and training of
 16 doctors of medicine and other health services

17 personnel, including, but not limited to the general
18 practice of family medicine and placing particular
19 emphasis on meeting the need for additional health
20 services in the smaller municipalities and rural areas
21 of the region.

22 Sec. 4. The regional medical education board shall
23 participate in programs designed to meet the purposes
24 described in section one (1) of this Act, for the
25 benefit of the citizens of the states comprising the

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1 region. Program applicants who are residents of
2 member states or provinces shall, if practicable,
3 be given preference for participation in the programs.

4 Sec. 5. Each state or Canadian province having
5 membership on the board shall appoint five members
6 to the board. Iowa representatives shall be as
7 follows:

8 1. One state senator appointed by the president
9 of the senate.

10 2. One state representative appointed by the
11 speaker of the house.

12 3. The dean of the college of medicine at the
13 university of Iowa or his designee.

14 4. A member of the board of regents or his
15 designee.

16 5. The president of the state medical association
17 or his designee.

18 Sec. 6. The board shall have the following duties
19 and powers:

20 1. To enact bylaws.

21 2. To admit, following enactment of legislation,
22 identical or substantially similar to the provisions
23 of this Act, any state or province of Canada as a
24 member of the region and prescribe the terms and
25 conditions of the membership.

Page 3

1 3. To sue and be sued.

2 4. To contract for the carrying out of the purposes
3 and powers conferred by this Act.

4 5. To employ necessary personnel.

5 6. To participate in the planning and development
6 of any needed physical facilities; however, the state
7 of Iowa shall not expend any funds for this purpose
8 except pursuant to appropriations made by the general
9 assembly for such purpose.

10 7. To encourage and participate in studies of
11 the need for medical and other health services
12 throughout the region.

13 Sec. 7. When two or more states have joined the
14 regional education board, the representatives of these
15 states shall constitute the board and be empowered
16 to assume the powers and duties set forth in this
17 Act.

18 Sec. 8. Each representative on the board shall
19 be entitled to one vote. No action of the board shall
20 be binding unless taken at a meeting at which a
21 majority of the total number of votes on the board
22 are cast in favor thereof. Action of the board shall
23 be only at a meeting at which a majority of the
24 representatives are present.

25 Sec. 9. A member state or province may withdraw

Page 4

1 its membership in a manner prescribed by the law of
2 the member, but all funds, property and otherwise,
3 of the withdrawing member which have been granted
4 to the board shall continue to be the property of
5 the board, unless all remaining members and the
6 withdrawing member agree to other disposition.

7 Sec. 10. The board may apply for, receive, and
8 accept a gift, bequest, devise, or grant of money
9 or property, either public or private, and may comply
10 with any lawful condition attached to receipt of the
11 funds.

12 Sec. 11. The board shall seek funding from each
13 member in a manner designed to equalize the
14 contribution of each member to the greatest extent
15 possible.

16 Sec. 12. The board may accomplish any of the
17 purposes prescribed in this Act by cooperative
18 agreements and contracts with state or federal agencies
19 or instrumentalities or with privately owned and
20 operated agencies and institutions engaged in medical
21 and other health services education. Cooperative
22 agreements or contracts shall insure continuous
23 financial and other support for the facility.

24 Sec. 13. The board shall report to each legislative
25 body and chief executive officer of each member, on

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1 or before December first of each year, concerning
2 its programs and needs.

3 Sec. 14. The state of Iowa may withdraw its member-
4 ship from the regional education board by enacting
5 legislation providing for such withdrawal.

6 Sec. 15. Members of the general assembly of the
7 state of Iowa serving on the board shall receive per
8 diem pay and expenses for the performance of their
9 duties at the same rate as allowed members of the
10 general assembly pursuant to section two point ten
11 (2.10), subsection six (6), of the Code. Such per
12 diem and expense shall be paid from funds appropriated
13 by this Act but in the manner provided by section
14 two point twelve (2.12) of the Code. Other Iowa
15 members of the board shall receive expenses for the
16 performance of their duties in the same amount as
17 allowed Iowa state employees from funds appropriated
18 by this Act. Such expenses shall be paid in the
19 manner provided in section two point twelve (2.12)

20 of the Code.

21 Sec. 16. There is appropriated from the general
22 fund of the state the sum of one thousand (1,000)
23 dollars, or so much thereof as may be necessary, for
24 the biennium commencing July 1, 1971 and ending June
25 30, 1973, for the purpose of paying the per diem costs

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1 and expenses of the members of the midwestern board
2 for medical and allied health education and for paying
3 the administrative costs of participation by the state
4 of Iowa in the programs of the board. Funds
5 appropriated pursuant to sections three (3) through
6 sixteen (16) of this Act shall be paid as provided
7 in this Act for per diem and expenses of members of
8 the regional education board, and for administrative
9 costs for carrying out programs of the board, upon
10 approval of vouchers signed by the president of the
11 senate or speaker of the house of representatives.

12 2. By striking the number "5" in line 11 and
13 inserting in lieu thereof the number "6".

14 3. By inserting before the period in line 15 the
15 words "and relating to the establishment of a regional
16 medical education board and providing an
17 appropriation".

JOHN M. WALSH

1 Amend the Potter amendment filed February 22, 1972 to Senate
2 File 1049, line 6, by adding after the word "homes" the words
3 "*more than eight feet in width*".

VERNON H. KYHL

1 Amend Senate File 1076 by adding the following new
2 section:
3 "Sec. Chapter one hundred thirty-five (135), Code
4 1971, is amended by adding the following new section:
5 The department shall adopt rules, regulations, and
6 standards for the control and distribution of contra-
7 ceptives sold by methods not under the direct supervision
8 of a licensed pharmacist."

JAMES A. POTGETER
LUCAS J. DeKOSTER
MINNETTE DODERER

1 Amend House File 711, as amended and passed by the
2 House, as follows:
3 1. Page 13, by inserting after line 15 the follow-
4 ing new section:
5 "Sec. Section three hundred twenty-one G point
6 nine (321G.9), Code 1971, is amended by adding the follow-
7 ing new subsection:
8 7. The operation of snowmobiles on the right-of-way
9 of a public highway shall be at the owner's and operator's
10 risk and the state, counties, municipalities of the state,

11 and the owners of the property adjoining the right-of-way
12 of a public highway and their employees and agents shall be
13 immune from liability for any damages sustained by the owner
14 or operator of the snowmobile, except in case of willful
15 or gross negligence. Governmental liability for willful
16 or gross negligence shall be governed by the provisions of
17 chapters twenty-five A (25A) and six hundred thirteen A
18 (613A) of the Code.”

19 2. Page 1, line 2, amend the title by inserting
20 after the word “snowmobiles” the words “, to liability
21 for use of snowmobiles,”.

LEIGH R. CURRAN
ALDEN J. ERSKINE
WAYNE D. KEITH

1 Amend House File 1127, as amended and passed by the House
2 as follows:

3 1. Page 1, line 18, by adding after the word “*school*”,
4 the words “*or that portion thereof*,”.

W. CHARLENE CONKLIN

1 Amend House File 1133 as passed by the House as follows:

2 Page 6, by striking lines 27 through 29 inclusive and
3 inserting in lieu thereof the following: “‘Grocery
4 store’ means any retail establishment, the principal
5 business of which consists of the sale of food or food
6 products for consumption off the premises.”

EARL G. BASS
EUGENE M. HILL
RICHARD L. STEPHENS
MARVIN W. SMITH

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Monday, March 6, 1972.

JOURNAL OF THE SENATE

FIFTY-SEVENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, MARCH 6, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by Father Dunkel, pastor of Saint Patrick's Church, Parkersburg, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, March 3, 1972, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Conklin for the day on request of Senator Lamborn.

PRESENTATION OF VISITORS

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

Forty students from Radcliffe High School, Radcliffe, Iowa, accompanied by Wilbur Molendorp. Senator Potgeter.

Fifty-eight students from Cedar Rapids, Iowa, accompanied by Don Boesenberg and Dick White. Senator Riley.

Twenty students, members of Boy Scout Troop 500, from Coggon, Iowa. Senator Riley.

Fifty students from Starmont High School, Strawberry Point, Iowa, accompanied by Veryl Jones. Senators Kennedy and Gilley.

Twenty-nine students from Gladbrook High School, Gladbrook, Iowa, accompanied by Tom Murr. Senator Balloun.

Twenty-five students from Dallas Community School, Dallas Center, Iowa, accompanied by Ron Graham. Senator Rhodes.

PETITIONS

The following petitions were presented and placed on file:

By Senator Van Drie, from nine residents of Story County, favoring an increase in benefits to the Iowa Public Employees' Retirement System.

By Senator Stephens, from forty-four residents of Washington County, opposing the sale of wine in grocery stores.

By Senator Nicholson, from one hundred forty-eight residents of Scott County, favoring the State Board of Public Instruction's recommendation that county school systems be replaced with fifteen intermediate units.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Martin, Cedar Rapids, Iowa.

INTRODUCTION OF BILL

Senate File 1199, by committee on schools, a bill for an act relating to reimbursement to local school districts, county school systems, joint county systems, or equivalent intermediate units for auxiliary services to nonpublic school students.

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

CONSIDERATION OF BILLS

House File 1057

On motion of Senator Arbuckle, House File 1057, a bill for an act relating to the use of snowmobiles on railroad rights-of-way, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Doderer moved that House File 1057 be laid on the table.

Division was called for.

The motion lost.

HOUSE FILE DEFERRED

Senator Lamborn moved that further action on **House File 1057** be deferred and that the bill be placed on the calendar under **unfinished business**, which motion prevailed.

CONSIDERATION OF BILLS

Senate File 1158

On motion of Senator Curran, Senate File 1158, a bill for an

act authorizing cities and towns to acquire, improve, equip and lease pollution control facilities, and issue revenue bonds in connection therewith, was taken up and considered.

Senator Curran moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1158) the vote was:

Ayes, 40:

Arbuckle	Erskine	Kyhl	Riley
Balloun	Gaudineer	Lamborn	Schaben
Bass	Gilley	Messerly	Shawver
Briles	Glenn	Miller	Smith
Brownlee	Graham	Neu	Stephens
Carlson	Griffin	Nicholson	Tapscott
Curran	Gross	Palmer	Thordsen
Davis	Hill	Potgeter	Van Drie
DeKoster	Keith	Rabedeaux	Van Gilst
Doderer	Kennedy	Rhodes	Walsh

Nays, 1:

Anderson

Voting present, 1:

Coleman

Absent or not voting, 8:

Conklin	Milligan	Ollenburg	Robinson
Laverty	Mowry	Potter	Shaff

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

Senator Rhodes took the chair at 10:09 a.m.

Senate File 1132

On motion of Senator DeKoster, Senate File 1132, a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code of Iowa, including some penalty sections, was taken up and considered.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer and Potgeter and moved its adoption:

- 1 Amend Senate File 1132 as follows:
- 2 1. Page 3, line 30, by striking the words "or town".
- 3 2. Page 4, by striking lines 6 through 29, inclusive.
- 4 3. Page 8, by striking lines 15 through 25, inclusive.
- 5 4. Renumber the remaining sections and make internal
- 6 corrections in conformity with this amendment.

The amendment was adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1132) the vote was:

Ayes, 43:

Anderson	Doderer	Messery	Robinson
Arbuckle	Gaudineer	Miller	Schaben
Balloun	Gilley	Milligan	Shawver
Bass	Glenn	Mowry	Smith
Briles	Graham	Neu	Stephens
Brownlee	Griffin	Nicholson	Tapscott
Carlson	Gross	Palmer	Thordsen
Coleman	Hill	Potgeter	Van Drie
Curran	Kennedy	Rabedeaux	Van Gilst
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn	Riley	

Nays, none.

Absent or not voting, 7:

Conklin	Keith	Ollenburg	Shaff
Erskine	Laverty	Potter	

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

Senator Griffin took the chair at 10:15 a.m.

House File 367

On motion of Senator Rhodes, House File 367, a bill for an act relating to joint planning commissions, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Rhodes offered the following amendment filed by the committee on state government:

- 1 Amend House File 367, as passed by the House, by adding
- 2 after line 19 thereof the following new sections:
- 3 "Sec. Section four hundred seventy-three A point
- 4 four (473A.4), Code 1971, is amended by adding the following
- 5 new paragraph:
- 6 A planning commission formed under the provisions of this
- 7 chapter shall, upon designation as such by the governor, serve
- 8 as a district, regional or metropolitan agency for comprehensive
- 9 planning for its area for the purpose of carrying out the func-
- 10 tions as defined for such an agency by federal laws and regula-
- 11 tions."
- 12 "Sec. Chapter twenty-eight E (28E), Code 1971, is
- 13 amended by adding the following new section:
- 14 A planning commission, council of governments or similar
- 15 organization formed under the provisions of this chapter shall,
- 16 upon designation as such by the governor, serve as a district,
- 17 regional or metropolitan agency for comprehensive planning for

18 its area for the purpose of carrying out the functions as
 19 defined for such agency by federal laws and regulations."
 20 "Sec. This Act, being deemed of immediate importance,
 21 shall take effect and be in force from and after its publication
 22 in the Hampton Chronicle, a newspaper published in Hampton, Iowa,
 23 and in the Chariton Herald-Patriot, a newspaper published in
 24 Chariton, Iowa."

Senator Rhodes offered the following amendment to the amend-
 ment filed by him and moved its adoption:

- 1 Amend the state government committee amendment filed
- 2 February 15, 1972, and found on page 393 of the Senate
- 3 Journal, to House File 367 as follows:
- 4 1. Line 10, by inserting after the word "federal" the
- 5 following: ", state and local".
- 6 2. Line 19, by inserting after the word "federal" the
- 7 following: ", state and local".

The amendment to the amendment was adopted.

On motion of Senator Rhodes, the committee amendment as
 amended was adopted.

Senator Rhodes moved that the bill be read the last time now,
 which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 367) the vote was:

Ayes, 43:

Anderson	Doderer	Lamborn	Riley
Arbuckle	Erskine	Messerly	Robinson
Balloun	Gaudineer	Miller	Schaben
Bass	Gilley	Milligan	Shawver
Briles	Glenn	Neu	Smith
Brownlee	Graham	Nicholson	Tapscott
Carlson	Griffin	Ollenburg	Thordsen
Coleman	Gross	Palmer	Van Drie
Curran	Keith	Potgeter	Van Gilst
Davis	Kennedy	Potter	Walsh
DeKoster	Kyhl	Rhodes	

Nays, 3:

Hill	Mowry	Stephens
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Absent or not voting, 4:

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

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

The Senate resumed session, President pro tempore Kyhl pre-
 siding.

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

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 354, a bill for an act relating to the regulation of model rocketry.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1253, a bill for an act relating to use of ambulance services at university hospital.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1257, a bill for an act relating to urban renewal projects and bonds.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1259, a bill for an act relating to use of motor vehicle "registration applied for" cards.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1265, a bill for an act relating to the 1972 primary election.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1019, a bill for an act making the violation of the Iowa Commercial Feed Law of 1964 a misdemeanor.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1200, by committee on agriculture, a bill for an act relating to control of swine brucellosis.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 354, a bill for an act relating to the regulation of model rocketry for educational, scientific, and recreational purposes, providing minimum standards of safety, and providing penalties.

Read first time and passed on file.

House File 1253, a bill for an act relating to the use of ambulance services at university hospital.

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

House File 1257, a bill for an act relating to urban renewal projects and bonds.

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

House File 1259, a bill for an act relating to the use of motor vehicle "registration applied for" cards.

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

House File 1265, a bill for an act relating to the 1972 primary election.

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 1008, 1030 and 1087.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 1008, 1030 and 1087.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 6th day of March, 1972, sent to the Governor for his approval: Senate Files 1008, 1030 and 1087.

JOHN C. RHODES, Chairman

Passed on file.

CONSIDERATION OF BILLS

House File 1074

On motion of Senator Neu, House File 1074, a bill for an act to legalize and validate proceedings of the Board of Directors of the United Community School District in the Counties of Boone and Story, State of Iowa, authorized and providing for the sale and issuance of School Building Bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said School District, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Neu moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On question "Shall the bill pass?" (H.F. 1074) the vote was:

Ayes, 39:

Anderson	Gilley	Laverty	Robinson
Arbuckle	Glenn	Messerly	Shaff
Balloun	Graham	Miller	Shawver
Bass	Griffin	Mowry	Smith
Briles	Gross	Neu	Stephens
Brownlee	Hill	Nicholson	Tapscott
Carlson	Keith	Ollenburg	Thordsen
Coleman	Kennedy	Potter	Van Drie
Curran	Kyhl	Rabedeaux	Van Gilst
Erskine	Lamborn	Rhodes	

Nays, none.

Absent or not voting, 11:

Conklin	Doderer	Palmer	Schaben
Davis	Gaudineer	Potgeter	Walsh
DeKoster	Milligan	Riley	

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

SENATE FILE WITHDRAWN

Senator Arbuckle asked and received unanimous consent that Senate File 1055 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

House File 107

On motion of Senator Van Gilst, House File 107, a bill for an act relating to the use of school lunch facilities by senior citizen

organizations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

HOUSE FILE DEFERRED

Senator Bass asked and received unanimous consent that further action on **House File 107** be deferred and that the bill be placed on the calendar under **unfinished business**.

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

The Senate resumed session, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1272, a bill for an act relating to bonded warehouses.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1281, a bill for an act making an appropriation to the state board of regents for the purpose of providing funds for use in a medical education and community orientation program.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1282, a bill for an act creating a physicians' assistants fund.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 734, a bill for an act relating to junk-yards along interstate and federal aid primary highways.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 734

- 1 Amend the Senate amendment to House File 734 as follows:
- 2 1. Line 3, by inserting after the word "Billboard" the
- 3 word "Control".
- 4 2. By striking lines 26 through 30, and inserting in

5 lieu thereof the following:

6 "4. Primary highway means the federal aid primary system."

7 3. Line 82, by striking the words "or without".

8 4. Line 224, by striking the words ", freeway primary,"

9 and inserting in lieu thereof the word "highways".

10 5. Line 239, by inserting after the comma the following:

11 "or on the right-of-way of any primary highway,".

12 6. Lines 240 and 242, by striking the words "Signs,
13 displays, and devices advertising" and inserting in lieu
14 thereof the words "Advertising devices concerning".

15 7. Line 247, by striking the words "Signs adjacent to
16 such highways" and inserting in lieu thereof the words
17 "Advertising devices within the adjacent area".

18 8. Line 265, by striking the word "may" and inserting in
19 lieu thereof the word "shall".

20 9. Line 266, by inserting after the word "erected" the
21 words "by the commission".

22 10. Line 268, by inserting following the word "system"
23 the words "and freeway primary highways".

24 11. Line 278, by striking the words "vehicle service and
25 repair" and inserting in lieu thereof the words "gas and

Page 2

1 associated services which means the business shall be in
2 continuous operation sixteen hours per day, seven days per
3 week, with telephones and restroom facilities, motor fuel,
4 oil, and water, including trade names."

5 12. By striking lines 279 and 280, and inserting in lieu
6 thereof the following:

7 Commercial vendors using informational signs shall furnish
8 and maintain informational panels to the commission and the
9 commercial vendor shall pay an annual fee of twenty-five dollars
10 for each informational panel to the commission for posting such
11 informational panels. There is created in the office of the
12 treasurer of state a fund to be known as the "highway
13 beautification fund" and all funds received for the posting of
14 informational panels shall be deposited in the "highway
15 beautification fund".

16 13. Line 280, by inserting after the period the following:

17 Information on gas and associated services may include vehicle
18 service and repair where the same is available.

19 14. By adding the following new section after line 280:

20 Sec. 12. An advertising device shall not be constructed or
21 reconstructed beyond the adjacent area in unincorporated areas
22 of the state if it is visible from the main-traveled way of any
23 interstate or primary highway except for advertising devices
24 permitted in section eleven (11), subsections one (1) and two
25 (2) of this Act. Any advertising device permitted beyond an

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1 adjacent area in unincorporated areas of the state shall be
2 subject to the applicable permit provisions of section
3 seventeen (17) of this Act.

4 15. By striking lines 456 through 485, inclusive, and
5 inserting in lieu thereof the following:

6 Sec. 17. Within thirty days from the effective date of

7 this Act, the owner of every advertising device regulated by
 8 the provisions of this Act, except signs and advertising devices
 9 excepted by subsections one (1), two (2), four (4) and five
 10 (5) of Section 11 of this Act, shall be required to make
 11 application to the commission for a permit.

12 The application for a permit shall be on a form provided by
 13 the commission and shall contain the name and address of the
 14 owner of the advertising device and the name and address of the
 15 owner of the real property on which it is located; the date of
 16 its erection; a description of its location; its dimensions; and
 17 such other information required by the commission, together with
 18 a permit fee as provided in this section.

19 After the effective date of this Act, no new advertising device
 20 for which an application for a permit is required may be erected
 21 without first obtaining a permit from the commission, except in
 22 the case of advertising devices lawfully in existence in areas
 23 adjacent to any highway made an interstate, freeway primary, or
 24 primary highway after the effective date of this Act. The owner
 25 shall be required to make application for a permit as provided

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1 for in this section within thirty days after the date the said
 2 highway acquired said designation.

3 Upon receipt of an application containing all the required
 4 information in due form and properly executed together with
 5 the fee required, the commission shall issue a permit to be
 6 affixed to the advertising device if the advertising device
 7 will not violate any provision of Sections 10 through 22
 8 inclusive, of this Act, or any rule or regulation promulgated
 9 by the commission, provided that in the case of advertising
 10 devices to be acquired pursuant to Section 14 of this Act a
 11 provisional permit shall be issued.

12 The fee for both types of permits shall be five dollars
 13 for the initial fee and for each annual renewal. The fees
 14 collected for the above permits shall be credited to a special
 15 account entitled the "highway beautification fund" and all
 16 salaries and expenses incurred in administering this Act shall
 17 be paid from this fund or from specific appropriations for
 18 this purpose, except that surveillance of, and removal of,
 19 advertising devices performed by regular maintenance personnel
 20 are not to be charged against the account.

21 16. Lines 486 and 487, by striking the words "in an
 22 adjacent area".

23 17. By striking all of line 490 after the word "Act"
 24 and all of line 491 through the word "Code".

25 18. By striking all of lines 521 through 527 inclusive.

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1 19. Line 548, by inserting after the period the words
 2 "All moneys received pursuant to the provisions of this
 3 Act shall be deposited in the 'highway beautification fund'."

4 20. By striking lines 557 through 595, inclusive, and
 5 inserting in lieu thereof the following:

6 306B.5 NUISANCE DECLARED. Any advertising device
 7 erected adjacent to any interstate system after May 21, 1965,
 8 which violates the provisions of this chapter or fails to

9 comply with the rules and regulations promulgated by the
 10 state highway commission is a public nuisance. The state
 11 highway commission shall give thirty days' notice, by cer-
 12 tified mail, to the owner of the device and to the owner
 13 of the land on which said device is located to remove such
 14 advertising device if it is a prohibited device or cause it
 15 to conform to rules and regulations if it is an authorized
 16 device. If the landowner or owner of the device fails to
 17 act within thirty days as required in the notice, the state
 18 highway commission may file a petition in the district court
 19 of the county where such advertising device is located to
 20 abate the nuisance. If the court finds that a violation
 21 exists as alleged in the petition, the court shall enter an
 22 order of abatement against the person or persons erecting
 23 or maintaining such advertising device and against the
 24 person or persons owning the land on which such advertising
 25 device is located. *If the landowner or owner of the sign*

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1 *fails to act within the time required in the order of*
 2 *abatement, the state highway commission may give thirty*
 3 *days' notice to the landowner or owner of the sign and at*
 4 *the end of thirty days the commission may enter upon the land*
 5 *and remove the sign. Such entry after notice, shall not be*
 6 *deemed a trespass and the commission may be aided by in-*
 7 *junction to abate the nuisance and to insure peaceful entry.*
 8 *The cost of removal, including any fees and costs or expenses*
 9 *as may arise out of any action brought by the commission to*
 10 *insure peaceful entry and removal, shall be assessed against*
 11 *the owner of the sign. Should the owner of the sign fail to*
 12 *promptly pay such fees, costs or expenses, the commission*
 13 *shall proceed to advertise and sell the sign for purposes of*
 14 *collecting the same. Any balance from the total receipts*
 15 *of the sale after deducting the fees, costs and expenses,*
 16 *including those of the sale shall be paid to the owner of*
 17 *the sign; however, if in the opinion of the commission, the*
 18 *proceeds of the sale will not be sufficient to justify the*
 19 *expense involved, the sign may be used, scrapped, dismantled,*
 20 *or otherwise destroyed or disposed of by the commission as*
 21 *it sees fit.*

22 21. Lines 291, 298, 300, 302, 310, 312, 322, 326, 328,
 23 364, 365, 398, 405, 410, 433, 486, 495, 496, 501, 503, 510,
 24 511, 512, 516, 518, and 545, by striking the word "sign"
 25 wherever it appears and inserting in lieu thereof the words

Page 7

1 "advertising device".
 2 22. Line 159, by striking the words "a sign" wherever
 3 they appear and inserting in lieu thereof the words "an
 4 advertising device".
 5 23. Lines 282, 320, 336, 338, 340, 376, 387, 393, 395,
 6 416, 420, and 453, by striking the word "signs" wherever it
 7 appears and inserting in lieu thereof the words "advertising
 8 devices".
 9 24. Lines 289, 299, and 309, by striking the words "Signs
 10 adjacent to" wherever they appear and inserting in lieu

- 11 thereof the words "Advertising devices located within the
 12 adjacent area of".
 13 25. Line 293, by striking the words "A sign" and inserting
 14 in lieu thereof the words "An advertising device".
 15 26. Line 330, by striking the words "signs and signs
 16 advertising" and inserting in lieu thereof the words "advertising
 17 devices and advertising devices concerning".
 18 27. Lines 423, 426, and 430, by striking the word "Signs"
 19 wherever it appears and inserting in lieu thereof the words
 20 "Advertising devices".
 21 28. Lines 441, 442, and 443, by striking the words "sign,
 22 display, or" wherever they appear and inserting in lieu thereof
 23 the word "advertising".
 24 29. Line 445, by striking the words "a sign, display, or"
 25 and inserting in lieu thereof the words "an advertising".

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- 1 30. Line 446, by striking the words "signs, displays,
 2 and" and inserting in lieu thereof the word "advertising".
 3 31. Line 494, by adding before the word "device" the
 4 word "advertising".
 5 32. By renumbering sections and correcting internal
 6 references in conformance to the provisions of this amendment.

INTRODUCTION OF BILL

Senate File 1201, by committee on appropriations, a bill for an act to appropriate funds to the state highway commission for designated capital improvement programs.

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

HOUSE MESSAGES CONSIDERED

House File 1272, a bill for an act relating to bonded warehouses.

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

House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor.

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

House File 1281, a bill for an act making an appropriation to the state board of regents for the purpose of providing funds for use in a medical education and community orientation program.

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

House File 1282, a bill for an act relating to the creation of a

physicians' assistants fund and making an appropriation therefor.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1184

On motion of Senator Graham, Senate File 1184, a bill for an act relating to the payment of the tax equivalent on industrial projects supported by cities and towns, was taken up and considered.

Senator Graham moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1184) the vote was:

Ayes, 42:

Anderson	Glenn	Milligan	Riley
Arbuckle	Graham	Mowry	Shaff
Bass	Griffin	Neu	Shawver
Briles	Gross	Nicholson	Smith
Brownlee	Hill	Ollenburg	Stephens
Carlson	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Erskine	Lamborn	Rabedeaux	Van Gilst
Gaudineer	Messerly	Rhodes	Walsh
Gilley	Miller		

Nays, none.

Absent or not voting, 8:

Balloun	Conklin	Doderer	Robinson
Coleman	Davis	Laverty	Schaben

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

Senator Graham asked and received unanimous consent that **Senate File 1184** be immediately messaged to the House, which request was complied with.

Senate File 1186

On motion of Senator Erskine, Senate File 1186, a bill for an act relating to urban renewal projects and bonds, was taken up and considered.

Senator Erskine asked and received unanimous consent that **House File 1257** be substituted for **Senate File 1186**.

House File 1257

On motion of Senator Erskine, House File 1257, a bill for an act relating to urban renewal projects and bonds, was taken up and considered.

Senator Erskine moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1257) the vote was:

Ayes, 43:

Anderson	Gaudineer	Miller	Robinson
Arbuckle	Gilley	Milligan	Shaff
Bass	Glenn	Neu	Shawver
Briles	Graham	Nicholson	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Gross	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
Davis	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rabedeaux	Van Gilst
Doderer	Lamborn	Rhodes	Walsh
Erskine	Messerly	Riley	

Nays, 2:

Balloun	Hill
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Absent or not voting, 5:

Coleman	Laverty	Mowry	Schaben
Conklin			

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

Senator Erskine moved that the vote by which **House File 1257** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 1257) the vote was:

Ayes, 22:

Brownlee	Griffin	Milligan	Rabedeaux
Carlson	Gross	Neu	Rhodes
Curran	Keith	Nicholson	Riley
Davis	Kyhl	Ollenburg	Shaff
DeKoster	Lamborn	Potter	Stephens
Erskine	Laverty		

Nays, 22:

Anderson	Glenn	Palmer	Tapscott
Bass	Graham	Potgeter	Thordsen
Briles	Hill	Robinson	Van Drie
Doderer	Kennedy	Shawver	Van Gilst
Gaudineer	Messerly	Smith	Walsh
Gilley	Miller		

Voting present, 1:

Arbuckle

Absent or not voting, 5:

Balloun
Coleman

Conklin

Mowry

Schaben

The motion lost.

SENATE FILE WITHDRAWN

Senator Erskine asked and received unanimous consent that **Senate File 1186** be withdrawn from further consideration of the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 593

Senator Balloun called up for consideration Senate File 593, a bill for an act to make an appropriation to the executive council for the college of osteopathic medicine and surgery, amended by the House, as follows:

- 1 Amend Senate File 593, as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "school", the words "to acquire land and buildings and".
- 5 2. Page 1, line 12, by striking the words "upon land
- 6 owned by such medical school".
- 7 3. Page 1, line 14, by inserting after the word "which"
- 8 the word "school".
- 9 4. Page 1, line 27, by inserting before the word
- 10 "construction" the words "acquisition of land and".
- 11 5. Amend the title on page 1, by striking lines 2, 3 and
- 12 4 and inserting in lieu thereof the following: "the
- 13 acquisition of land and buildings, and the remodeling,
- 14 construction and equipping of a medical school in counties
- 15 having a population of over two hundred thousand."

Senator Walsh offered the amendment to the House amendment filed by him on March 3, 1972, and found on pages 681-684, inclusive, of the Senate Journal.

Senator DeKoster raised a point of order that the amendment was not germane to the House amendment or to the main bill.

The Chair ruled the point well taken and the amendment to the House amendment out of order.

Senator Brownlee moved that Senate File 593 be referred to the committee on higher education for further study.

(Senate File 593 pending.)

President Jepsen took the chair at 5:00 p.m.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1273, a bill for an act relating to regulation of advertising and selling of courses of instruction.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1276, a bill for an act relating to private sale, control and distribution of wine.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1091

- 1 Amend Senate File 1091, as amended and passed by
- 2 the Senate, by adding at the end of Section 4, after
- 3 the word "students", the following: "*attending classes*
- 4 *four hours or more a day*".

INTRODUCTION OF BILL

Senate File 1202, by committee on ways and means, a bill for an act relating to Vietnam veterans' service compensation fund, authorizing the state of Iowa to become indebted in the amount of twenty-eight million dollars and providing for the issue and sale of bonds of the state in evidence thereof, and providing for the imposition, levy and collection of a direct annual tax sufficient to pay the principal and interest of the bonds and providing a penalty.

Read first time and placed on calendar.

HOUSE MESSAGES CONSIDERED

House File 1273, a bill for an act relating to regulation of advertising and selling of courses of instruction.

Read first time and passed on file.

House File 1276, a bill for an act relating to the private sale, control and distribution of wine containing not more than seventeen percent alcohol by weight, declaring certain acts to be unlawful and prescribing penalties therefor.

Read first time and passed on file.

SENATE RESOLUTION 101

By Lamborn and Gaudineer

Whereas, the Secretary of the Senate has responsibilities and duties to perform during the interim between the sessions of the General Assembly; and

Whereas, during the interim between the sessions of the General Assembly the Secretary of the Senate has expenses in connection with his interim duties; *Now Therefore*

Be It Resolved by the Senate: That the President of the Senate is hereby authorized to approve such expenses and authorize payment of compensation for as many days each month as determined by him for the Secretary and his necessary staff, at the same rate of pay as was fixed during the regular session of the Sixty-fourth General Assembly. The state comptroller is hereby authorized and directed to issue warrants in payment of same upon requisition signed by the President of the Senate, as provided for in sections two point eleven (2.11), two point twelve (2.12), and two point thirteen (2.13), Code 1971, and any amendments passed by the Sixty-fourth General Assembly.

SENATE CONCURRENT RESOLUTION 119

By Lamborn and Gaudineer

Whereas, various committee meetings pertaining to the operation of legislative research and legislative services are held between sessions of the General Assembly; and

Whereas, the President of the Senate and the Speaker of the House have the authority to appoint representatives of the General Assembly to attend certain meetings; and

Whereas, it appears advantageous to eliminate the necessity of filing bills in the ensuing legislative session to cover the actual expenses of such representatives and such committee members; *Now Therefore*

Be It Resolved by the Senate, the House Concurring: That the actual expenses of such representatives and such committee members in attending the above-described meeting shall be paid upon the filing of their expense accounts, subject to the approval of the President of the Senate, for the Senate, and the Speaker of the House, for the House. The state comptroller is authorized and directed to issue warrants in payment of same upon requisition signed by the President of the Senate and the Speaker of the House as provided in sections two point ten (2.10), two point eleven (2.11), two point twelve (2.12), and two point thirteen (2.13), Code 1971.

SENATE CONCURRENT RESOLUTION 120

By Lamborn and Gaudineer

Be It Resolved by the Senate, the House Concurring: That the President of the Senate and the Speaker of the House of Representatives be presented with desks similar to those now being used in their official capacity, and that the custodian of the state house be instructed to crate such furniture for shipment to the home residence of the President of the Senate and the Speaker of the House.

Be It Further Resolved: That the Secretary of the Senate and the Chief Clerk of the House be authorized and directed to procure suitable name plates to be properly engraved and attached to the furniture.

SENATE CONCURRENT RESOLUTION 121

By Lamborn and Gaudineer

Be It Resolved by the Senate, the House Concurring: That the President of the Senate and the Speaker of the House of Representatives are authorized to determine the policies incident to the details of closing the 1972 second regular session of the Sixty-fourth General Assembly, interim staff and work, and the reconvening of the 1973 first regular session of the Sixty-fifth General Assembly and any special session which may be convened.

Be It Further Resolved: That the Secretary of the Senate and the Chief Clerk of the House shall make an inventory of all equipment and supplies on hand at the close of the session.

Be It Further Resolved: That the Executive Council, in accordance with section nineteen point twenty-five (19.25), Code 1971, shall provide all the supplies required for the Sixty-fifth General Assembly, both while in session and during the interim between sessions, upon requisition signed by the Secretary of the Senate for the Senate and the Chief Clerk of the House for the House.

Be It Further Resolved: That the Secretary of the Senate and the Chief Clerk of the House are authorized to reserve for the exclusive use of the General Assembly during the interim the chamber and such rooms now used by said General Assembly as may be necessary for any official use and for the purpose of storing supplies and equipment, as they may deem proper and advisable. The Executive Council shall not make assignments except with the consent of the Secretary of the Senate or the Chief Clerk of the House.

Be It Further Resolved: That the Secretary of the Senate and the Chief Clerk of the House shall make a complete survey of all the typewriters on hand for the purposes of determining the advisability of replacing some of the equipment. The machines to be replaced shall be appraised and made immediately available to the Secretary of the Executive Council for distribution, for trade-in to typewriter suppliers, or for sale at amounts based on the appraisal. The legislative fund shall be credited with any funds received, or with the appraised value of the machines, if the same are distributed to other state departments or traded in. All other equipment shall be stored in rooms reserved by the legislative officials above designated who shall have custody of the same and make it available for the following session of the General Assembly.

Be It Further Resolved: That any officers or employees of the Sixty-fourth General Assembly who shall be engaged for work in connection with the General Assembly during the interim between sessions, shall be com-

pensated for such services at the same rate as was fixed during the regular session of the Sixty-fourth General Assembly.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1257 passed the Senate.

JOHN M. WALSH

EXPLANATION OF VOTE

I was in the House of Representatives conferring with Representative Charles Pelton relative to our duties on the conference committee on Senate File 428 when Senate Files 1158 and 1132 were voted upon. Had I been present in the Senate chamber I would have voted "Aye" on both bills.

TOM RILEY

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends that they be placed on the steering calendar:

H. F. 217

S. F. 1143

H. F. 1001

CLIFTON C. LAMBORN, Chairman

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 6, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

S. F. 392—Relating to the eradication of hog cholera and the control and eradication of the swine diseases.

S. F. 471—Relating to the annual registration fee for urban transit company vehicles.

BILLS ASSIGNED TO COMMITTEE

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

H. F. 354 Judiciary

H. F. 1259 Transportation

H. F. 1265 State government

REPORTS OF COMMITTEE

Senator Messerly submitted the following reports:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 1136, a bill for an act providing financial benefits for the education of children of persons classified as prisoners of war or missing in action

in Viet Nam, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1213**, a bill for an act making an appropriation to the office of secretary of state to defray expenses relating to the administration of election laws, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1247**, a bill for an act making an appropriation to the educational radio and television facility board for the purpose of making capital improvements, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the committee on state government amendment
- 2 to Senate File 288, as found on pages 623 through
- 3 625 of the Senate Journal of March 1, 1972, as
- 4 follows:
- 5 1. Page 2, by striking lines 7 through 24.
- 6 2. Page 3, by striking lines 11 through 19.

EARL G. BASS

- 1 Amend Senate File 1049 by striking all after the enacting
- 2 clause and inserting in lieu thereof the following:
- 3 "Section 1. Chapter one hundred thirty-five D (135D),
- 4 Code 1971, is amended by adding the following new section:
- 5 Any other provisions of law to the contrary notwithstanding,
- 6 mobile homes more than eight feet in width may be sold
- 7 on any day of the week including Sunday; and further, a
- 8 licensed real estate broker may sell such mobile homes
- 9 received as trade-ins in the sale of real estate without
- 10 obtaining a license under chapter three hundred twenty-two
- 11 (322), of the Code."

TOM RILEY

- 1 Amend Senate File 1196 as follows:
- 2 Page 5, line 3, by striking the word "then" and inserting in
- 3 lieu thereof the words "continue to".

HAROLD A. THORSEN

1 Amend House File 107 as follows:

2 1. Page 1, by adding after line 10, the following
3 new section:

4 "Sec. 2. A person using the school lunch facilities
5 under the provisions of this Act shall be deemed to have
6 waived his right to file a claim against the state under
7 the provisions of chapter twenty-five A (25A) of the Code
8 for incidents arising out of such use."

EARL G. BASS

1 Amend House File 1032, as passed by the House, by
2 striking everything after the enacting clause and
3 inserting in lieu thereof the following:

4 Section 1. Section two hundred seventy-nine point
5 six (279.6), Code 1971, is amended to read as follows:
6 279.6 VACANCIES [FILLED BY BOARD]—QUALIFICATION—
7 TENURE. Vacancies occurring among the officers or
8 members of a school board shall be filled by the
9 board by appointment. A person so appointed to fill
10 a vacancy in an elective office shall hold until the
11 organization of the board the third Monday in September
12 immediately following the next regular election and
13 until his successor is elected and qualified. A
14 person appointed to fill a vacancy in an appointive
15 office shall hold such office for the residue of the
16 unexpired term and until his successor is appointed
17 and qualified. Any person so appointed shall qualify
18 within ten days thereafter in the manner required by
19 section 277.28.

20 *However, if a member of a school board resigns from*
21 *the board prior to the time for filing nomination*
22 *papers for office as a school board member, as pro-*
23 *vided in section 277.4, and he specifies in his resig-*
24 *nation that the resignation will be effective on the*
25 *date the next term of office for elective school*
1 *officials begins, the president of the board shall*
2 *declare the office vacant as of that date and nomination*
3 *papers shall be received for the unexpired term of the*
4 *resigning member. The person elected at the next*
5 *regular school election to fill the vacancy shall*
6 *take office at the same time and place as the other*
7 *elected school board members.*

EARL G. BASS

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Tuesday, March 7, 1972.

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, MARCH 7, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend Jim Diehl, pastor of the First Church of the Nazarene, Oskaloosa, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, March 6, 1972, was approved.

PRESENTATION OF VISITORS

President Jepsen presented to the Senate David DeYoung, a member of the senior government class of North Mahaska Community School, New Sharon, Iowa, who was seated at his right on the rostrum.

Through the efforts of Senator Van Gilst, David and other members of his class were assigned to observe officers of the state as they pursued their official duties.

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

Twenty students from North Mahaska Community School, New Sharon, Iowa, accompanied by Gene Van Wyk. Senator Van Gilst.

Thirty-five students from Bridgewater-Fontanelle Community School, Fontanelle, Iowa, accompanied by Mrs. Helen Bower and John Delong. Senator Briles.

Forty students from Olmstead Elementary School, Urbandale, Iowa, accompanied by Mrs. Margie Kraft. Senator Carlson.

Eight students from Marion Junior High School, Marion, Iowa, accompanied by Mrs. Vesey and Mrs. Dicken. Senator Potter.

Thirty-one students from Waterloo, Iowa, accompanied by Dorothy Simonson. Senator Messerly.

Twenty-five students from Dallas Community School, Dallas Center, Iowa, accompanied by Ron Graham and Louis McClure. Senator Rhodes.

Twenty students from Oskaloosa Christian School, Oskaloosa, Iowa, accompanied by Owen Bauma and Duane Starkenburg. Senator Van Gilst.

Thirty-seven students from Waterloo Community School, Waterloo, Iowa, accompanied by David Miller. Senator Conklin.

Fifty-seven students from Starmont Community School, Strawberry Point, Iowa, accompanied by Mr. Seidel. Senator Gilley.

Forty-six students from Wilton High School, Wilton Junction, Iowa, accompanied by Mrs. Fair and Mr. Hogeland. Senator Rabedeaux.

Thirty-seven students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Charles Sheridan. Senator Lamborn.

Fifty students from Hough Elementary School, Newton, Iowa, accompanied by Mrs. Leland Cook. Senator Hill.

PETITIONS

The following petitions were presented and placed on file:

By Senator Balloun, from thirty-three residents of Tama County, favoring the use of abandoned railroad rights-of-way for recreation.

By Senator Bass, from five members of the Dallas County Board of Education opposing the transfer of the duties and services of the county school boards to the merged area community college boards.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Martin, Cedar Rapids, Iowa.

ADOPTION OF CONCURRENT RESOLUTIONS

Senate Concurrent Resolution 111

Senator Lamborn called up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 111

By Lamborn

Be It Resolved by the Senate, the House Concurring: That the Sixty-fourth General Assembly adjourn sine die at five o'clock p.m., Friday, March 10, 1972.

The motion prevailed and the resolution was adopted.

House Concurrent Resolution 43

Senator Thordsen called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 43

By Ewell and Christensen

Whereas, the Commissioner of Public Safety has recently promulgated rules and regulations requiring that the operators of motorcycles wear protective headgear and shatter-resistant safety glasses, goggles or face masks; and

Whereas, the action of the commissioner in issuing these restrictions is highly commendable and was taken with the best of intentions; and

Whereas, despite the fine intentions of the commissioner the wearing of such safety equipment ought to be a matter of individual decision, *Now Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Commissioner of Public Safety immediately rescind the rules and regulations requiring that operators of motorcycles wear protective headgear and shatter-resistant safety glasses, goggles or face masks.

Be It Further Resolved, that copies of this resolution be forwarded by the Secretary of State to the Governor and the Commissioner of Public Safety.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 113

Senator Griffin called up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 113

By Griffin

Whereas, the Missouri River is part of the pioneer legacy bequeathed to those people who reside in the heart of America; and

Whereas, the Missouri River can once again bring hours of pleasure into the lives of many; and

Whereas, the cities of Council Bluffs, Bellevue, and Omaha, and the counties of Pottawattamie, Mills, Douglas, Sarpy, and Washington, representatives of Mayor Eugene A. Leahy's committee on Economic Development, the Omaha Chamber of Commerce, the Omaha Industrial Foundation, the Douglas County Soil and Water Conservation Committee, University of

Nebraska and private business and industry have given hours of time to bring forth a workable plan for developing scenic parkways, linear parks, better places for people to live and make a living in harmony with the river, environmental improvement, and wildlife refuges, *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the General Assembly recognizes the time spent by the various organizations, committees, business and industry in improving the fifty-four mile path from Blair to Bellevue and commend them for their fine thoughts and works and encourage them to continue until the desired results are obtained.

The motion prevailed and the resolution was adopted.

HOUSE AMENDMENTS CONSIDERED

Senate File 260

Senator Briles called up for consideration Senate File 260, a bill for an act relating to weather modification in counties, amended by the House, and moved that the Senate concur in the following amendment:

1 Amend Senate File 260, as amended and passed by the Senate,
 2 on page 3, by inserting after line 27 the following new
 3 section:
 4 "Sec. If a tax levy has been authorized under section
 5 five (5) of this Act, the county board of supervisors shall,
 6 upon receipt of a petition signed by at least one hundred
 7 owners and tenants of agricultural land located in the
 8 county, submit to the owners and tenants of agricultural land
 9 at any general election or special election called for that
 10 purpose the following question: 'Shall the power to levy a
 11 tax for the administration of an artificial weather modifica-
 12 tion program be cancelled?' Notice of the date and time of
 13 election and the question to be voted upon shall be published
 14 each week for two consecutive weeks in a newspaper of
 15 general circulation throughout the county. If a majority of
 16 the agricultural landowners and tenants voting favor the
 17 question, no further tax levy as provided in section six (6)
 18 of this Act shall be made."

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 260) the vote was:

Ayes, 36:

Anderson	Carlson	Glenn	Kennedy
Arbuckle	Conklin	Graham	Kyhl
Balloun	Davis	Griffin	Lamborn
Bass	Erskine	Gross	Laverty
Briles	Gilley	Keith	Messerly

Miller	Potgeter	Riley	Tapscott
Nicholson	Potter	Schaben	Thordsen
Ollenburg	Rabedaux	Shawver	Van Drie
Palmer	Rhodes	Stephens	Van Gilst

Nays, 7:

Gaudineer	Milligan	Neu	Smith
Hill	Mowry	Shaff	

Absent or not voting, 7:

Brownlee	Curran	Doderer	Walsh
Coleman	DeKoster	Robinson	

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

UNFINISHED BUSINESS

Senate File 593

The Senate resumed consideration of the following House amendment to Senate File 593, a bill for an act to make an appropriation to the executive council for the construction and equipping of a medical school in counties of over two hundred thousand (200,000) population:

- 1 Amend Senate File 593, as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "school", the words "to acquire land and buildings and".
- 5 2. Page 1, line 12, by striking the words "upon land
- 6 owned by such medical school".
- 7 3. Page 1, line 14, by inserting after the word "which"
- 8 the word "school".
- 9 4. Page 1, line 27, by inserting before the word
- 10 "construction" the words "acquisition of land and".
- 11 5. Amend the title on page 1, by striking lines 2, 3 and
- 12 4 and inserting in lieu thereof the following: "the
- 13 acquisition of land and buildings, and the remodeling,
- 14 construction and equipping of a medical school in counties
- 15 having a population of over two hundred thousand."

Senator Brownlee restated his motion to refer Senate File 593 to the committee on higher education for further study of the medical needs in Iowa.

Senator Lamborn raised a point of order that the motion was out of order.

The Chair ruled the point well taken and the motion out of order, under Joint Rule 11.

Senator Balloun moved that the Senate concur in the House amendment.

Senator Van Gilst took the chair at 11:00 a.m.

Roll call was requested.

On the question "Shall the Senate concur in the House amendment?" (S.F. 593) the vote was:

Rule 24 was invoked.

Ayes, 25:

Anderson	Graham	Messerly	Schaben
Balloun	Griffin	Miller	Smith
Carlson	Keith	Milligan	Stephens
DeKoster	Kennedy	Palmer	Tapscott
Erskine	Kyhl	Potter	Van Gilst
Gaudineer	Laverty	Rhodes	Walsh
Glenn			

Nays, 22:

Arbuckle	Doderer	Neu	Robinson
Bass	Gilley	Nicholson	Shaff
Brownlee	Gross	Ollenburg	Shawver
Conklin	Hill	Potgeter	Thordsen
Curran	Lamborn	Riley	Van Drie
Davis	Mowry		

Absent or not voting, 3:

Briles	Coleman	Rabedeaux
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The motion prevailed and the Senate concurred in the House amendment.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1269, a bill for an act amending the state school foundation program in chapter one hundred sixty-five, Acts of the Sixty-fourth General Assembly, First Session.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1283, a bill for an act relating to income tax of nonresidents.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 121, urging the board of regents to investigate the possibilities of establishing a college of criminal justice.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 121

By Ewell

Whereas, the federal government, state government, county government, and municipal government have overwhelmingly recognized and declared a need for well-educated and well-prepared law enforcement personnel to meet the challenge of crime and of rapidly changing laws; and

Whereas, law enforcement personnel express a desire for educational programs at the college level for purposes of professional improvement, promotion, retention, and retirement, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Sixty-fourth General Assembly of the State of Iowa urges the board of regents to investigate the possibilities of establishing a college of criminal justice for the purpose of preparing professional law enforcement personnel; and

Be It Further Resolved, That copies of this resolution be transmitted to the Governor and the members of the board of regents.

HOUSE MESSAGES CONSIDERED

House File 1269, a bill for an act amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, First Session, by including in the definition of fall enrollment those resident pupils attending public schools in another district or state and out-of-state pupils attending public schools in the district, and including attendance at special education programs as well as classes; excluded from miscellaneous income reimbursement received for programs provided under section two hundred fifty-seven point twenty-six (257.26) of the Code; permitting a school district to increase its costs for the single school year beginning July 1, 1972, by the amount its federal aid increases over the previous year, and to exclude the increased amount from miscellaneous income; excluding from miscellaneous income beginning July 1, 1973, all federal aids and reimbursements; correcting the definition of district cost and defining total expenditures for the current year; clarifying the method of determining maximum district cost; correcting the method of determining additional school district property tax levy; redefining the procedure for the school budget review committee to authorize an increase in maximum millage when a nonpublic school closes; clarifying the duties of the school budget review committee in reviewing school budgets; and correcting the limitation on costs incurred under section two hundred fifty-seven point twenty-six (257.26) of the Code, for which reimbursement may be claimed.

Read first time and passed on file.

House File 1283, a bill for an act relating to income tax of nonresidents.

Read first time and passed on file.

The Chair directed the Secretary to call the roll to determine that a quorum was present.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 19 of the Rules of the Senate of the Sixty-fourth General Assembly, we, the undersigned, do hereby request a Call of the Senate on Senate File 593 and motions thereto.

LEE H. GAUDINEER, JR.
 JOHN E. TAPSCOTT
 WILLIAM D. PALMER
 JAMES F. SCHABEN
 BASS VAN GILST
 G. WILLIAM GROSS
 ALDEN J. ERSKINE
 GENE V. KENNEDY
 CLOYD E. ROBINSON
 GENE W. GLENN
 CHARLES P. MILLER

Senator Doderer moved the Call of the Senate be lifted.

Roll call was requested.

On the question "Shall the Call of the Senate be lifted?" (S.F. 593) the vote was:

Ayes, 19:

Arbuckle	Davis	Messerly	Rhodes
Bass	Doderer	Mowry	Shawver
Brownlee	Gilley	Nicholson	Thordsen
Conklin	Graham	Ollenburg	Van Drie
Curran	Lamborn	Potgeter	

Nays, 26:

Anderson	Griffin	Milligan	Shaff
Balloun	Gross	Palmer	Smith
Carlson	Keith	Potter	Stephens
DeKoster	Kennedy	Rabedeaux	Tapscott
Erskine	Kyhl	Robinson	Van Gilst
Gaudineer	Laverty	Schaben	Walsh
Glenn	Miller		

Absent or not voting, 5:

Briles	Hill	Neu	Riley
Coleman			

The motion lost.

Roll call on the Doderer motion revealed five members absent and the Sergeant-at-arms was directed to locate the absent Senators.

Senator Glenn asked and received unanimous consent that Senator Coleman be excused from the Call of the Senate to attend a funeral.

Senator Lamborn asked unanimous consent that Senators Briles and Neu be excused from the Call of the Senate.

Objection was raised.

Senator Lamborn asked and received unanimous consent to take up for consideration the House amendment to the Senate amendment on House File 734, while waiting for the absent Senators to return to the Senate chamber.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 734

Senator Walsh called up for consideration House File 734, a bill for an act relating to the state's compliance with the federal Highway Beautification Act regarding junkyard and billboard standards, and providing penalties, amended by the Senate, further amended by the House, and moved that the Senate concur in the House amendment to the Senate amendment found on pages 694-698, inclusive, of the Senate Journal.

Roll call was requested.

On the question "Shall the Senate concur in the House amendment to the Senate amendment?" (H.F. 734) the vote was:

Ayes, 21:

Brownlee	Griffin	Messerly	Riley
Carlson	Hill	Milligan	Tapscott
DeKoster	Keith	Nicholson	Thordsen
Doderer	Kyhl	Potter	Van Drie
Gaudineer	Lamborn	Rhodes	Walsh
Glenn			

Nays, 27:

Anderson	Davis	Miller	Robinson
Arbuckle	Erskine	Mowry	Schaben
Balloun	Gilley	Neu	Shawver
Bass	Graham	Ollenburg	Smith
Briles	Gross	Palmer	Stephens
Conklin	Kennedy	Potgeter	Van Gilst
Curran	Lavery	Rabedeaux	

Absent or not voting, 2:

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

Senate File 593

The Senate resumed consideration of Senate File 593.

Senator Brownlee rose on a point of information as to whether or not passage of Senate File 593 would require a two-thirds majority vote under Article III, Section 31, of the Constitution of Iowa.

The Chair ruled that passage of the bill would require only a constitutional majority in accordance with an opinion from the Attorney General which reads in part as follows: "In my opinion, this bill is clearly for a public purpose and the limitations imposed by Article III, Section 31, are not applicable."

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

On the question "Shall the bill pass?" (S.F. 593) the vote was:

Ayes, 27:

Anderson	Graham	Messerly	Schaben
Balloun	Griffin	Miller	Smith
Carlson	Gross	Milligan	Stephens
DeKoster	Keith	Palmer	Tapscott
Erskine	Kennedy	Potter	Van Gilst
Gaudineer	Kyhl	Rabedeaux	Walsh
Glenn	Laverty	Rhodes	

Nays, 22:

Arbuckle	Davis	Neu	Robinson
Bass	Doderer	Nicholson	Shaff
Briles	Gilley	Ollenburg	Shawver
Brownlee	Hill	Potgeter	Thordsen
Conklin	Lamborn	Riley	Van Drie
Curran	Mowry		

Absent or not voting, 1:

Coleman

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

Senator Balloun moved that the vote by which Senate File 593 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 593) the vote was:

Ayes, 26:

Anderson	Graham	Messerly	Robinson
Balloun	Griffin	Milligan	Schaben
Briles	Gross	Palmer	Stephens
Carlson	Keith	Potter	Tapscott
DeKoster	Kennedy	Rabedeaux	Van Gilst
Erskine	Kyhl	Rhodes	Walsh
Gaudineer	Laverty		

Nays, 23:

Arbuckle	Doderer	Mowry	Shaff
Bass	Gilley	Neu	Shawver
Brownlee	Glenn	Nicholson	Smith
Conklin	Hill	Ollenburg	Thorsen
Curran	Lamborn	Potgeter	Van Drie
Davis	Miller	Riley	

Absent or not voting, 1:

Coleman

The motion prevailed.

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

The Senate resumed session, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1286, a bill for an act relating to the sale of real property owned by a school district.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1069, a bill for an act relating to contracts of county superintendents of schools.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1286, a bill for an act relating to the sale of real property owned by a school district.

Read first time and passed on file.

HOUSE AMENDMENT CONSIDERED

Senate File 1070

Senator Balloun called up for consideration Senate File 1070, a bill for an act relating to the approval, coordination and super-

vision over electronic data processing for educational purposes, amended by the House, and moved that the Senate concur in the following amendment:

1 Amend Senate File 1070, as amended and passed
 2 by the Senate, as follows:
 3 By striking all after the word "districts," in line 9
 4 and all of lines 10 through 18 and inserting in lieu thereof
 5 the following: "county or joint county school systems
 6 and merged areas. A committee, consisting of the state
 7 superintendent of public instruction, the director of the
 8 department of general services, the state comptroller, or
 9 their designees, and two persons knowledgeable in the area
 10 of administrative-instructional computer systems to be
 11 appointed by the governor, shall assist and advise the
 12 state board of public instruction in approving, coordinating
 13 and supervising the use of electronic data processing
 14 computers by local school districts, county or joint county
 15 school systems and merged areas. The committee shall
 16 further inventory current practice and prepare and recommend
 17 a statewide plan for the use of electronic data processing
 18 computers in order to prevent the unnecessary proliferation
 19 of computers. These recommendations shall be submitted to
 20 the General Assembly by December 1, 1972 and annually
 21 thereafter by December 1 of each year. For purposes of this
 22 Act the term 'electronic data processing computers' shall
 23 refer to equipment having as a component thereof a memory
 24 core to store information."

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 1070) the vote was:

Ayes, 45:

Anderson	Gilley	Milligan	Robinson
Arbuckle	Glenn	Mowry	Schaben
Balloun	Graham	Neu	Shaff
Briles	Gross	Nicholson	Shawver
Brownlee	Hill	Ollenburg	Smith
Carlson	Keith	Palmer	Stephens
Conklin	Kennedy	Potgeter	Tapscott
Davis	Kyhl	Potter	Thordsen
DeKoster	Lamborn	Rabedeaux	Van Drie
Doderer	Laverty	Rhodes	Van Gilst
Erskine	Messerly	Riley	Walsh
Gaudineer			

Nays, none.

Absent or not voting, 5:

Bass	Curran	Griffin	Miller
Coleman			

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

INTRODUCTION OF BILLS

Senate File 1203, by committee on appropriations, a bill for an act making an appropriation from the general fund of the state to the department of public defense for various capital improvements.

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

Senate File 1204, by committee on appropriations, a bill for an act making an appropriation to the Iowa law-enforcement academy for the construction of a building.

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

Senate File 1205, by committee on appropriations, a bill for an act relating to the salaries of the members of the Iowa state commerce commission and the director of the Iowa state traveling library.

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

HOUSE AMENDMENT CONSIDERED

Senate File 1091

Senator Balloun called up for consideration Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs, amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend Senate File 1091, as amended and passed by
- 2 the Senate, by adding at the end of Section 4, after
- 3 the word "students", the following: "*attending classes*
- 4 *four hours or more a day*".

President Jepsen took the chair at 4:55 p.m.

Roll call was requested.

On the question "Shall the Senate concur in the House amendment (S.F. 1091) the vote was:

Ayes, 17:

Anderson	Griffin	Kyhl	Smith
Balloun	Hill	Lamborn	Stephens
Bass	Keith	Potter	Van Drie
Curran	Kennedy	Schaben	Van Gilst
Erskine			

Nays, 32:

Arbuckle	Gaudineer	Milligan	Rhodes
Briles	Gilley	Mowry	Riley
Brownlee	Glenn	Neu	Robinson
Carlson	Graham	Nicholson	Shaff
Conklin	Gross	Ollenburg	Shawver
Davis	Laverty	Palmer	Tapscott
DeKoster	Messerly	Potgeter	Thordsen
Doderer	Miller	Rabedeaux	Walsh

Absent or not voting, 1:

Coleman

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 30, a bill for an act relating to inspection of pipeline construction.

Also: That the House has insisted on its amendments to House File 734, a bill for an act relating to junkyards along interstate and federal aid primary highways, and requests a conference committee.

Conferees on the part of the House are: the Representative from Hardin, Mr. Welden, chairman, the Representative from Scott, Mr. Holden, the Representative from Black Hawk, Mr. Schwieger, and the Representative from Black Hawk, Mr. Ewell.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

Senate File 334, a bill for an act relating to the vending of foods and beverages.

WILLIAM R. KENDRICK, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

President Jepsen announced the appointment of the following conference committee on House File 734, on the part of the Senate: Senators Walsh, chairman; Anderson, Keith and Miller

CONSIDERATION OF BILLS

Senate File 1198

On motion of Senator Potter, Senate File 1198, a bill for an act to allow cities and towns to extend agreements to refrain from annexing specifically described territory, was taken up and considered.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1198) the vote was:

Ayes, 49:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Schaben
Bass	Graham	Mowry	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Laverty	Rhodes	Walsh
Erskine			

Nays, none.

Absent or not voting, 1:

Coleman

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

Senator Potter asked and received unanimous consent that **Senate File 1198** be **immediately messaged** to the House, which request was complied with.

MOTION TO RECONSIDER WITHDRAWN

Senator Walsh withdrew the motion to reconsider the vote by which **House File 1257** passed the Senate, filed by him on March 6, 1972.

CONSIDERATION OF BILLS

Senate File 1057

On motion of Senator Van Drie, Senate File 1057, a bill for an act relating to exceptions to the time limits during which certain civil actions must be brought, with report of committee recom-

mending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster asked and received unanimous consent to withdraw the amendment filed February 15, 1972, by the committee on judiciary and found on page 392 of the Senate Journal.

Senator DeKoster offered the following amendment filed by Senators DeKoster and Riley:

- 1 Amend Senate File 1057, page 2, by striking all of lines
- 2 1 through 7 and inserting in lieu thereof:
- 3 "Section 1. Section six hundred fourteen point six (614.6)
- 4 Code 1971, is amended by striking the section and inserting
- 5 in lieu thereof the following:
- 6 The period of limitation above described shall be computed
- 7 omitting any time when:
- 8 a. The defendant is a non-resident of the state, or
- 9 b. In those cases involving personal injuries or death
- 10 resulting from a felony or non-indictable misdemeanor, while
- 11 the identity of the defendant is unknown after diligent effort
- 12 has been made to discover it."

Senator Kennedy offered the following amendment to the amendment and moved its adoption:

- 1 Amend the DeKoster-Riley amendment filed February 22,
- 2 1972 to Senate File 1057, line 10, by striking
- 3 "non-".

The amendment to the amendment was adopted.

On motion of Senator DeKoster, the amendment as amended was adopted.

Senator Van Drie moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1057) the vote was:

Ayes, 41:

Anderson	Erskine	Messerly	Robinson
Arbuckle	Gilley	Milligan	Schaben
Balloun	Glenn	Mowry	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Stephens
Carlson	Hill	Potgeter	Tapscott
Conklin	Kennedy	Potter	Thordsen
Curran	Kyhl	Rabedeaux	Van Drie
Davis	Lamborn	Rhodes	Van Gilst
DeKoster	Laverty	Riley	Walsh
Doderer			

Nays, none.

Absent or not voting, 9:

Bass	Graham	Miller	Palmer
Coleman	Keith	Ollenburg	Smith
Gaudineer			

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

Senator Van Drie asked and received unanimous consent that **Senate File 1057** be **immediately messaged** to the House, which request was complied with.

MOTION TO RECONSIDER LOST

Senator Balloun asked unanimous consent to withdraw the motion to reconsider the vote by which **Senate File 1189** passed the Senate, filed by him on March 3, 1972.

Objection was raised.

Senator Balloun moved that the motion to reconsider the vote by which **Senate File 1189** passed the Senate be withdrawn.

Senator Lamborn moved as a substitute motion that the vote by which **Senate File 1189** passed the Senate be reconsidered.

On the question "Shall the substitute motion to reconsider be adopted?" (S.F. 1189) the vote was:

Ayes, 13:

Carlson	Glenn	Miller	Potgeter
Conklin	Kennedy	Milligan	Shawver
DeKoster	Laverty	Neu	Tapscott
Doderer			

Nays, 27:

Anderson	Graham	Mowry	Schaben
Arbuckle	Griffin	Nicholson	Stephens
Balloun	Gross	Potter	Thordsen
Curran	Hill	Rabedeaux	Van Drie
Davis	Kyhl	Rhodes	Van Gilst
Erskine	Lamborn	Riley	Walsh
Gilley	Messerly	Robinson	

Absent or not voting, 10:

Bass	Coleman	Ollenburg	Shaff
Briles	Gaudineer	Palmer	Smith
Brownlee	Keith		

The motion lost.

BILLS ASSIGNED TO COMMITTEE

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

- H. F. 1269 Schools
- H. F. 1273 Schools
- H. F. 1276 Ways and means
- H. F. 1279 Appropriations
- H. F. 1281 Appropriations
- H. F. 1282 Appropriations
- H. F. 1283 Ways and means

REPORTS OF COMMITTEES

Senator Neu submitted the following report:

MR. PRESIDENT: Your committee on higher education, to which was referred **Senate File 1059**, a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ARTHUR A. NEU, Chairman

Ordered passed on file.

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 529**, a bill for an act to legalize and validate proceedings for the establishment, organization, formation, and changes in the boundaries of merged area school systems, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **Senate File 1133**, a bill for an act relating to municipal tort liability, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1038**, a bill for an act relating to endurance contests and the penalty for participating therein, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1075**, a bill for an act to legalize and validate the proceedings of the Town Council of the Town of Stuart, in the Counties of Adair and Guthrie, State of Iowa, in connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, Sanitary Sewer Improvement Project", begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 1045**, a bill for an act changing the local budget certification date of school districts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the committee on appropriations amendment, filed March
- 2 3, 1972, to Senate File 387 as follows:
- 3 1. Page 30, line 24, by striking the word "may" and inserting
- 4 in lieu thereof the word "shall."
- 5 2. Page 31, by inserting after line 16 the following new
- 6 paragraph:
- 7 "Any judgment or penalty imposed against an employee organization
- 8 or a public employer under this Act shall not be nullified, reduced,
- 9 or affected by any collective bargaining agreement negotiated under
- 10 this Act."

RICHARD L. STEPHENS

- 1 Amend Senate File 1038, line 3, by adding after the word
- 2 "proceedings" the words "instituted by the state highway
- 3 commission and".

BASS VAN GILST

- 1 Amend Senate File 1192, page 4, by adding after line 17
- 2 the following new section:
- 3 "Sec. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publication
- 5 in the Times-Democrat, a newspaper published in Davenport,
- 6 Iowa, and in the Lee Town News, a newspaper published in Des
- 7 Moines, Iowa."

HAROLD A. THORSEN
LEE H. GAUDINEER, JR.

1 Amend Senate File 1199 as follows:

2 By striking all after the enacting clause and inserting in
3 lieu thereof the following:

4 1. "Section 1. Funds appropriated to the department of
5 public instruction for the purposes set forth in chapter one
6 hundred sixty-five (165), section twenty-seven (27), Acts of
7 the Sixty-fourth General Assembly, First Session, shall be
8 made available not only for reimbursement of claims for the
9 period commencing July 1, 1971, and ending June 30, 1972,
10 but also for the period commencing July 1, 1972, and ending
11 June 30, 1973. Claims for the 1972-73 school year shall be
12 certified by the department of public instruction to the state
13 comptroller on or before August 31, 1973. On or before Sept-
14 ember 15, 1973, the state comptroller shall draw warrants on
15 the fund created by the aforesaid section of chapter one
16 hundred sixty-five (165), section twenty-seven (27), Acts of
17 the Sixty-fourth General Assembly, First Session, and in the
18 event the claims so certified are greater than the balance of
19 funds available said claims shall be prorated.

20 For the purposes of this Act, reference to expenditures
21 incurred in accordance with the provisions of section two
22 hundred fifty-seven point twenty-six (257.26), subsection two
23 (2), of the Code relating to special education shall be for
24 those programs meeting the requirements of chapter two hundred
25 eighty-one (281) of the Code and the regulations pertaining

Page 2

1 thereto of the department of public instruction.

2 Funds paid to public school districts and county or
3 joint county school systems from the appropriation made for
4 chapter one hundred sixty-five (165), section twenty-seven
5 (27), Acts of the Sixty-fourth General Assembly, First
6 Session, shall not be taken into consideration as 'miscell-
7 aneous income'."

8 2. Amend the title line 1, by striking all after the
9 word "Act" and lines 2 through 4 inclusive and insert in
10 lieu thereof the following:

11 "relating to time of availability of the appropriation
12 made for state school aid and to the treatment for
13 budget expenditure purposes of the moneys distributed
14 pursuant to said appropriations."

ROGER J. SHAFF

1 Amend Senate File 1202 as follows:

2 Page 9, after line 19 add the following subsection:

3 "Any person entitled to receive compensation from the
4 service compensation fund shall be exempt from the tax
5 imposed by this section."

MINNETTE F. DODERER

1 Amend the committee on law enforcement's amendment
2 to House File 1001, filed on March 2, 1972, and printed
3 on pages 654 and 655 of the Journal of the Senate,
4 as follows:

5 1. Page 2, lines 3 and 4, by striking the words

6 "funds appropriated to the bureau of labor" and in-
7 serting in lieu thereof the words "the amusement in-
8 spection fund".

9 2. Page 2, by striking lines 13 through 22, in-
10 clusive, and inserting in lieu thereof the following:
11 "of the order. However, any such appeal shall
12 not stay any order of the commissioner. The chairman
13 of the amusement safety board shall convene the board
14 to hear the appeal where the concession, amusement
15 ride or device is located within three (3) days or
16 as soon as practicable after the appeal has been
17 filed. The aggrieved person and the commissioner
18 shall be notified of the date, time, and place of
19 the hearing. The board shall informally hear the
20 aggrieved party, the commissioner or his representative
21 and inspect the concession, amusement ride or device.
22 The board shall, thereafter, affirm, modify or reverse
23 the order of the commissioner. As soon as practical,
24 the decision shall be reduced to writing and filed
25 with the commissioner. The finding of the board shall

Page 2

1 be final."

LEE H. GAUDINEER, JR.

1 Amend House File 1001, as amended and passed by
2 the House, as follows:

3 1. Page 6, by inserting after line 23 the follow-
4 ing new subsections:

5 "3. The commissioner may exempt amusement devices
6 from the provisions of this Act that have self-
7 contained wiring installed by the manufacturer, that
8 are operated manually by the use of hands or feet,
9 that operate on less than one hundred twenty volts
10 of electrical power, and that are fixtures within
11 or part of a structure subject to the building code
12 of this state or any political subdivision of this
13 state.

14 4. The commissioner may exempt playground equip-
15 ment owned, maintained, and operated by any political
16 subdivision of this state."

17 2. Page 7, line 2, by inserting after the period
18 the following sentence:

19 "The annual permit and inspection fees shall be
20 paid before the commissioner may waive this require-
21 ment."

22 3. Page 7, by inserting after line 2 the follow-
23 ing new section:

24 "Sec. The commissioner may waive, for the
25 calendar year 1972, the inspection requirements of

Page 2

1 this Act for all applicants and issue a permit to
2 operate upon payment of the annual permit fee."

3 4. By renumbering the sections to conform to this
4 amendment.

LEE H. GAUDINEER, JR.

1 Amend House File 1141, as amended and passed by the
2 House, page 9, line 17, by striking the word "subsection"
3 and inserting in lieu thereof the word "section".

JAMES W. GRIFFIN, SR.

1 Amend House File 1141, as amended and passed by the
2 House, page 10, line 20, by striking the words "*such violation*
3 *was willful*", and insert in lieu thereof the following:
4 "*the person knew or reasonably should have known he was*
5 *in violation of section five hundred seven B point four (507B.4)*
6 *or five hundred seven B point five (507B.5) of the Code*".

JAMES W. GRIFFIN, SR.

1 Amend House File 1176, page 6, after line 22, by adding
2 the following new section and renumbering the subsequent section
3 accordingly:

4 "Sec. Chapter two hundred twenty-seven (227), section
5 six (6), subsection eight (8), Acts of the Sixty-fourth General
6 Assembly, First Session, is amended to read as follows:

7 8. Have authority to acquire by gift, lease, purchase,
8 grant, or inheritance any property, real or personal, in fee
9 or a lesser interest, needed to achieve the objectives of
10 this Act, and to sell and convey property owned but no longer
11 needed by the district. [The board shall also have authority
12 to acquire by condemnation proceedings any real property,
13 in fee or a lesser interest, needed to achieve the objectives
14 of this Act, but no condemnation proceedings shall be insti-
15 tuted by the board less than fifteen days after a letter has
16 been sent by restricted certified mail to the owner or owners
17 of the property sought, setting forth in detail the reasons
18 why the property is needed and the board's best offer for
19 the property.]"

J. WESLEY GRAHAM

1 Amend House File 1213, as amended and passed by the
2 House, by adding after line 26 the following new
3 section:

4 1. "Sec. Section three hundred forty point one
5 (340.1), Code 1971, is amended by adding the following
6 new paragraph:

7 The county commissioner of elections shall
8 receive a salary equal to ten percent of the salary
9 of the county auditor, in addition to his salary
10 as county auditor."

11 2. Amend the title, line 3, by adding after the word
12 "laws" the words "and providing a salary for the county
13 commissioner of elections".

MINNETTE DODERER
HAROLD A. THORSEN

1 Amend House File 1247 as follows:

- 2 1. Page 2, line 2, by striking the word "educa-
3 tional" and inserting in lieu thereof the word "pub-
4 lic".
- 5 2. Page 2, line 6, by striking the word "educa-
6 tional" and inserting in lieu thereof the word "pub-
7 lic".
- 8 3. Page 2, line 20, by striking the word "educa-
9 tional" and inserting in lieu thereof the word "pub-
10 lic".
- 11 4. Page 2, line 25, by striking the word "educa-
12 tional" and inserting in lieu thereof the word "pub-
13 lic".
- 14 5. Page 2, line 30, by striking the word "educa-
15 tional" and inserting in lieu thereof the word "pub-
16 lic".
- 17 6. Page 3, line 1, by striking the word "educa-
18 tional" and inserting in lieu thereof the word "pub-
19 lic".
- 20 7. Page 3, line 5, by striking the word "educa-
21 tional" and inserting in lieu thereof the word "pub-
22 lic".
- 23 8. Page 3, line 19, by striking the word "educa-
24 tional" and inserting in lieu thereof the word "pub-
25 lic".

Page 2

- 1 9. Page 3, by adding after line 33 the following
2 new sections:
- 3 1. "Sec. Section eight A point one (8A.1),
4 Code 1971, is amended to read as follows:
5 8A.1 PURPOSE. It is the intent of the general
6 assembly in providing for state communications, that
7 [an educational] *a public* radio and television facility,
8 including provision for closed circuit television,
9 be established to serve the entire state, and that
10 communications of state government be co-ordinated
11 to effect maximum practical consolidation and joint
12 use of communications services."
- 13 2. "Sec. Section eight A point two (8A.2),
14 subsections four (4) and five (5), Code 1971, are
15 amended to read as follows:
16 4. 'Radio and television facility' means transmit-
17 ters, towers, studios, and all necessary associated
18 equipment for [educational] *public* broadcasting.
19 5. 'Board' means the [educational] *public* radio
20 and television facility board."
- 21 3. "Sec. Section eight A point four (8A.4),
22 unnumbered paragraph four (4), Code 1971, as amended
23 by chapter eighty-four (84), section seventeen (17),
24 Acts of the Sixty-fourth General Assembly, First Ses-
25 sion, is amended to read as follows:

Page 3

- 1 The communications division and the state [educa-
2 tional] *public* radio and television facility board

3 shall coordinate their activities to achieve the maxi-
4 mum possible cooperation and effective use of the
5 available facilities."

6 4. "Sec. Section eight A point five (8A.5),
7 subsection seven (7), Code 1971, is amended to read
8 as follows:

9 7. The chairman of the state [educational] *pub-*
10 *lic* radio and television facility board."

11 5. "Sec. Section eight A point six (8A.6),
12 Code 1971, is amended to read as follows:

13 **8A.6 [EDUCATIONAL] PUBLIC FACILITY BOARD CREATED.**

14 There is hereby created a state [educational] *public*
15 radio and television facility board for the purpose
16 of planning, establishing, and operating [an educational]
17 a *public* radio and television facility and such other
18 communications services as may prove necessary in
19 aid of the accomplishment of the [educational] *public*
20 objectives of the state."

21 6. "Sec. Section eight A point thirteen
22 (8A.13), subsection two (2), Code 1971, is amended
23 to read as follows:

24 2. Advisory committee on curricula and [educa-
25 tional] *public* matters."

Page 4

1 7. "Sec. Section eight A point fifteen
2 (8A.15), Code 1971, is amended to read as follows:

3 **8A.15 PURCHASE OR LEASE OF PROPERTY. The board**
4 shall have power to purchase or lease property, equip-
5 ment, and services and to improve same for proper
6 [educational] *public* communications uses, and to dispose
7 of property and equipment when not necessary for their
8 purposes."

9 8. "Sec. Section eight A point eighteen
10 (8A.18), Code 1971, as amended by chapter eighty-four
11 (84), section twenty-one (21), Acts of the Sixty-
12 fourth General Assembly, First Session, is amended
13 to read as follows:

14 **8A.18 DIRECTOR [EDUCATIONAL] PUBLIC FACILITIES.**

15 The board shall appoint [an educational] a *public*
16 facilities director who shall not be included in the
17 Iowa merit system and fix his compensation if it is
18 not otherwise provided by law. All appointments of
19 personnel needed to administer this chapter shall
20 be without reference to political party affiliation,
21 religious beliefs, sex, marital status, race, color,
22 or national origin. The total amount of compensation
23 for employees shall be subject to the limitation of
24 the appropriation and other funds lawfully available."

25 9. "Sec. Section eight A point nineteen

Page 5

1 (8A.19), Code 1971, is amended to read as follows:

2 **8A.19 LOCAL BOARDS.** Nothing in this chapter shall
3 prohibit local boards of education from owning, operat-

4 ing, improving and maintaining [educational] *public*
 5 radio and television stations and transmitters now
 6 in existence and operation. Local boards of education
 7 are hereby empowered and authorized to enter into
 8 such agreements with the state [educational] *public*
 9 radio and television facility board as are contemplated
 10 in section 8A.15."

11 10. "Sec. Section eight A point twenty-one
 12 (8A.21), Code 1971, is amended to read as follows:

13 8A.21 LOCATION OF FACILITIES. The state [educa-
 14 tional] *public* radio and television facility board
 15 may locate its administrative offices and production
 16 facilities outside the city of Des Moines, Iowa, and
 17 on land acquired by the board from the Area XI Com-
 18 munity College at Ankeny, Iowa."

19 11. "Sec. Section eight A point twenty
 20 (8A.20), Code 1971, is repealed."

21 12. "Sec. Chapter forty-nine (49), sections
 22 one (1), two (2), three (3), and four (4), Acts of
 23 the Sixty-fourth General Assembly, First Session,
 24 are amended as follows:

25 Section 1. There is appropriated from the general

Page 6

1 fund of the state to the [educational] *public* radio
 2 and television facility board for each fiscal year
 3 of the biennium beginning July 1, 1971 and ending
 4 June 30, 1973, the following amounts, or so much
 5 thereof as may be necessary, to be used for the
 6 purposes designated:

	1971-72	1972-73
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
9	[EDUCATIONAL] PUBLIC RADIO AND TELEVISION FACILITY	
	ITY	

10 **BOARD.**

11 1. For salaries, support, maintenance, and
 12 miscellaneous purposes: \$987,070.00 \$1,039,500.00

13 2. To liquidate four lease-to-own contracts
 14 for videotape recorders and studio cameras:
 15 \$270,000.00 _____

16 Sec. 2. There is appropriated from the general
 17 fund of the state to the [educational] *public* radio
 18 and television facility board for the fiscal biennium
 19 commencing July 1, 1971 and ending June 30, 1973,
 20 the sum of thirty-two thousand five hundred (32,500)
 21 dollars, or so much thereof as may be necessary, for
 22 the acquisition and operation of equipment to be made
 23 available by the Black Hawk broadcasting company.

24 Sec. 3. The [educational] *public* radio and television
 25 facility board, the governor, and the state comptroller

Page 7

1 may accept federal or private grants to the state
 2 or accept as a gift any facilities or real property
 3 to be used in connection with the funds appropriated

4 by this Act.

5 Sec. 4. Notwithstanding the provisions of section
6 eight point thirty-three (8.33) of the Code, all unen-
7 cumbered or unobligated balances of appropriations
8 made by section one (1) of this Act for the first
9 fiscal year of the biennium commencing July 1, 1971
10 shall, on September 30, 1972, revert to the state
11 treasury and to the credit of the fund from which
12 appropriated. The [educational] *public* radio and
13 television facility board may make application to
14 the committees on appropriations for the
15 reappropriation of any funds that do revert, or
16 probably will revert upon the dates herein set and
17 the respective committees on appropriations or a
18 subcommittee thereof shall hold a hearing upon the
19 application while the general assembly is in regular
20 session. In all other respects the provisions of
21 section eight point thirty-three (8.33) of the Code
22 shall apply to appropriations made for the first
23 fiscal year of such biennium. Unencumbered or
24 unobligated balances of appropriations made for the
25 second fiscal year of such biennium shall be subject

Page 8

1 to section eight point thirty-three (8.33) of the
2 Code."
3 13. "Sec. Chapter two (2), subsection fifty-
4 five (55), Acts of the Sixty-fourth General Assembly,
5 First Session, is amended to read as follows:
6 5. [Educational] *Public* radio and television
7 facility board.
8 Salary of the director not
9 exceeding \$19,500.00 \$19,500.00"
10 10. Page 1, amend the title by striking from line
11 1 the word "educational" and inserting in lieu thereof
12 the word "public" and by inserting in line 3 after
13 the word "improvements" the words "and providing for
14 the proper designation of such board".

CHARLES F. BALLOUN

1 Amend House File 1247, as amended and passed by the House,
2 page 3, after line 33, by adding a new section as follows:
3 "Sec. Funds appropriated by this Act shall not
4 become available until the communications advisory council
5 establishes a formal system for categorizing programs which
6 will be shown by the educational radio and television faci-
7 lity into the classifications of educational, supplementary
8 educational, and entertainment programs. The various classi-
9 fications assigned to programs shall be noted on program
10 schedules provided by the educational radio and television
11 facility."

CHARLES F. BALLOUN

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Wednesday, March 8, 1972.

JOURNAL OF THE SENATE

FIFTY-NINTH DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, MARCH 8, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend W. E. Dutton, pastor of the Westminster United Presbyterian Church, Waterloo, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, March 7, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirty students from St. Patrick's School, Cedar Falls, Iowa, accompanied by Sister Mathias, Sister Jenifer and Mr. Roederer. Senator Messerly.

Six students from Iowa Central Community College, Fort Dodge, Iowa, accompanied by Phillip Martinson. Senator Coleman.

Twelve students from Urbandale High School, Urbandale, Iowa, accompanied by Mrs. Oler. Senator Carlson.

Forty-one students from Sigourney High School, Sigourney, Iowa, accompanied by Mr. Gilliland. Senator Glenn.

Seventy-five students from Oskaloosa Junior High School, Oskaloosa, Iowa, accompanied by Mrs. Paul Scharff and Curt Frey. Senator Van Gilst.

Twenty-five students from Mid-Prairie High School, Wellman, Iowa, accompanied by Mr. Swank. Senator Stephens.

Twenty students from Central High School, Sioux City, Iowa, accompanied by Sue Wagner and Merle R. Olson. Senator Gross.

Twenty students from Amana Community School, Amana, Iowa, accompanied by Robert Thomas. Senator Van Gilst.

Eighty-five students from McKinley School, Muscatine, Iowa, accompanied by Miss Daufeldt, Mrs. Airola, Mrs. Durst and Kenneth Huber. Senator Rabedeaux.

Fifty-four students from Pella Christian School, Pella, Iowa, accompanied by Mrs. Van de Lune and Mr. Alonz. Senator Laverty.

Forty students from Fillmore School, Cedar Rapids, Iowa, accompanied by Bette Ammenter and Lee Kopecky. Senator Riley.

Forty-five students from the Iowa School for the Deaf, Council Bluffs, Iowa. Senator Griffin.

Sixteen students, members of 4-H Club from Fremont County, accompanied by Pat Martin, Mrs. Kenneth Teachout and Mr. and Mrs. Jim Nebel. Hilde Tutturen, a foreign exchange student from Norway, was a member of the group. Senator Bass.

Twenty-six students, members of Girl Scout Troop 35, from Corpus Christi School, Fort Dodge, Iowa, accompanied by Mrs. Richard Whitcomb. Senator Coleman.

Three foreign exchange students, Bill Tau from the Philippine Islands, and Wolfgang Goering from Germany, attending St. Bernards School, Breda, Iowa; Brenda Garcia from Peru, attending Carroll High School, Carroll, Iowa, accompanied by Mrs. Merle Dahn and Mrs. W. L. Chambers. Senator Neu.

One foreign exchange student, Jackie Santos from Fortaleza, Brazil, attending Grand Junction High School, Grand Junction, Iowa; one foreign exchange student, Cristina Amoral from Sao Jose do Rio Preta, Brazil, attending Payton-Churdan Community High School, Churdan, Iowa, accompanied by Mrs. Lyle Blair. Senator Arbuckle.

Twenty-nine students from Meservey-Thornton Community School, Meservey, Iowa, accompanied by Larry Carey and Vic Groh. Esa Kyto, a foreign exchange student from Finland was a member of the group. Senator Curran.

Forty students from Davenport and Eldridge, Iowa, accompanied by Mrs. Kay Stebens, Mrs. Ruth Arp and Pat Peacock. Senator Thordsen.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George Kern, Des Moines, Iowa.

CONSIDERATION OF BILLS

House File 217

On motion of Senator Messerly, House File 217, a bill for an act relating to the board of parole, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lamborn offered the following amendment filed by him:

- 1 Amend House File 217 as passed by the House as follows:
- 2 1. Page 1, line 8, by inserting after the period the following:
- 3 "The board of parole shall employ not less than two persons who
- 4 shall serve as liaison personnel between the board, inmates and
- 5 staff at the state's penal and correctional facilities and who
- 6 shall perform other duties designated by the board of parole."
- 7 2. Page 1, by inserting after line 12 the following new
- 8 section:
- 9 Sec. Section two hundred forty-seven A point three
- 10 (247A.3), Code 1971, is amended to read as follows:
- 11 "247A.3 COMMITTEE. A committee shall be designated by the
- 12 department consisting of one [representative] *member* of the parole
- 13 board *or its designee*, one representative of the division of
- 14 [rehabilitation services] *corrections*, and one representative of
- 15 the institution in which the inmate is confined at the time of
- 16 application."

Senator Lamborn moved the adoption of the amendment and called for a division.

The amendment was adopted.

Senator Gaudineer offered the following amendment filed April 6, 1971, by Senators Potgeter and Gaudineer:

- 1 Amend House File 217 by striking all after the enacting
- 2 clause and inserting in lieu thereof the following:
- 3 Section 1. Section two hundred forty-seven point three
- 4 (247.3), Code 1971, is amended as follows:
- 5 The board of parole shall be in the department of social
- 6 services for administrative purposes, only. The commissioner
- 7 shall provide the board with the necessary personnel, supplies
- 8 and office space. *Any employee assigned to the board for six*
- 9 *months or more shall not be reassigned by the department*
- 10 *without the consent of the board, except to promote such*
- 11 *employee to a higher classification within the merit system.*

Senator Glenn took the chair at 9:12 a.m.

Senator Rabedaux raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Gaudineer moved the adoption of the amendment.

Division was called for.

The amendment lost.

Senator Messerly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 217) the vote was:

Ayes, 38:

Anderson	Glenn	Miller	Robinson
Balloun	Graham	Milligan	Schaben
Briles	Griffin	Mowry	Shawver
Brownlee	Gross	Neu	Smith
Carlson	Keith	Nicholson	Stephens
Coleman	Kennedy	Potter	Tapscott
Conklin	Kyhl	Rabedeaux	Thordsen
Curran	Lamborn	Rhodes	Van Drie
Davis	Laverty	Riley	Walsh
Gilley	Messerly		

Nays, 9:

Arbuckle	Erskine	Hill	Potgeter
Bass	Gaudineer	Palmer	Van Gilst
Doderer			

Absent or not voting, 3:

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

Senator Lamborn asked and received unanimous consent that House File 217 be immediately messaged to the House, which request was complied with.

SENATE FILE WITHDRAWN

Senator Tapscott asked and received unanimous consent that Senate File 404 be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

House File 1001

On motion of Senator Potter, House File 1001, a bill for an act relating to the safety inspection and regulation of amusement rides, devices and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Potter offered the following amendment filed by the committee on law enforcement:

1 Amend House File 1001, as amended and passed by the House,
 2 as follows:
 3 1. Page 2, by inserting after line 30 the following new
 4 sections:
 5 "Sec. There is created within the bureau of labor an
 6 amusement safety board consisting of five members appointed by
 7 the governor. The membership shall be selected as follows:
 8 1. One member shall be a resident operator of a carnival
 9 ride business.
 10 2. One member shall be a director of the Iowa state fair
 11 board.
 12 3. One member shall be a master electrician.
 13 4. One member shall be a professional engineer registered
 14 under chapter one hundred fourteen (114), of the Code.
 15 5. One member shall be an elector of this state representing
 16 the general public. Each member shall be appointed to a term of
 17 four years, except that of the appointees to the initial board,
 18 two members, designated by the governor, shall be appointed to
 19 two-year terms. The term of each member of the board shall com-
 20 mence on the first day of July on the year of the appointment. If
 21 a vacancy occurs, the appointment shall be for the unexpired term.
 22 Sec. The amusement safety board shall organize annually
 23 during the month of July by electing a chairman and vice chairman.
 24 Other meetings shall be held when necessary and shall be called by
 25 the chairman or upon written request of a majority of the members

Page 2

1 of the board. The members shall be paid ten cents a mile for
 2 travel, and their reasonable and necessary expenses while
 3 attending such meetings from funds appropriated to the
 4 bureau of labor. A majority of the board shall constitute a
 5 quorum and a quorum of the board shall be required to determine
 6 any matter relating to its duties."
 7 2. Page 5, by striking lines 7 and 8, and inserting in
 8 lieu thereof the following:
 9 "Sec. Any person aggrieved by an order of the
 10 commissioner may appeal the order to the amusement safety
 11 board. The appellant shall file a written notice of appeal
 12 with the commissioner within three (3) days of the issuance
 13 of the order. Within thirty (30) days after receiving the
 14 notice of appeal, the amusement safety board shall hold a
 15 public hearing for the purpose of hearing the arguments of
 16 the aggrieved person. A complete record shall be made of
 17 the proceedings. The amusement safety board shall issue
 18 its findings in writing to the aggrieved person within ten
 19 (10) days of the conclusion of the hearing. If the aggrieved
 20 person is not satisfied with the findings of the amusement
 21 safety board, he may appeal the findings to the district
 22 court."
 23 3. By renumbering the sections to conform to this
 24 amendment.

Senator Gaudineer offered the following amendment to the amendment and moved its adoption:

1 Amend the committee on law enforcement's amendment
2 to House File 1001, filed on March 2, 1972, and printed
3 on pages 654 and 655 of the Journal of the Senate,
4 as follows:

5 1. Page 2, lines 3 and 4, by striking the words
6 "funds appropriated to the bureau of labor" and in-
7 serting in lieu thereof the words "the amusement in-
8 spection fund".

9 2. Page 2, by striking lines 13 through 22, in-
10 clusive, and inserting in lieu thereof the following:

11 "of the order. However, any such appeal shall
12 not stay any order of the commissioner. The chairman
13 of the amusement safety board shall convene the board
14 to hear the appeal where the concession, amusement
15 ride or device is located within three (3) days or
16 as soon as practicable after the appeal has been
17 filed. The aggrieved person and the commissioner
18 shall be notified of the date, time, and place of
19 the hearing. The board shall informally hear the
20 aggrieved party, the commissioner or his representative
21 and inspect the concession, amusement ride or device.
22 The board shall, thereafter, affirm, modify or reverse
23 the order of the commissioner. As soon as practical,
24 the decision shall be reduced to writing and filed
25 with the commissioner. The finding of the board shall

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1 be final."

The amendment to the amendment was adopted.

President Jepsen took the chair at 11:48 a.m.

Senator Potter moved the adoption of the committee amend-
ment as amended.

Roll call was requested.

On the question "Shall the committee amendment as amended
be adopted?" (H.F. 1001) the vote was:

Ayes, 20:

Anderson	Graham	Messerly	Potter
Arbuckle	Keith	Mowry	Riley
Carlson	Kennedy	Nicholson	Shaff
Conklin	Kyhl	Ollenburg	Thordsen
Erskine	Lamborn	Potgeter	Walsh

Nays, 29:

Balloun	Coleman	Doderer	Griffin
Bass	Curran	Gaudineer	Gross
Briles	Davis	Gilley	Hill
Brownlee	DeKoster	Glenn	Miller

Milligan
Neu
Palmer
Rabedeaux

Rhodes
Robinson
Schaben

Shawver
Smith
Stephens

Tapscott
Van Drie
Van Gilst

Absent or not voting, 1:

Laverty

The amendment as amended lost.

Senator Gaudineer offered the following amendment filed by him:

Division 1

- 1 Amend House File 1001, as amended and passed by
2 the House, as follows:
3 1. Page 6, by inserting after line 23 the follow-
4 ing new subsections:
5 "3. The commissioner may exempt amusement devices
6 from the provisions of this Act that have self-
7 contained wiring installed by the manufacturer, that
8 are operated manually by the use of hands or feet,
9 that operate on less than one hundred twenty volts
10 of electrical power, and that are fixtures within
11 or part of a structure subject to the building code
12 of this state or any political subdivision of this
13 state.
14 4. The commissioner may exempt playground equip-
15 ment owned, maintained, and operated by any political
16 subdivision of this state."
17 2. Page 7, line 2, by inserting after the period
18 the following sentence:
19 "The annual permit and inspection fees shall be
20 paid before the commissioner may waive this require-
21 ment."

Division 2

- 22 3. Page 7, by inserting after line 2 the follow-
23 ing new section:
24 "Sec. The commissioner may waive, for the
25 calendar year 1972, the inspection requirements of

Page 2

- 1 this Act for all applicants and issue a permit to
2 operate upon payment of the annual permit fee."
3 4. By renumbering the sections to conform to this
4 amendment.

Senator Potter called for a division of the amendment, sections 1 and 2 to be considered as division 1; sections 3 and 4 to be considered as division 2.

Senator Gaudineer moved the adoption of division 1 of the amendment.

Roll call was requested.

On the question "Shall division 1 of the Gaudineer amendment be adopted?" (H.F. 1001)

Rule 24 was invoked.

Ayes, 25:

Anderson	DeKoster	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Schaben
Balloun	Gross	Miller	Stephens
Bass	Hill	Mowry	Van Drie
Coleman	Kennedy	Palmer	Van Gilst
Conklin	Kyhl	Potgeter	Walsh
Curran			

Nays, 21:

Briles	Glenn	Nicholson	Robinson
Carlson	Griffin	Ollenburg	Shawver
Davis	Keith	Potter	Smith
Doderer	Milligan	Rabedeaux	Tapscott
Erskine	Neu	Riley	Thordsen
Gilley			

Absent or not voting, 4:

Brownlee	Graham	Messerly	Shaff
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Division 1 of the amendment was adopted.

Action on division 2 of the amendment was temporarily deferred.

Senator Tapscott offered the following amendment:

- 1 Amend House File 1001, page 7, by adding after
- 2 line 2, the following new section:
- 3 "Sec. There is appropriated from the gen-
- 4 eral fund of the state to the bureau of labor for
- 5 the fiscal year commencing July 1, 1972, and ending
- 6 June 30, 1973, the sum of fifty-eight thousand four
- 7 hundred twenty-nine dollars (\$58,429), or so much
- 8 thereof as is necessary to carry out the provisions
- 9 of this Act."

Senator Potter asked and received unanimous consent that **House File 1001** be deferred and that the bill be placed on the calendar under **unfinished business**.

Senate File 1172

On motion of Senator Erskine, Senate File 1172, a bill for an act relating to the authority of the state conservation commission and providing a penalty, was taken up and considered.

Senator Erskine moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1172) the vote was:

Ayes, 41:

Anderson	Doderer	Laverty	Rabedeaux
Arbuckle	Erskine	Messerly	Rhodes
Bass	Gaudineer	Miller	Riley
Briles	Glenn	Milligan	Robinson
Brownlee	Griffin	Neu	Schaben
Carlson	Gross	Nicholson	Shawyer
Coleman	Hill	Ollenburg	Thordsen
Conklin	Kennedy	Palmer	Van Drie
Curran	Kyhl	Potgeter	Van Gilst
Davis	Lamborn	Potter	Walsh
DeKoster			

Nays, 2:

Balloun	Gilley
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Absent or not voting, 7:

Graham	Mowry	Smith	Tapscott
Keith	Shaff	Stephens	

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 590, 1019 and 1125.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 590, 1019 and 1125.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has on this 8th day of March, 1972, sent to the Governor for his approval: Senate Files 590, 1019 and 1125.

JOHN C. RHODES, Chairman

Passed on file.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 202, a bill for an act relating to changing of names by individuals.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 470, a bill for an act relating to deferred compensation for governmental employees.

Also: That the House has adopted the following concurrent resolution in which the Senate is asked:

House Concurrent Resolution 115, encouraging the department of public safety to conduct a study concerning the feasibility of installing life lites on all automobiles.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 115

By Camp, Skinner, Grassley, Kinley,
Alt, Schroeder and Bennett

Whereas, roof mounted signals for automobiles known as "life lites" have been developed by a resident of Des Moines and may presently be purchased; and

Whereas, automobiles equipped with life lites possess greater flashing illumination than automobiles without such signals; and

Whereas, it appears that the use by automobiles of life lites will help to improve Iowa's safety record and reduce the accident rate; *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the department of public safety is hereby encouraged to conduct a study to determine the extent of the usefulness and safety aspects of the life lite and the feasibility of the installation of the life lite on all automobiles.

Be It Further Resolved, That the department of public safety is hereby encouraged to apply for federal funds in cooperation with the manufacturer of life lite to finance the study.

HOUSE AMENDMENT TO SENATE FILE 202

- 1 Amend Senate File 202 as follows:
- 2 1. Page 2, by striking from line 5 the words "and is

3 unmarried if a female.”.

4 2. Page 2, line 30, by striking the word “wife” and
5 inserting in lieu thereof the words “or her spouse”.

6 3. Page 2, line 31, by inserting after the word “file”
7 the words “his or”.

8 4. Page 2, by adding the following after line 31:

9 “If the petitioner has a minor child, the petition shall
10 state this fact and shall state all the information about the
11 child that is required of a petitioner in section three (3) of
12 this chapter. If the minor child is fourteen years of age
13 or older he shall file his written consent.”

14 5. Page 3, by striking line 5 and inserting in lieu
15 thereof the following:

16 “or a minor child of the petitioner shall reflect the
17 former name of the person affected by the new birth certificate.”

18 6. By adding thereto the following new section after
19 section 12:

20 “The surname of such new name may become the legal surname
21 of the spouse and minor children of such person.”

22 7. Page 3, line 15, by inserting after the word “recorder”
23 the words “and county auditor”.

24 8. By renumbering the sections to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 470

1 Amend Senate File 470, as passed by the Senate, by striking
2 everything after the enacting clause and inserting in lieu
3 thereof the following:

4 Section 1. Chapter five hundred nine A (509A), Code 1971,
5 is amended by adding the following new section:

6 “At the request of an employe the governing body shall by
7 contractual agreement acquire an individual or group life
8 insurance contract, annuity contract, security or any other
9 deferred payment contract for the purpose of funding a
10 deferred compensation program for an employee, from any company
11 the employee may choose that is authorized to do business in
12 this state and from any life underwriter duly licensed by this
13 state or from any securities dealer or salesman registered in
14 this state to contract business in this state. The deferred
15 compensation program shall be administrated so that the state
16 comptroller or his designees may remit one sum for the entire
17 program according to a single billing.

18 The provisions of this Act shall be in addition to any
19 benefit program provided by law for any employees of the state
20 or any of its political subdivisions.”

INTRODUCTION OF BILLS

Senate File 1206, by committee on state government, a bill for
an act relating to the method of paying state employees.

Read first time and placed on calendar.

Senate File 1207, by committee on commerce (committee on
commerce), a bill for an act relating to the deposit and use of

fees collected by the Iowa state commerce commission.

Read first time and placed on calendar.

CONSIDERATION OF BILLS

Senate File 1143

On motion of Senator Laverty, Senate File 1143, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers and responsibilities, was taken up and considered.

Senator Laverty asked unanimous consent that House File 1156 be substituted for Senate File 1143.

Objection was raised.

Senator Laverty moved that House File 1156 be substituted for Senate File 1143.

On the question "Shall the motion to substitute House File 1156 for Senate File 1143 be adopted?" the vote was:

Ayes, 41:

Anderson	Erskine	Miller	Riley
Arbuckle	Gilley	Milligan	Schaben
Balloun	Graham	Mowry	Shaff
Bass	Griffin	Neu	Shawver
Brownlee	Keith	Nicholson	Smith
Carlson	Kennedy	Ollenburg	Stephens
Coleman	Kyhl	Potgeter	Thordsen
Conklin	Lamborn	Potter	Van Drie
Curran	Laverty	Rabedeaux	Van Gilst
Davis	Messerly	Rhodes	Walsh
DeKoster			

Nays, 6:

Gaudineer	Gross	Palmer	Tapscott
Glenn	Hill		

Absent or not voting, 3:

Briles	Doderer	Robinson
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The motion having received a two-thirds majority vote prevailed and House File 1156 was substituted for Senate File 1143.

House File 1156

On motion of Senator Laverty, House File 1156, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers and responsibilities, was taken up and considered.

Senator Van Drie raised a point of order that House File 1156 should be referred to the committee on appropriations under Rule 37.

The Chair ruled the point not well taken.

Senator Coleman offered the following amendment by Senators Coleman and Laverty:

Division 1

- 1 Amend House File 1156 as amended and passed by the House as
- 2 follows:
- 3 1. Page 2, line 7, by striking the word "eleven" and inserting
- 4 in lieu thereof the word "nine".
- 5 2. Page 2, line 9, by striking the word "Four" and inserting
- 6 in lieu thereof the word "Five".
- 7 3. Page 2, by striking lines 17 through 21 inclusive.
- 8 4. Page 2, by striking lines 42 through 45 inclusive and inserting
- 9 in lieu thereof the following:
- 10 "Each member is entitled to receive his actual and necessary expenses
- 11 and forty dollars compensation for each day spent in performance of
- 12 authority duties."

Division 2

- 13 5. Page 3, line 38, by striking the word "Be-" and striking lines
- 14 39 through 43 inclusive.
- 15 6. Page 6, line 1, by inserting after the first word "The" the
- 16 words "property and".

Senator Potgeter called for a division of the amendment, sections 1, 2, 3 and 4 to be considered as division 1, sections 5 and 6 to be considered as division 2.

Senator Messerly offered the following amendment to division 1 of the amendment and moved its adoption:

- 1 Amend the Coleman, Laverty amendment to House File 1156, line 11
- 2 removing the word "forty" and inserting in lieu thereof the word ^{by}
- "thirty".

The amendment to division 1 of the amendment was adopted.

President Jepsen took the chair at 2:42 p.m.

Senator Coleman moved the adoption of division 1 of the amendment as amended.

Division was called for.

Division 1 of the amendment as amended was adopted.

Senator Smith took the chair at 3:05 p.m.

Senator Potgeter called for a further division of the amend-

ment, section 5 to be considered as division 2A; section 6, as division 2B.

Senator Laverty moved the adoption of division 2A of the amendment.

Division was called for.

Division 2A of the amendment was adopted.

Senator Coleman moved the adoption of division 2B of the amendment.

Roll call was requested.

On the question "Shall division 2B of the amendment be adopted?" (H.F. 1156) the vote was:

Ayes, 18:

Anderson	Coleman	Gilley	Lamborn
Arbuckle	Conklin	Graham	Nicholson
Balloun	Curran	Keith	Ollenburg
Bass	DeKoster	Kyhl	Smith
Carlson	Erskine		

Nays, 26:

Brownlee	Hill	Potter	Stephens
Davis	Kennedy	Rhodes	Tapscott
Doderer	Laverty	Riley	Thordsen
Gaudineer	Messerly	Robinson	Van Drie
Glenn	Milligan	Schaben	Van Gilst
Griffin	Palmer	Shawver	Walsh
Gross	Potgeter		

Absent or not voting, 6:

Briles	Mowry	Rabedeaux	Shaff
Miller	Neu		

Division 2B of the amendment lost.

Senator Potgeter offered the following amendment and moved its adoption:

- 1 Amend House File 1156, as amended and passed by
- 2 the House, on page 3, line 43, by inserting after
- 3 the period the following new sentence:
- 4 "The authority shall consider each bid of real
- 5 estate offered in this state as a possible site for
- 6 the exposition before making the final site selection."

Division was called for.

The amendment was adopted.

Senator Gaudineer offered the following amendment:

- 1 Amend House File 1156, page 4, by striking lines

- 2 17 through 19, inclusive and by making internal corrections
3 in conformity herewith.

President Jepsen took the chair at 4:14 p.m.

Roll call was requested.

On the question "Shall the Gaudineer amendment to page 4 be adopted?" (H.F. 1156) the vote was:

Ayes, 29:

Anderson	Graham	Mowry	Shaff
Bass	Gross	Nicholson	Smith
Brownlee	Hill	Palmer	Stephens
Conklin	Kennedy	Potgeter	Tapscott
Davis	Messerly	Potter	Thordsen
Doderer	Miller	Robinson	Van Drie
Gaudineer	Milligan	Schaben	Walsh
Glenn			

Nays, 19:

Arbuckle	DeKoster	Kyhl	Rhodes
Balloun	Erskine	Lamborn	Riley
Carlson	Gilley	Laverty	Shawver
Coleman	Griffin	Ollenburg	Van Gilst
Curran	Keith	Rabedeaux	

Absent or not voting, 2:

Briles Neu

The amendment was adopted.

Senator Van Drie offered the following amendment:

- 1 Amend House File 1156 as amended and passed by the
- 2 House, page 4, line 23, after the period add the following:
- 3 "However, the commission shall not proceed with the
- 4 duties and powers of this Act until there is a firm
- 5 commitment, in writing, stating that at least ten million
- 6 (\$10,000,000.00) dollars in federal funds will be made
- 7 available to carry out the provisions of this Act."

Senator Tapscott offered the following amendment to the amendment:

- 1 Amend the Van Drie amendment filed March 8, 1972,
- 2 to House File 1156, line 5, by striking all after the word
- 3 "least" and striking all of lines 6 and 7 inclusive, and
- 4 insert in lieu thereof the following:
- 5 "ninety percent of the total cost will be made avail-
- 6 able by the federal government and private industry
- 7 to carry out the provisions of this Act."

Senator Tapscott moved the adoption of the amendment to the amendment and requested a roll call.

On the question "Shall the Tapscott amendment to the amendment be adopted?" (H.F. 1156) the vote was:

Ayes, 12:

Doderer	Gross	Miller	Robinson
Gaudineer	Hill	Palmer	Schaben
Glenn	Kennedy	Potgeter	Tapscott

Nays, 32:

Anderson	Curran	Messerly	Shaff
Arbuckle	Davis	Milligan	Shawver
Balloun	DeKoster	Mowry	Smith
Bass	Erskine	Nicholson	Stephens
Brownlee	Gilley	Potter	Thordsen
Carlson	Graham	Rabedeaux	Van Drie
Coleman	Kyhl	Rhodes	Van Gilst
Conklin	Laverty	Riley	Walsh

Absent or not voting, 6:

Briles	Keith	Neu	Ollenburg
Griffin	Lamborn		

The amendment to the amendment lost.

Action on the Van Drie amendment was temporarily deferred.

Senator Schaben withdrew the following amendment:

1 Amend House File 1156, as amended and passed by the
 2 House, page 3, after line 17, by adding the following new
 3 section and renumber the subsequent sections accordingly:
 4 "Sec. The authority shall establish a statewide
 5 conference on "Iowa in the twenty-first century", to consider
 6 the following: (1) living space and life styles in Iowa 2000;
 7 (2) our land, air, and water environment; (3) the individual
 8 Iowan: his privacy and peace of mind; (4) science and technology,
 9 with particular emphasis on communications; (5) Iowa's educa-
 10 tion and the lively arts; (6) political decision making and
 11 planning in the future; (7) transportation and housing; and (8)
 12 economy and agriculture."

Senator Gaudineer offered the following amendment:

1 Amend House File 1156 as amended and passed by the
 2 House, page 6, as follows:
 3 1. Line 1, by inserting after the word "The" the
 4 words, "buildings, structures, and improvements placed
 5 upon real property and"
 6 2. Line 2, by inserting after the period the words,
 7 "The real property upon which any such buildings, structures,
 8 or improvements are placed shall be valued, assessed,
 9 placed upon the tax rolls and be taxed as provided by law."

Senator Gaudineer moved the adoption of the amendment and requested a roll call.

On the question "Shall the Gaudineer amendment to page 6 be adopted?" (H. F. 1156) the vote was:

Ayes, 28:

Balloun	Graham	Mowry	Riley
Carlson	Gross	Neu	Robinson
Conklin	Hill	Nicholson	Schaben
DeKoster	Kennedy	Potgeter	Shawver
Doderer	Messerly	Potter	Tapscott
Gaudineer	Miller	Rabedeaux	Thordsen
Glenn	Milligan	Rhodes	Van Drie

Nays, 17:

Anderson	Curran	Keith	Shaff
Arbuckle	Davis	Kyhl	Smith
Bass	Erskine	Lamborn	Van Gilst
Briles	Gilley	Laverty	Walsh
Coleman			

Absent or not voting, 5:

Brownlee	Ollenburg	Palmer	Stephens
Griffin			

The amendment was adopted.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 19 of the Rules of the Senate of the Sixty-fourth General Assembly, we, the undersigned, do hereby request a Call of the Senate on House File 1156 and motions thereto.

CLIFTON C. LAMBORN
 CHARLES F. BALLOUN
 CHARLES O. LAVERTY
 RUDY VAN DRIE
 FLOYD GILLEY
 ROGER J. SHAFF
 JOHN C. RHODES
 LEIGH R. CURRAN
 VERNON H. KYHL
 LUCAS J. DeKOSTER
 RICHARD L. STEPHENS
 S. J. BROWNLEE
 WILSON L. DAVIS
 MARVIN W. SMITH

Roll call on the Gaudineer amendment revealed all members present with the exception of Senators Brownlee, Griffin, Ollenburg, Palmer and Stephens.

The Chair directed the Sergeant-at-arms to locate the absent Senators.

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

The Senate resumed session, President Jepsen presiding.

INTRODUCTION OF BILL

Senate File 1208, by committee on judiciary, a bill for an act to prohibit discrimination by licensing associations.

Read first time and placed on calendar.

CONSIDERATION OF BILLS

House File 1156

Senator Lamborn asked and received unanimous consent that Senators Ollenburg and Palmer be temporarily excused from the Call of the Senate.

The Senate resumed consideration of House File 1156 and the amendment to page 4 by Senator Van Drie.

Senator Van Drie asked and received unanimous consent to withdraw the amendment and substitute the following amendment:

- 1 Amend House File 1156 as amended and passed by the
- 2 House, page 4, line 23, after the period add the following:
- 3 "However, the commission shall not proceed with the
- 4 duties and powers set forth in subsections two (2), six
- 5 (6), eight (8), ten (10), eleven (11), twelve (12),
- 6 and fifteen (15) of this section until there is a firm
- 7 commitment, in writing, stating that at least ten million
- 8 (\$10,000,000.00) dollars in federal funds will be made
- 9 available to carry out the provisions of this Act."

Senator Brownlee took the chair at 6:10 p.m.

President Jepsen took the chair at 6:20 p.m.

Senator Van Drie moved the adoption of his amendment and requested a roll call.

On the question "Shall the Van Drie amendment to page 4 be adopted?" (H.F. 1156) the vote was:

Ayes, 23:

Conklin	Griffin	Neu	Shawver
Davis	Gross	Nicholson	Stephens
Doderer	Hill	Potgeter	Tapscott
Gaudineer	Kennedy	Riley	Thordsen
Glenn	Miller	Robinson	Van Drie
Graham	Mowry	Schaben	

Nays, 25:

Anderson	Coleman	Kyhl	Rabedeaux
Arbuckle	Curran	Lamborn	Rhodes
Balloun	DeKoster	Laverty	Shaff
Bass	Erskine	Messerly	Smith
Briles	Gilley	Milligan	Van Gilst
Brownlee	Keith	Potter	Walsh
Carlson			

Absent or not voting, 2:
Ollenburg Palmer

The amendment lost.

Senator Van Drie offered the following amendment and moved its adoption:

- 1 Amend House File 1156, page 2, line 46, by striking the
- 2 words "and establish".

Division was called for.

The amendment lost.

Senator Van Drie offered the following amendment:

- 1 Amend House File 1156, as amended and passed by the House,
- 2 page 3, line 15, after the word "Assembly" and "for approval".

Senator Van Drie moved the adoption of the amendment and requested a roll call.

On the question "Shall the Van Drie amendment to page 3 be adopted" (H.F. 1156) the vote was:

Ayes, 29:

Balloun	Glenn	Milligan	Riley
Bass	Graham	Mowry	Robinson
Brownlee	Gross	Neu	Schaben
Carlson	Hill	Nicholson	Shawver
Conklin	Kennedy	Potgeter	Stephens
Doderer	Messerly	Potter	Tapscott
Gaudineer	Miller	Rhodes	Van Drie
Gilley			

Nays, 19:

Anderson	Davis	Kyhl	Smith
Arbuckle	DeKoster	Lamborn	Thordsen
Briles	Erskine	Laverty	Van Gilst
Coleman	Griffin	Rabedeaux	Walsh
Curran	Keith	Shaff	

Absent or not voting, 2:
Ollenburg Palmer

The amendment was adopted.

Senator Lamborn moved that Senator Palmer be excused from the Call of the Senate, which motion prevailed.

Senator Laverty moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1156) the vote was:

Ayes, 27:

Anderson	Curran	Kyhl	Rhodes
Arbuckle	Davis	Lamborn	Shawver
Balloun	DeKoster	Laverty	Smith
Bass	Erskine	Messerly	Van Drie
Briles	Gilley	Milligan	Van Gilst
Carlson	Graham	Ollenburg	Walsh
Coleman	Keith	Rabedeaux	

Nays, 22:

Brownlee	Gross	Nicholson	Schaben
Conklin	Hill	Potgeter	Shaff
Doderer	Kennedy	Potter	Stephens
Gaudineer	Miller	Riley	Tapscott
Glenn	Mowry	Robinson	Thordsen
Griffin	Neu		

Absent or not voting, 1:

Palmer

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

SENATE FILE WITHDRAWN

Senator Laverty asked and received unanimous consent that **Senate File 1143** be withdrawn from further consideration of the Senate.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk:

MR. PRESIDENT: Pursuant to Rule 19 of the Rules of the Senate of the Sixty-fourth General Assembly, we, the undersigned, do hereby request a

Call of the Senate on House File 1011 and motions thereto.

CLIFTON C. LAMBORN
 EARL G. BASS
 R. DEAN ARBUCKLE
 MARVIN W. SMITH
 FLOYD GILLEY
 EDWARD E. NICHOLSON
 W. K. RABEDEAUX
 JOHN L. MOWRY
 RICHARD L. STEPHENS
 RUDY VAN DRIE
 W. CHARLENE CONKLIN
 ROGER J. SHAFF
 LUCAS J. DeKOSTER
 VERNON H. KYHL

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 1011

Senator Potgeter called up for consideration the following report:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 1011

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 1011, a bill for an act relating to the attainment of the age of majority, respectfully submit the following recommendations:

1. That the House recede from its amendment to the Senate amendment.
2. That the Senate recede from its amendment to the bill, as amended and passed by the House.
3. That House File 1011, as amended and passed by the House be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. Section sixty-eight B point nine (68B.9), Code 1971, is amended to read as follows:

68B.9 ACTIONS COMMENCED. Actions to enforce the provisions of this chapter may be commenced by any legal resident of the state of Iowa who is [twenty-one] *nineteen* years of age or more at the time of commencing the action or by the attorney general.

Sec. 2. Section eighty A point five (80A.5), subsection one (1), Code 1971, is amended to read as follows:

1. That the applicant is at least [twenty-one] *nineteen* years of age.

Sec. 3. Section ninety point one (90.1), Code 1971, is amended to read as follows:

90.1 PETITION FOR APPOINTMENT. When any dispute arises between any person, firm, corporation, or association of employers and their employees or association of employees, of this state, except employers or employees having trade relations directly or indirectly based upon interstate trade relations operating through or by state or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten or more wage earners, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, and the parties thereto are unable to adjust the same, either or both parties to the dispute, or the mayor of the city, or the chairman of the board of supervisors of the county in which said employment is carried on, or on petition of any

twenty-five citizens thereof over the age of [twenty-one] *nineteen* years, or the labor commissioner, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter; and the manager of the business of any person, firm, corporation, or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this chapter, but in no case shall more than twenty employees be required to join in such application.

Sec. 4. Section ninety-six point nineteen (96.19), subsection seven (7), paragraph "g", subparagraph six (6), Code 1971, is amended to read as follows:

(6) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of [twenty-one] *nineteen* in the employ of his father or mother.

Sec. 5. Section one hundred sixteen point nine (116.9), unnumbered paragraph one (1), Code 1971, is amended to read as follows:

Every applicant for the examination provided for in section 116.8 must be over [twenty-one] *nineteen* years of age, a resident of this state, a citizen of the United States or have declared his or her intention to become such, of good moral character, a graduate of a high school having at least a four-year course of study or its equivalent as determined by the board of accountancy, or shall pass a preliminary examination to be given by the board at least thirty days before the regular examination; and a graduate of a college or university commerce course majoring in accounting, or an undergraduate student majoring in accounting in his or her final semester immediately preceding graduation and upon the recommendation of the appropriate college or university officials.

Sec. 6. Section one hundred seventeen point fifteen (117.15), unnumbered paragraph one (1), Code 1971, is amended to read as follows:

Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public and only after satisfactory proof has been presented to the commission. The applicant must be a person whose application has not been rejected in this or any other state within six months prior to the date of application, or whose real estate license has not been revoked in this or any other state within two years prior to date of application. Every applicant for a license as a real estate broker or salesman

shall be of the age of [twenty-one] *nineteen* years or over and a citizen of the United States. Provided, however, that any person not a citizen of the United States may be eligible for a license if due proof is made to the commission that he has declared his intention to become a citizen of the United States.

Sec. 7. Section one hundred eighteen point eight (118.8), unnumbered paragraph one (1), Code 1971, is amended to read as follows:

Any person, being at least [twenty-one] *nineteen* years of age and of good moral character, may apply for a certificate of registration or for such examination as shall be requisite for such certification under this chapter; but before receiving such certificate, this applicant shall submit satisfactory evidence of having completed the course in a high school or the equivalent thereto, and of having subsequently thereto completed such courses in mathematics, history and languages as may be prescribed by the board.

Sec. 8. Section one hundred twenty-three B point fourteen (123B.14), Code 1971, is amended to read as follows:

123B.14 COLLECTION OF LIEN POSTPONED. In the case of the death of either spouse the estate of the deceased shall not be settled or the homestead sold until the surviving spouse shall die or cease to occupy the homestead or while it is occupied by the [minor children of an alcoholic] *deceased alcoholic's child, as defined in section 234.1*. However, no lien shall be enforced against any homestead so long as it be occupied by an alcoholic, his spouse or [minor children] *child, as defined in section 234.1*.

Sec. 9. Section one hundred forty-two A point two (142A.2), subsection one (1), Code 1971, is amended to read as follows:

1. Any individual of sound mind and [twenty-one] *nineteen* years of age or more may give all or any part of his body for any purposes specified in section 142A.3, the gift to take effect upon death.

Sec. 10. Section one hundred forty-six point thirteen (146.13), Code 1971, is amended to read as follows:

146.13 APPLICANTS—QUALIFICATIONS. No person shall be eligible for examination for a certificate of proficiency in the basic sciences until he shall have furnished satisfactory evidence to the board that he has attained the age of [twenty-one] *nineteen* years, is of good moral character and is a graduate of an accredited high school or possesses the educational qualifications equivalent to those required for graduation by an accredited high school, to be determined by the board.

Sec. 11. Section one hundred forty-seven point three (147.3), Code 1971, is amended to read as follows:

147.3 QUALIFICATIONS. No person shall be licensed to practice a profession under this title until he shall have furnished satisfactory evidence to the department that he has attained the age of [twenty-one] *nineteen* years and is of good moral character, except that women may be licensed as dental hygienists, or men or women may be licensed as barbers, or as cosmetologists, upon attaining the age of eighteen years.

Sec. 12. Section one hundred forty-seven point one hundred twenty (147.120), subsection one (1), Code 1971, is amended to read as follows:

1. He is at least [twenty-one] *nineteen* years of age, of good moral character and unless he is of sound mental health and physically able to perform the duties.

Sec. 13. Section one hundred forty-eight A point four (148A.4), subsection one (1), Code 1971, is amended to read as follows:

1. Have attained the age of [twenty-one] *nineteen* years.

Sec. 14. Section one hundred fifty-five point five (155.5), subsection one (1), Code 1971, is amended to read as follows:

1. Be not less than [twenty-one] *nineteen* years of age, and of good moral character, and of temperate habits.

Sec. 15. Section one hundred sixty-nine point ten (169.10), subsection one (1), Code 1971, is amended to read as follows:

1. Present satisfactory evidence that he is at least [twenty-one] *nineteen* years of age, and of good character.

Sec. 16. Section two hundred nineteen point fifteen (219.15), Code 1971, is amended to read as follows:

219.15 PAYMENT TO DEPENDENTS. Each member of the home who receives a pension or compensation and who has a dependent wife or [minor children] *child, as defined in section 234.1*, shall deposit with the commandant forthwith on receipt of his pension or compensation check one-half of the amount thereof, which shall be sent at once to the wife if she be dependent upon her own labor or others for support, or, if there be no wife, to the guardian of the [minor children] *child, as defined in section 234.1*, if dependent upon others for support. The commandant, if satisfied that the wife has deserted her husband, or is of bad character, or is not dependent upon others for support, may pay the money deposited as

herein provided to the guardian of the dependent [minor children] *child, as defined in section 234.1.*

Sec. 17. Section two hundred thirty point twenty-eight (230.28), Code 1971, is amended to read as follows:

230.28 CLOSING ESTATES—HOMESTEAD. In the case of the death of either the husband or wife the estate of the deceased shall not be settled or the homestead sold until the surviving spouse shall die or cease to occupy the homestead as such or while it is occupied by the [minor children of such persons] *deceased's child, as defined in section 234.1.* Provided, however, no lien shall be enforced against any homestead so long as it be occupied by such person, his or her spouse or [minor children] *child.*

Sec. 18. Section two hundred thirty-two point two (232.2), subsections four (4) and five (5), Code 1971, are amended to read as follows:

4. "Minor" means a person less than [twenty-one] *nineteen years of age or a person who is at least nineteen years of age but less than twenty-one years of age who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs.*

5. "Adult" means a person [twenty-one] *nineteen years of age or older.*

Sec. 19. Section two hundred thirty-two point thirty-six (232.36), Code 1971, is amended to read as follows:

232.36 ORDERS CONTINUE TO MAJORITY OF CHILD. All orders for supervision, custody, or commitment shall be enforced until the minor reaches the age of [twenty-one] *nineteen years unless otherwise specified by the court.* All orders shall be reviewed by the court at least annually unless the court's jurisdiction has been terminated. The court may make on its own motion or on the motion of an interested party and after notice to the parties and a hearing some other disposition of the case so long as the court retains jurisdiction.

Sec. 20. Section two hundred thirty-two point sixty-seven (232.67), Code 1971, is amended to read as follows:

232.67 LIMITED JURISDICTION. Jurisdiction obtained by the court in the case of a minor shall be retained by the court until the minor becomes [twenty-one] *nineteen years of age unless terminated prior thereto by order of court or provision of law. [When a minor eighteen years of age or over under the jurisdiction*

of the court is convicted of an indictable offense in a criminal court, the conviction shall terminate the jurisdiction of the juvenile court.] *If a child is referred to the juvenile court because of alleged delinquency by reason of the commission of an indictable offense, the court may withhold an adjudication of delinquency, retain jurisdiction of the child, and place the child on probation until he is nineteen years of age at which time he shall be discharged. If the terms of the probation are violated before the person reaches the age of nineteen years, the court may enter an order referring the alleged commission of an indictable offense to the appropriate prosecuting authority for the proper action under the criminal law.*

Sec. 21. Section two hundred thirty-four point one (234.1), Code 1971, is amended to read as follows:

234.1 DEFINITIONS. As used in this chapter: "Division" or "state division" means the division of child and family services of the department of social services; "director" or "state director" means the director of the division of child and family services of the department of social services; "county board" means the county board of social welfare. "*Child*" means a person less than eighteen years of age or a person who is at least eighteen years of age but less than twenty-one years of age who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs.

Sec. 22. Section two hundred thirty-five point one (235.1), Code 1971, is amended to read as follows:

235.1 DEFINITIONS. The terms "state division", "state director", "county department", [and] "county board", and "*child*" are used in this chapter and chapters 236, 237, and 238 as said terms are defined in section 234.1.

"Child welfare services" means social welfare services for the protection and care of children who are homeless, dependent or neglected, or in danger of becoming delinquent, including when necessary care and maintenance in a foster care facility.

Sec. 23. Section two hundred thirty-eight point thirty-two (238.32), subsection two (2), Code 1971, is amended to read as follows:

2. Receive neglected, dependent, and delinquent children under [twenty-one and over eighteen] *nineteen* years of age, under commitment from the juvenile court, and control and dispose of them as in this chapter provided.

Sec. 24. Section two hundred forty-two point eight (242.8), Code 1971, is amended to read as follows:

242.8 ARTICLES OF AGREEMENT. Such children shall be so placed under articles of agreement, approved by the state director and signed by the person or persons taking them and by the superintendent. Said articles shall provide for the custody, care, education, maintenance, and earnings of said children for a time to be fixed in said articles, which shall not extend beyond the time when the persons bound shall attain the age of [twenty-one] *nineteen* years.

Sec. 25. Section two hundred forty-two point thirteen (242.13), Code 1971, is amended to read as follows:

242.13 BINDING OUT OR DISCHARGE. The binding out or the discharge of an inmate as reformed, or having arrived at the age of [twenty-one] *nineteen* years, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

Sec. 26. Section two hundred forty-four point ten (244.10), Code 1971, is amended to read as follows:

244.10 PLACING CHILD UNDER CONTRACT. Any child received in said homes, unless adopted, may, under written contract approved by the state director, be placed by the superintendent in the custody and care of any proper person or family. Such contract shall provide for the custody, care, education, maintenance, and earnings of the child for a fixed time which shall not extend beyond the age of majority, *except that the time may extend beyond the child's eighteenth birthday until he is twenty-one years of age if he is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs.* Such contract shall be signed by the superintendent and by the person taking the child.

Sec. 27. Section two hundred forty-seven point twenty-seven (247.27), Code 1971, is amended to read as follows:

247.27 VIOLATION OF COURT PROBATION. If the suspended sentence be an order for commitment to the training school, the fact that the defendant first violated his or her probation after reaching the age of eighteen years, and before reaching the age of [twenty-one] *nineteen* years, shall not prevent the enforcement of such sentence.

Sec. 28. Section two hundred forty-nine A point six (249A.6), Code 1971, is amended to read as follows:

249A.6 CLAIMS AGAINST ESTATE. On the death of a person receiving or who has received assistance under this chapter, and of the survivor of a married couple, either or both of whom were so assisted and during which time such recipient was sixty-five years of age or older, the total amount paid as assistance to either shall be allowed as a claim of the sixth class against the estate of such decedent or the surviving spouse. Neither the homestead nor the proceeds therefrom of such decedent, or the survivor, shall be exempt from the payment of such claim, any Act or statute notwithstanding. An action may be brought in the name of the state to recover the same at any time within five years after the death of the survivor of the married couple, either or both of whom have received assistance under the provisions of this chapter. No such claim shall be allowed, however, until the death of the surviving spouse nor shall such claim be allowed if a child under [twenty one] *nineteen* years of age, or a child who is blind or is permanently and totally disabled, survives a surviving spouse or a recipient who has no surviving spouse. The right to a claim existing on July 1, 1969 against the estate of any person who had, prior to said date, received medical assistance pursuant to chapter 249A, shall be preserved and continued under this chapter.

Sec. 29. Section two hundred fifty-two point fourteen (252.14), Code 1971, is amended to read as follows:

252.14 HOMESTEAD—WHEN LIABLE. When expenditures have been made for and on behalf of a poor person and his family, as contemplated by section 252.13, the homestead of such poor person is liable for such expenditures when such poor person dies without leaving a surviving husband or wife, or [minor children] *child*, as defined in section 234.1.

Sec. 30. Section two hundred fifty-two A point two (252A.2), subsection three (3), Code 1971, is amended to read as follows:

3. "Child" includes a stepchild, foster child or legally adopted child and means a child actually or apparently under [seventeen] *eighteen* years of age, and a child over [seventeen] *eighteen* years of age who is unable to maintain himself and is likely to become a public charge.

Sec. 31. Section two hundred fifty-two A point three (252A.3), subsections one (1), two (2), and three (3), Code 1971, are amended to read as follows:

1. A husband in one state is hereby declared to be liable for the support of his wife and any child or children under [seventeen] *eighteen* years of age and any other dependent residing or found in the same state or in another state having substantially similar

or reciprocal laws, and, if possessed of sufficient means or able to earn such means, may be required to pay for their support a fair and reasonable sum according to his means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

2. A mother in one state is hereby declared to be liable for the support of her child or children under [seventeen] *eighteen* years of age residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever the father of such child or children is dead, or cannot be found, or is incapable of supporting such child or children, and, if she is possessed of sufficient means or able to earn such means, she may be required to pay for the support of such child or children a fair and reasonable sum according to her means, as may be determined by the court having jurisdiction of the respondent in a proceeding instituted under this chapter.

3. The parents in one state are hereby declared to be severally liable for the support of a child [seventeen] *eighteen* years of age or older residing or found in the same state or in another state having substantially similar or reciprocal laws, whenever such child is unable to maintain himself and is likely to become a public charge.

Sec. 32. Section two hundred sixty-one point seven (261.7), Code 1971, is amended to read as follows:

261.7 OBLIGATIONS MADE BY MINORS. Any contract, promissory note, or other written obligation made by any minor to repay or secure payment of a loan made under sections 261.5 through 261.8, payment of which is guaranteed by the commission, or which forms part of the same transaction as the making of such loan shall notwithstanding any provision of law to the contrary be as valid and binding as if the person were [twenty-one] *nineteen* years of age or older at the time the obligation was made and executed. Obligations may be enforced in any action or proceeding by or against such person in the person's own name and shall be valid without the consent thereto of the parent or guardian of such person. Such person shall not in any action or proceeding arising out of any such loan disaffirm such instrument because of his age nor shall any person interpose the defense that he is, or was, a minor at the time of making and executing the instrument.

Sec. 33. Section three hundred twenty-one point one hundred seventy-nine (321.179), Code 1971, is amended to read as follows:

321.179 SPECIAL RESTRICTIONS ON CHAUFFEURS. No person who is under the age of [twenty-one] *nineteen*

years shall drive any motor vehicle while in use as a carrier of flammables or combustibles, or as a public or common carrier of persons, except a school bus.

Sec. 34. Section three hundred twenty-one point one hundred eighty (321.180), Code 1971, is amended to read as follows:

321.180 INSTRUCTION PERMITS. Any person who is at least fourteen years of age and who, except for his lack of instructions in operating a motor vehicle, would otherwise be qualified to obtain an operator's license, shall upon meeting the requirements of section 321.186 other than driving demonstration, and upon paying the required fee, be issued a temporary instruction permit by the department, entitling the permittee while having such permit in his immediate possession to drive a motor vehicle upon the highways for a period of two years from the date of issuance when accompanied by a licensed operator or chauffeur who is at least [twenty-one] *nineteen* years of age, or an approved driver education instructor, or a prospective driver education instructor who is enrolled in and has been specifically designated by a teacher education institution with a safety education program approved by the department of public instruction, and who is actually occupying a seat beside the driver; except that any instruction permit issued to a person who is less than sixteen years of age shall entitle such permittee to drive a motor vehicle upon the highways only when accompanied by a parent or guardian, or an approved driver education instructor, or a prospective driver education instructor, who is enrolled in and has been specifically designated by a teacher education institution with a safety education program approved by the department of public instruction, or by any person who is twenty-five years of age or more if written permission is granted by the parent or guardian, who is a holder of a valid operator's or a chauffeur's license, and who is actually occupying a seat beside the driver.

Sec. 35. Section three hundred twenty-five point twenty-nine (325.29), Code 1971, is amended to read as follows:

325.29 DRIVER OF VEHICLE. Every driver employed by a motor carrier shall be at least [twenty-one] *nineteen* years of age; in good physical condition; of good moral character; shall be fully competent to operate the motor vehicle under his charge, and shall hold a regular chauffeur's license from the department of public safety.

Sec. 36. Section three hundred twenty-seven A point seven (327A.7), Code 1971, is amended to read as follows:

327A.7 DRIVERS REQUIREMENTS. Every driver employed by a liquid transport carrier shall be at least [twenty-one] *nineteen* years of age; in good physical condition; of good moral character; shall be fully competent to operate the vehicle under his charge, and shall hold a regular chauffeur's license from the department of public safety.

Sec. 37. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph one (1), Code 1971, is amended to read as follows:

Within thirty days after the organization of a sanitary district under this chapter, the board of supervisors which had jurisdiction of the proceedings for its establishment, together with the board of supervisors of any other county, if any, in which any part of said district is located, shall order an election to be held in the district on a date not more than sixty days after the date of the order for the purpose of electing a board of trustees, consisting of three members, except as otherwise provided in this section, for the government, control and management of the affairs and business of such sanitary district. Said board, or boards, shall cause notice of said election to be posted and published, and shall perform all other acts with reference to such election, and conduct the same, in like manner, as nearly as may be, as provided in this chapter for the election on the question of establishing such district. Each trustee shall be a citizen of the United States, not less than [twenty-one] *nineteen* years of age, and a resident within said sanitary district. Each voter at said election may write in upon the ballot the names of not more than three persons whom he desires for trustees and may cast not more than one vote for each of said three persons, and the three persons receiving the highest number of votes cast shall constitute the first board of trustees of the district. The term of office of the first board of trustees shall be for the period extending the second secular day of January following the next regular biennial election. Three trustees to succeed the first board of trustees shall be nominated and elected at the next primary and regular biennial elections following establishment of the district, in the same manner as provided by the primary and general election laws of this state for the nomination and election for offices to be filled by the voters of any subdivision of a county. Said trustees shall be elected for terms of two, four, and six years respectively, and their terms shall commence on the second secular day of January next thereafter. At each succeeding biennial election one trustee shall be nominated and elected in the manner herein provided for a six-year term to succeed the trustee whose term next expires. In

all elections for trustees each qualified voter resident within the district may vote one vote for each office of trustee to be filled at the election. At all elections for trustees subsequent to the election of the first board the names of all candidates for trustees of such sanitary district shall be printed on the same ballot with candidates for other offices to be filled at such election. In case a regular election precinct includes territory lying partly within and partly without the sanitary district, it shall be the duty of the officers charged with the printing and furnishing of ballots to furnish to the election judges of such precinct two sets of official ballots, one set including the names of candidates for trustees of such sanitary district, and one set without such names. All provisions of the primary and general election laws of Iowa shall govern the nomination and election of trustees hereunder, so far as applicable, and except as modified hereby.

Sec. 38. Section three hundred fifty-eight point nine (358.9), unnumbered paragraph three (3), Code 1971, is amended to read as follows:

In cases where the state of Iowa owns at least four hundred acres of land contiguous to lakes within said district, then and only then the Iowa natural resources council shall appoint two members of said board of trustees in addition to the three members hereinbefore provided in this section. The additional two members shall be qualified as follows: They shall be United States citizens, not less than [twenty-one] *nineteen* years of age, and shall be property owners within said district. In such cases the two additional appointive members shall have equal vote and authority with other members of trustees and shall hold office at the pleasure of the Iowa natural resources council.

Sec. 39. Section three hundred seventy-eight point five (378.5), Code 1971, is amended to read as follows:

378.5 QUALIFICATIONS. Bona fide citizens and residents of the city or town, except as qualified by sections 378.2 and 378.3, male or female, [over the age of twenty-one] *nineteen years of age or over*, are alone eligible to membership.

Sec. 40. Section three hundred seventy-nine point six (379.6), Code 1971, is amended to read as follows:

379.6 QUALIFICATION. Only bona fide citizens and residents of the city or town, male or female, [over the age of twenty-one] *nineteen years of age or over*, shall be eligible to membership.

Sec. 41. Section four hundred sixty-two point seven (462.7), Code 1971, is amended to read as follows:

462.7 ELIGIBILITY OF TRUSTEES. Each trustee shall

be a citizen of the United States not less than [twenty-one] *nineteen* years of age, a resident of the county, and a bona fide owner of agricultural land in the election district for which he is elected.

Sec. 42. Section four hundred twenty-five point fifteen (425.15), Code 1971, is amended to read as follows:

425.15 **DISABLED VETERAN TAX CREDIT.** In the event the owner of the homestead, allowed a credit under this chapter, is a veteran of any of the military forces of the United States who acquired the homestead under the provisions of the United States Code, title 38, chapter 21, sections 801 and 802, the credit allowed on said homestead from the homestead credit fund herein provided shall be the entire amount of the tax levied on said homestead. The credit herein allowed shall be continued to the estate of such veteran who is deceased or the surviving spouse and [children] *any child, as defined in section 234.1* who are the beneficiaries thereof so long as the surviving spouse remains unmarried [and until any surviving unmarried children reach the age of twenty-one years]. The provisions of this section shall not be applicable to the holder of title to any such homestead whose annual income, together with that of his spouse, if any, for the last preceding twelve-month income tax accounting period exceeds five thousand dollars. For the purpose of this section "income" means taxable income for federal income tax purposes plus income from securities of state and other political subdivisions exempt from federal income tax. Any veteran or his beneficiary who elects to secure the credit provided in this section shall not be eligible for any other real property tax exemption provided by law for veterans of military service.

Sec. 43. Section four hundred sixty-two point eleven (462.11), Code 1971, is amended to read as follows:

462.11 **QUALIFICATIONS OF VOTERS.** Each landowner [over twenty-one] *nineteen* years of age or over without regard to sex and any railway or other corporation owning land in said district assessed for benefits shall be entitled to one vote only, except as provided in section 462.12.

Sec. 44. Section five hundred twelve point nine (512.9), Code 1971, is amended to read as follows:

512.9 **QUALIFICATIONS FOR MEMBERSHIP.** A society may admit to benefit membership any person not less than fifteen years of age, nearest birthday, who has furnished evidence of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six months after becoming a benefit member shall furnish additional evidence

of insurability acceptable to the society.

Any person admitted prior to attaining the full age of [twenty-one] *nineteen* years shall be bound by the terms of the application and certificate and by all the laws and rules of the society and shall be entitled to all the rights and privileges of membership therein to the same extent as though the age of majority had been attained at the time of application. A society may also admit general or social members who shall have no voice or vote in the management of its insurance affairs.

Sec. 45. Section five hundred twenty-four point three hundred one (524.301), Code 1971, is amended to read as follows:

524.301 INCORPORATORS. A state bank may be incorporated under this chapter by not less than five individuals [over the age of twenty-one] *nineteen years of age or older*, a majority of whom shall be citizens of this state and all of whom shall be citizens of the United States.

Sec. 46. Section five hundred twenty-four point six hundred one (524.601), subsection one (1), Code 1971, is amended to read as follows:

1. The business and affairs of a state bank shall be managed by a board of five or more directors [over the age of twenty-one] *nineteen years of age or older*, a majority of whom shall be citizens of this state and all of whom shall be citizens of the United States. No individual shall be eligible to serve as a director of any state bank unless he is the owner, in his own right, free of any lien and encumbrance, of common shares in the state bank of which he is a director having a par value of not less than five hundred dollars.

Sec. 47. Section five hundred ninety-five point three (595.3), subsection two (2), Code 1971, is amended to read as follows:

2. Where [the male is a minor, or the female] *either party* is under [eighteen] *nineteen* years of age, unless a certificate of the consent of the parents is filed. If one of the parents is dead such certificate may be executed by the survivor. *If either parent is incompetent or his presence is unknown, the judge of the district court having jurisdiction in the county may, after hearing, upon proper cause shown, execute such certificate.* If both parents are dead the guardian of such minor may execute such certificate but if such minor has no guardian then the judge of the district court having jurisdiction in the county may, after hearing, upon proper cause shown, execute such certificate. If the parents are divorced, the parent having legal custody may execute such certificate.

Sec. 48. Section five hundred ninety-eight point one (598.1), subsection two (2), Code 1971, is amended to read as follows:

2. "Support" or "support payments" means any amount which the court may require either of the parties to pay under a temporary order or a final judgment or decree, and may include alimony, child support, maintenance, and any other term used to describe such obligations. *Such obligations may include support for a child who is between the ages of eighteen and twenty-two years who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability.*

Sec. 49. Section five hundred ninety-nine point one (599.1), Code 1971, is amended to read as follows:

599.1 PERIOD OF MINORITY. The period of minority extends to the age of [twenty-one] *nineteen* years, but all minors attain their majority by marriage[, and females, after reaching the age of eighteen years, may make valid contracts for marriage the same as adults].

Sec. 50. Section six hundred ten point two (610.2), Code 1971, is amended to read as follows:

610.2 QUALIFICATIONS FOR ADMISSION. Every applicant for such admission must be at least [twenty-one] *nineteen* years of age, of good moral character, and an inhabitant of this state, and must have actually and in good faith pursued a regular course of study of the law for at least three full years, either in the office of a member of the bar in regular practice of this state or other state, or of a judge of a court of record thereof, or in some reputable law school in the United States, or partly in such office and partly in such law school; but, in reckoning such period of study, the school year of any such law school, consisting of not less than thirty-six weeks exclusive of vacations, shall be considered equivalent to a full year. Every such applicant for admission must also have actually and in good faith acquired a general education substantially equivalent to that involved in the completion of a high school course of study of at least four years in extent.

Sec. 51. Section six hundred thirty-three point

three (633.3), subsection eighteen (18), Code 1971, is amended to read as follows:

18. Full age—the state of legal majority attained through arriving at the age of [twenty-one] *nineteen* years or through having married even though such marriage is terminated by divorce.

Sec. 52. Section six hundred thirty-three point three hundred seventy-six (633.376), Code 1971, is amended to read as follows:

633.376 ALLOWANCE TO MINOR CHILDREN WHO DO NOT RESIDE WITH SURVIVING SPOUSE. The court may also make an allowance to [the minor children] *a child of the decedent who is less than eighteen years of age or who is between the ages of eighteen and twenty-two years who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs; or is, in good faith, a full-time student in a college, university, or area school; or has been accepted for admission to a college, university, or area school and the next regular term has not yet begun; or a child of any age who is dependent on the parties to the dissolution proceedings because of physical or mental disability; who [do] does not reside with the surviving spouse, of such an amount as it deems reasonable in the light of the assets and condition of the estate, to provide for their proper support during such period of twelve months.*

Sec. 53. Section six hundred ninety-five point eighteen (695.18), Code 1971, is amended to read as follows:

695.18 SALE OF DANGEROUS WEAPONS PROHIBITED.

It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, dirk, dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer, and no pistol or revolver shall be sold to any person under the age of [twenty-one] *nineteen* years. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

Sec. 54. Chapter one hundred thirty-one (131), section three (3), subsection thirty-three (33), Acts of the Sixty-fourth General Assembly, First Session, is amended to read as follows:

33. "Legal age" means [twenty-one] *nineteen* years of age or more.

On the part of the Senate:

JAMES A. POTGETER, Chairman
CHARLES F. BALLOUN
C. JOSEPH COLEMAN

On the part of the House:

C. RAYMOND FISHER, Chairman
JOHN N. NYSTROM
ELIZABETH SHAW

Senator Conklin raised a point of order that the conference committee report was out of order because the committee had exceeded its authority under Joint Rule 12, paragraph 3.

The Chair ruled the point not well taken and the conference committee report in order.

Senator Lamborn moved that Senator Palmer be excused from the Call of the Senate, which motion prevailed.

Senator Potgeter moved the adoption of the report.

Roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 1011) the vote was:

Ayes, 33:

Anderson	Davis	Lamborn	Rhodes
Arbuckle	Erskine	Laverty	Shaff
Balloun	Gilley	Messerly	Shawver
Bass	Graham	Mowry	Smith
Briles	Griffin	Nicholson	Stephens
Brownlee	Hill	Ollenburg	Thordsen
Carlson	Keith	Potgeter	Van Gilst
Coleman	Kyhl	Potter	Walsh
Curran			

Nays, 16:

Conklin	Glenn	Milligan	Robinson
DeKoster	Gross	Neu	Schaben
Doderer	Kennedy	Rabedeaux	Tapscott
Gaudineer	Miller	Riley	Van Drie

Absent or not voting, 1:

Palmer

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1011) the vote was:

Ayes, 31:

Anderson	Curran	Lamborn	Rhodes
Arbuckle	Davis	Laverty	Shaff
Balloun	Erskine	Messerly	Shawver
Bass	Gilley	Mowry	Smith
Briles	Graham	Nicholson	Stephens
Brownlee	Griffin	Ollenburg	Thordsen
Carlson	Keith	Potgeter	Walsh
Coleman	Kyhl	Potter	

Nays, 18:

Conklin	Gross	Neu	Schaben
DeKoster	Hill	Rabedeaux	Tapscott
Doderer	Kennedy	Riley	Van Drie
Gaudineer	Miller	Robinson	Van Gilst
Glenn	Milligan		

Absent or not voting, 1:

Palmer

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

Senator Gaudineer asked and received unanimous consent that **House File 1011** be **immediately messaged** to the House, which request was complied with.

REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on commerce, to which was referred **House File 1143**, a bill for an act relating to installment loans by state banks, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN L. MOWRY, Chairman

Ordered passed on file.

Senator Walsh submitted the following reports:

MR. PRESIDENT: Your committee on transportation, to which was referred **Senate Concurrent Resolution 115**, a resolution to establish a study committee for the purpose of contacting adjoining states and determining if such states would be interested in restoring designated railroad passenger service serving this state and adjoining states and if such restoration of service would be beneficial to the citizens of this state and adjoining states, as well as economically feasible and worthwhile, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation, to which was referred **House File 1258**, a bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly, relating to motor vehicle inspection to extend the time within which a vehicle failing inspection must be repaired, to require inspection upon the transfer of a motor vehicle, to lengthen the period within which a motor vehicle must be inspected prior to transfer, and to permit the regrooving of specially designed tires, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on transportation, to which was referred **House File 1259**, a bill for an act relating to the use of motor vehicle "registration applied for" cards, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was referred **Senate File 128**, a bill for an act relating to the taxation of coin-operated laundries, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend House Concurrent Resolution 107 as follows:
- 2 1. By striking from the fourth "*Whereas*" clause the
- 3 words "*Now Therefore*," and inserting in lieu thereof the
- 4 word "and".
- 5 2. By adding after the fourth "*Whereas*" clause the
- 6 following:
- 7 "*Whereas*, the recent California Supreme Court decision
- 8 of *Serrano v. Priest*, as well as federal court decisions in
- 9 the states of Minnesota and Texas, indicate that the school
- 10 financing system in effect in Iowa and most other states may
- 11 be constitutionally questionable and it is vital that the
- 12 General Assembly keep well informed of the issues relating
- 13 to school financing and the ramifications that could result
- 14 in regard to the tax structure because of such court deci-
- 15 sions, *Now Therefore*,".
- 16 3. By inserting in the first resolving clause after the
- 17 word "expenditures" the words "and the effect pending court
- 18 decisions may have on the existing tax structure,".

W. CHARLENE CONKLIN
BASS VAN GILST
ROGER J. SHAFF
GEORGE F. MILLIGAN
MINNETTE DODERER
WAYNE KEITH

- 1 Amend House Concurrent Resolution 107 as follows:
- 2 By inserting before the last resolving clause the
- 3 following:
- 4 "*Be It Further Resolved*, That the legislative council
- 5 may consolidate pending studies and studies relating to
- 6 subjects affected by or similar to those covered by this
- 7 resolution into and as a part of the study authorized by

8 this resolution; and”.

ROGER J. SHAFF
 GEORGE F. MILLIGAN
 MINNETTE DODERER
 WAYNE KEITH
 W. CHARLENE CONKLIN
 BASS VAN GILST

1 Amend the House amendment to Senate File 470 as follows:
 2 1. Line 7, by striking the words “individual or group
 3 life” and line 8, by striking the words “insurance contract,”.
 4 2. Line 12, by striking the words “life underwriter
 5 duly licensed by this” and line 13, by striking the words
 6 “state or from any”.

WILLIAM D. PALMER

1 Amend Senate File 1191 as follows:
 2 1. Page 10, by striking from lines four and five the word
 3 “*fictitious*” and inserting in lieu thereof the word “*assumed*”.
 4 2. Page 10, by striking from line six the word “*fictitious*”
 5 and inserting in lieu thereof the word “*assumed*”.

LUCAS J. DeKOSTER

1 Amend Senate File 1192 as follows:
 2 1. Page 3, line 8, by inserting before the word “drugs”
 3 the word “*prescription*”.
 4 2. Page 3, line 12, by adding after the period the following:
 5 “*Nothing contained in this subsection shall in any way affect*
 6 *the exemptions provided in section one hundred fifty-five point*
 7 *twenty-five (155.25) of the Code.*”
 8 3. Page 3, line 18, by adding after the period the following:
 9 “*Nothing contained in this subsection shall in any way affect*
 10 *the exemptions provided in section one hundred fifty-five point*
 11 *twenty-five (155.25) of the Code.*”

RICHARD L. STEPHENS

1 Amend Senate File 1199, page 2, line 4, by striking the word
 2 “*shall*” and inserting in lieu thereof the word “*may*”.

RICHARD L. STEPHENS
 EUGENE M. HILL
 JOHN L. MOWRY
 J. WESLEY GRAHAM
 MARVIN W. SMITH

1 Amend Senate File 1202 as follows:
 2 1. By striking everything after the enacting clause
 3 and inserting in lieu thereof the following:
 4 “Section 1. DECLARATION OF POLICY. The state of
 5 Iowa, cognizant of the destructiveness of the Vietnam
 6 war upon the lives of persons around the world, and
 7 particularly the lives of Iowans who have served in
 8 the military service during this period, deems it
 9 fitting to embark upon a program of service compensa-
 10 tion to remedy the destructiveness of this war upon
 11 citizen soldiers of our state. To that end, this

12 Act seeks to provide total compensation to our citi-
 13 zen soldiers and to forego the token one-time dollar
 14 payments, a custom of deteriorating value.

15 Sec. 2. A SERVICE COMPENSATION BOARD. There is
 16 hereby created a board to be known as the service
 17 compensation board which shall consist of the auditor
 18 of state, the treasurer of state and three public
 19 members each appointed by the governor to serve a
 20 term of four years. The public members of the board
 21 shall be knowledgeable of the scope of problems
 22 confronting the veteran attempting to reestablish
 23 himself as a citizen in the State of Iowa.

24 Sec. 3. DUTIES OF THE BOARD. The board shall
 25 gather, collect and analyze all pertinent information

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1 and facts regarding the needs of veterans returning
 2 to Iowa and analyze the resources available to the
 3 veterans from all sources to meet such needs. After
 4 such analyses the board shall prepare comprehensive
 5 programs it deems advisable with technical aid and
 6 assistance from the legislative service bureau to
 7 supplement and expand resources available from the
 8 federal government or to create entirely new state
 9 resources for veterans. The board's inquiry into
 10 the needs of returning veterans shall include, but
 11 is not limited to, employment; drug abuse; educa-
 12 tion, vocational training; physical and mental
 13 rehabilitation, treatment or care; family problems
 14 occasioned by former military service, including
 15 needs of widows and widowers of veterans; and the
 16 adoption in Iowa of children fathered by American
 17 servicemen in foreign countries. The board shall,
 18 within the limit of available funds, hire employees
 19 and clerical staff and purchase the supplies neces-
 20 sary to carry out the provisions of this Act.

21 Sec. 4. The board shall promulgate rules and
 22 regulations under chapter seventeen A (17A) of
 23 the Code for programs established under the
 24 authority of this Act.

25 Sec. 5. The board shall make an annual report

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1 to the general assembly, evaluating programs and
 2 accounting for all expenditures authorized by this
 3 Act.

4 Sec. 6. The public members of the board shall
 5 receive as compensation their necessary actual
 6 expenses to be paid from the service compensation
 7 fund.

8 Sec. 7. TAX IMPOSED—ADMINISTRATION.

9 1. An additional tax, or surtax, is imposed
 10 annually upon every person liable to pay a computed
 11 tax pursuant to chapter four hundred twenty-two
 12 (422), division two (II), of the Code, at rates
 13 specified in subsection four (4), paragraph a,

14 of this section.

15 2. An additional tax, or surtax, is imposed
16 annually upon every corporation liable to pay a
17 computed tax pursuant to chapter four hundred
18 twenty-two (422), division three (III), of the
19 Code, at rates specified in subsection four (4),
20 paragraph b, of this section.

21 3. An additional tax, or surtax, is imposed
22 annually upon every financial institution liable
23 to pay a computed franchise tax pursuant to chapter
24 four hundred twenty-two (422), division five (V),
25 of the Code, at rates specified in subsection four

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1 (4), paragraph c, of this section.

2 4. a. The additional tax imposed under subsection
3 one (1) of this section is computed by applying the
4 rate of two percent to the computed tax, after the
5 deduction of personal exemptions, of the person as
6 determined under chapter four hundred twenty-two (422),
7 division two (II), of the Code.

8 b. The additional tax imposed under subsection two
9 (2) of this section is computed by applying the rate of
10 two percent to the computed tax of the corporation as
11 determined under section four hundred twenty-two point
12 thirty-three (422.33) of the Code.

13 c. The additional tax imposed under subsection
14 three (3) of this section is computed by applying the
15 rate of two percent to the computed franchise tax of
16 the financial institution as determined under section
17 four hundred twenty-two point sixty-three (422.63) of
18 the Code.

19 5. For the purposes of administering the provisions
20 of this section the provisions of chapter four hundred
21 twenty-two (422) of the Code relating to the administra-
22 tion of the state individual income tax, corporate
23 income tax and franchise tax, as applicable, including
24 but not limited to the withholding of income taxes,
25 declaration of estimated taxes, form and time of

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1 returns, the payment of income taxes and interest and
2 penalties, refunds, revisions, appeals, attachment of
3 liens, confidentiality of records, powers of the
4 director of revenue, and civil and criminal penalties,
5 shall govern the administration of this section. The
6 director of revenue shall place on the state income
7 tax return a separate line item entitled 'Vietnam
8 veterans' compensation surtax' upon which shall be
9 computed the tax imposed by this section.

10 6. The provisions of this section shall be
11 effective for all taxable years beginning on or
12 after January 1, 1973.

13 Sec. 8. DEFINITION. A veteran is defined as
14 any person, male or female, who served on active
15 duty, in the armed forces of the United States, at

16 any time between August 5, 1964 and ending on the
 17 date set by Congress for cessation of hostilities
 18 in Vietnam, Cambodia, Laos, and Thailand, all dates
 19 inclusive, and who at the time of entering into
 20 service was a legal resident of the State of Iowa,
 21 and who had maintained such residence for a period
 22 of at least six months immediately prior thereto,
 23 and was separated or discharged from such service,
 24 or has been retired, or has been furloughed to a
 25 reserve, or has been placed on inactive status.

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1 Sec. 9. There is created in the office of the
 2 treasurer of state a fund into which shall be
 3 deposited all funds received from the taxes imposed
 4 by this section and shall be known as the service
 5 compensation fund.

6 The service compensation board shall expend
 7 amounts it deems necessary from the service
 8 compensation fund, but it shall not expend a total
 9 amount greater than is in the fund.

10 All funds raised pursuant to the tax imposed by
 11 section seven (7) of this Act shall be deposited
 12 in the service compensation fund. All funds
 13 deposited in the service compensation fund are
 14 appropriated to the service compensation board for
 15 the purpose of carrying out the provisions of this
 16 Act.

17 All federal grants to and the federal receipts of
 18 the service compensation board are appropriated for the
 19 purpose set forth in the federal grants or receipts."

20 2. Page 1, lines 1 through 8, by amending the title
 21 by striking everything after the word "relating" and
 22 inserting in lieu thereof the following:

23 "to a service compensation board, its duties, impos-
 24 ing a tax, and making an appropriation."

MINNETTE DODERER

1 Amend Senate File 1202 as follows :

2 1. Page 7, strike lines 31 through 35, page 8,
 3 strike lines 1 through 35, and page 9, strike lines
 4 1 through 19, and insert in lieu thereof the following
 5 new sections:

6 Sec. 11. Chapter four hundred twenty-two (422),
 7 Code 1971, is amended by adding as a new division
 8 sections twelve (12) through twenty-two (22), inclusive,
 9 of this Act.

10 Sec. 12. DEFINITIONS.

11 1. "Intangible personal property" means personal
 12 property which is not in itself intrinsically valuable
 13 but which derives its chief value from that which it
 14 represents.

15 Intangible personal property includes, but is not
 16 limited to:

17 a. Money and negotiable instruments, including cash,

18 money on deposit, certificates of deposit, United States
19 legal tender notes, circulating notes of national bank-
20 ing associations, notes and certificates of the United
21 States payable on demand and circulating or intended
22 to circulate as currency, all other notes, checks,
23 cashier's and certified checks, bills of exchange, and
24 drafts.
25 b. Credits, including every contract, claim, or

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1 demand, due or to become due, for money, labor, or
2 other valuable thing, every annuity or claim for a sum
3 of money receivable at stated periods, every beneficial
4 interest in the property of an estate or trust, accounts
5 receivable, judgments, liens, debentures, bonds, and
6 money or property secured by deed, title bond, mortgage,
7 or otherwise.

8 However, if a taxpayer owns or controls a credit
9 which consists of an underlying obligation evidenced
10 by one or more forms of security, the intangible per-
11 sonal property tax shall be imposed only on the under-
12 lying obligation.

13 c. Shares of stock of domestic corporations, as
14 provided in section fifteen (15) of this Act.

15 d. Capital employed in the business of making loans
16 or investments within this state, by foreign corpora-
17 tions or unincorporated entities, as provided in section
18 sixteen (16) of this Act.

19 e. Domestic corporation and foreign corporation
20 shares or stocks not otherwise taxed under sections
21 fifteen (15) or sixteen (16) of this Act, including
22 mutual fund shares, and cooperative association shares.

23 2. "Person" means an individual, partnership, corpo-
24 ration, estate, trust, fiduciary, or other legal entity.

25 3. "Domestic corporation" means a corporation or

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1 association organized under the laws of this state,
2 except a credit union or a corporation or association
3 whose property is exempt from taxation, and includes
4 insurance companies, state banks as defined in section
5 five hundred fifty-four point one hundred three (554.103)
6 of the Code, and associations organized under chapter
7 five hundred thirty-four (534) of the Code. Effective
8 January 1, 1973, "domestic corporation" includes a
9 national bank which has its principal office located
10 within this state.

11 4. "Foreign corporation" includes every type of
12 corporation or association not a domestic corporation.

13 5. "Fiduciary" means a guardian, conservator, trus-
14 tee, executor, administrator, or receiver.

15 Sec. 13. IMPOSITION OF TAX. An annual tax of one
16 mill per dollar of actual value is imposed on intangible
17 personal property owned by a resident of this state,
18 or having a business, commercial, or taxable situs in

19 this state.

20 Determinations of value, residency, and situs shall
21 be made as of December thirty-first each year, for the
22 tax due the following year, under rules promulgated
23 by the director.

24 However, property exempt under the provisions of
25 chapter four hundred twenty-seven (427) of the Code,

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1 or other state or federal law, is exempt from the tax
2 imposed by this section. Also, salaries, wages, or
3 payments expected for services to be rendered, and pen-
4 sions of the United States or of any state, are exempt
5 from the tax imposed by this section.

6 Sec. 14. DEDUCTIONS.

7 1. A taxpayer, other than a taxpayer subject to
8 sections fifteen (15) or sixteen (16) of this Act, who
9 owns intangible personal property subject to the tax
10 imposed by section thirteen (13) of this Act, may deduct
11 from the total value of his intangible personal property
12 subject to taxation under this division the amount of
13 his debts owed in good faith.

14 A fiduciary or other taxpayer who controls intangible
15 personal property subject to the tax imposed by section
16 thirteen (13) of this Act, may deduct debts owed by
17 the guardianship, conservatorship, trust, estate, or
18 receivership, or otherwise fairly attributable to the
19 property controlled by the taxpayer, in accordance with
20 rules made by the director.

21 If a taxpayer is liable as surety or security for
22 another, he may deduct only the amount he expects to
23 be required to pay.

24 However, the following items are not deductible:

25 a. A deposit or security note given in aid of the

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1 organization of a mutual insurance company for the
2 premiums of insurance.

3 b. An unpaid subscription for the formation of any
4 institution, society, corporation, or company.

5 c. An indebtedness contracted for the purchase of
6 United States bonds or other nontaxable property.

7 2. A taxpayer, other than a taxpayer subject to
8 sections fifteen (15) or sixteen (16) of this Act, may
9 deduct from the total value of his intangible personal
10 property subject to taxation under this division the
11 amount of five thousand dollars and may also deduct
12 the following types of property:

13 a. Noninterest-bearing intangible personal property
14 of the types described in section twelve (12), subsec-
15 tion one (1), paragraphs a and b, of this Act, to the
16 extent it exceeds the amount of five thousand dollars.

17 b. Interest-bearing savings accounts and other
18 interest-bearing deposits which have been in the custody
19 of a bank located in this state for a period of three
20 months or more preceding December thirty-first each

21 year, for the determination of the tax due the following
22 year.

23 c. An interest in a real estate contract, or a
24 mortgage or note secured by real property, to the extent
25 that the real property involved is subject to taxation

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1 by this state or a political subdivision of this state.

2 d. An amount equal to the difference between his
3 personal property tax credit for the tax year actually
4 allowed under chapter four hundred twenty-seven A (427A)
5 of the Code, and twenty-seven hundred dollars.

6 3. Any person having control of property subject
7 to taxation under this division but not owned by the
8 person, may deduct the amount of the property which
9 is subject to being taxed under this division to the
10 owner of the property, if the owner is a resident of
11 this state.

12 Sec. 15. SPECIAL PROVISIONS RELATING TO DOMESTIC
13 CORPORATIONS. Every domestic corporation shall file
14 a return and pay the tax imposed by section thirteen
15 (13) of this Act, based upon the actual value of the
16 shares of stock of its stockholders on the preceding
17 December thirty-first. If capital of the corporation
18 is invested in real property otherwise subject to
19 taxation by this state or a political subdivision of
20 this state, the value of that capital may be deducted
21 in determining the value of the shares of stock. A
22 corporation subject to this section shall not be
23 otherwise taxed upon its intangible personal property.
24 A corporation may apportion to the owners of its
25 shares a pro rata portion of the tax imposed by this

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1 section, may have a lien upon the value of the shares
2 for this tax, and may deduct the pro rata amount from
3 the dividends or earnings credited to each shareholder.

4 A corporation may enforce its lien, if the unpaid
5 dividends are not sufficient to pay the tax on each
6 share, by a public sale by the sheriff at the principal
7 office of the corporation, after giving thirty days'
8 notice to shareholders by certified mail of the time
9 and place of the sale.

10 Sec. 16. SPECIAL PROVISIONS RELATING TO LOAN OR
11 INVESTMENT COMPANIES. Every foreign corporation, and
12 every nonresident individual or unincorporated entity,
13 engaged in the business of making loans or investments
14 within the state of Iowa shall file a return and pay
15 the tax imposed by section thirteen (13) of this Act
16 based upon its capital employed within this state on
17 the preceding December thirty-first. However, this
18 section does not apply to production credit associations,
19 or rural electrification associations. As used in this
20 section, "capital" means capital employed in the business
21 of making loans or investments, either unsecured or

22 on security other than real property.

23 In computing the tax imposed by this section, a pro
24 rata portion of debts may be deducted in the same pro-
25 portion that the capital employed within this state

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1 is to the total capital. However, the debts deducted
2 may not exceed eighty percent of the capital employed
3 within this state, and the amount of the debt deduction
4 must be reduced by the amount of any assets available
5 for use in connection with loans or investments in this
6 state, which have not been included in the computation
7 of capital employed within this state.

8 Sec. 17. FILING REQUIREMENTS. Any person owning
9 or having control of intangible personal property subject
10 to taxation under this division shall file an annual
11 return listing all such property, allowable deductions,
12 amount of tax due, and other matters as required by
13 the director.

14 Every domestic corporation shall file an annual
15 information return listing each registered holder of
16 its debentures and bonds, and every foreign corporation
17 authorized to do business in this state shall file an
18 annual information return listing each registered holder
19 of its shares, debentures, and bonds, whose mailing
20 address is within this state, of record as of the pre-
21 ceding December thirty-first. The return shall list
22 the names and address of each such registered holder,
23 together with the number and class of shares, and the
24 face amount and class of debentures or bonds registered
25 in the holder's name.

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1 Every security broker and dealer registered under
2 the laws of this state shall file an annual information
3 return listing the name, address, number and class of
4 shares, and face amount and class of debentures or bonds
5 held by each customer whose mailing address is within
6 this state as of the preceding December thirty-first.

7 Every person accepting deposits of money within this
8 state shall file an annual information return listing
9 the name, address, and balance on deposit for each
10 depositor on the preceding December thirty-first, and
11 indicating the amount continuously on deposit for each
12 depositor during the period beginning on the preceding
13 October first through the preceding December thirty-
14 first.

15 All returns required by this section are due January
16 first of each year and are delinquent beginning the
17 following May first. Any person subject to the tax
18 imposed by this division and subject to a tax imposed
19 by division two (II) or division three (III) of this
20 chapter shall file the returns required by this section
21 with the returns required by divisions two (II) or three

22 (III).

23 Sec. 18. ADMINISTRATIVE PROVISIONS. The director
24 shall provide appropriate forms for persons required
25 to file a return under this division, including a

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1 simplified form for persons required to file a return,
2 but not required to pay tax because their allowable
3 deductions exceed their total taxable property.

4 The director shall make all rules necessary for the
5 administration of this division, subject to the provi-
6 sions of chapter seventeen A (17A) of the Code, including
7 rules for determining actual value of intangible personal
8 property which does not have a readily ascertainable
9 market value. In order to determine the value of shares
10 of domestic corporations or foreign corporations autho-
11 rized to do business in this state, the director may
12 require the filing of verified financial statements
13 by the corporations.

14 All applicable provisions of sections four hundred
15 twenty-two point twenty-four (422.24), four hundred
16 twenty-two point twenty-five (422.25), four hundred
17 twenty-two point twenty-six (422.26), four hundred
18 twenty-two point twenty-eight (422.28), four hundred
19 twenty-two point twenty-nine (422.29), and four hundred
20 twenty-two point thirty (422.30) of the Code apply to
21 taxpayers subject to this division, and to the tax
22 imposed by this division, except that the period for
23 examination, determination and assessment of additional
24 intangible personal property tax shall in all cases
25 be ten years, and except that penalties applicable to

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1 corporate taxpayer shall be determined as provided
2 in section four hundred twenty-two point forty (422.40)
3 of the Code.

4 However, taxpayers complying with this division after
5 the effective date of this Act shall not be held liable
6 for failure to list any intangible property with local
7 taxing bodies in years prior to the effective date of
8 this Act.

9 Sec. 19. ENFORCEMENT PROVISIONS. In every action
10 in any court of this state for the collection on any
11 bonds, notes, demands, claims, or other evidences of
12 debt, the plaintiff shall be required to allege in his
13 pleadings or to prove at any time before final judgment
14 is entered, one of the following:

15 1. That the bonds, notes, or other evidences of
16 debt have been assessed for taxation for every tax year,
17 under the provisions of this division, during which
18 the plaintiff was owner of them, not exceeding five
19 years prior to that in which the suit or action is
20 brought.

21 2. That the bonds, notes, or other evidences of

22 debt sued upon are not taxable in the hands of the
23 plaintiff.

24 3. That the plaintiff has not paid, or is unable
25 to pay the taxes, penalties, and interest due, but is

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1 willing for them to be paid out of the first recovery
2 on the evidence of debt sued upon.

3 When in any action it is ascertained that there are
4 unpaid taxes, penalties, and interest due on the evi-
5 dence of debt sought to be enforced, and the plaintiff
6 shows to the court that he has not paid or is unable
7 to pay the taxes, penalties, and interest, but is willing
8 for them to be paid out of the first recovery on the
9 evidence of debt, the court shall enter as a part of
10 the judgment that the amount of taxes, penalties, and
11 interest due and owing shall be paid to the proper
12 officer out of the first collection on the judgment.

13 Sec. 20. The provisions of this division shall be
14 effective for all taxable years beginning on or after
15 January 1, 1973.

16 Sec. 21. There is created in the office of the trea-
17 surer of state a sinking fund into which shall be
18 deposited all funds received from the taxes imposed
19 by this division.

20 Sec. 22. Taxes imposed by this division shall cease
21 to be imposed at such times as the state comptroller
22 determines and certifies that the funds in the sinking
23 fund are sufficient to pay the principal and interest
24 due on all outstanding bonds to the date of maturity
25 and the last taxable year of each taxpayer that ends

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1 before such certification shall be the last taxable
2 year for which the tax shall be imposed on and collected
3 from such taxpayer.

4 Sec. 23. Section four hundred twenty-eight point
5 three (428.3), Code 1971, is amended to read as follows:
6 428.3 AGENT PERSONALLY LIABLE. Any person acting
7 as the agent of another, and having in his possession
8 or under his control or management any [money, notes,
9 and credits, or] *tangible* personal property belonging
10 to such other person, with a view to investing or loaning
11 or in any other manner using or holding the same for
12 pecuniary profit, for himself or the owner, shall be
13 required to list the same at the real value, and such
14 agent shall be personally liable for the tax on the
15 same; and if he refuse to render the list or to swear
16 to the same, the amount of such [money,] property[, notes,
17 or credits] may be listed and valued according to the
18 best knowledge and judgment of the assessor.

19 Sec. 24. Section four hundred twenty-eight point
20 eight (428.8), Code 1971, is amended to read as follows:
21 428.8 PLACE OF LISTING. [Moneys and credits, notes,
22 bills, bonds, and corporate shares or stocks not
23 otherwise assessed,] *Tangible personal property* shall

24 be listed and assessed where the owner lives, except
25 as otherwise provided, and except that, if *tangible*

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1 personal property [not consisting of moneys, credits,
2 corporation or other shares of stock, or bonds,] has
3 been kept in another assessment district during the
4 greater part of the year preceding the first of January,
5 or of the portion of that period during which it was
6 owned by the person subject to taxation therefor, it
7 shall be taxed where it has been so kept.

8 Sec. 25. Section four hundred twenty-eight point
9 eleven (428.11), Code 1971, is amended to read as
10 follows:

11 428.11 BUSINESS IN DIFFERENT DISTRICTS. When a
12 person, firm, or corporation is doing business in more
13 than one assessment district, the *tangible* property
14 [and credits] existing in any one of such districts, or
15 arising from business done in such district, shall
16 be listed and taxed in that district[, and the credits
17 not existing in or pertaining especially to the business
18 in any district shall be listed and taxed in that dis-
19 trict where the principal place of business may be].

20 Sec. 26. Section four hundred twenty-eight point
21 twenty-three (428.23), Code 1971, is amended to read
22 as follows:

23 428.23 MANUFACTURER TO LIST. Corporations organized
24 under the laws of this state for pecuniary profit and
25 engaged in manufacturing as defined in section 428.20

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1 shall list their real estate, and *tangible* personal
2 property not hereinbefore mentioned, [and moneys and
3 credits] in the same manner as is required of individuals.

4 Sec. 27. Section four hundred thirty-two point five
5 (432.5), Code 1971, is amended to read as follows:

6 432.5 DOMESTIC COMPANIES—SHARES OF STOCK. The
7 shares of stock of every insurance corporation or asso-
8 ciation having capital stock, organized under the laws
9 of this state, shall be assessed for taxation in the
10 manner provided for the assessment of the shares of
11 corporate stock in [sections 431.1 to 431.5, inclusive]
12 *section 15 of this Act*, and said shares of stock shall
13 not be otherwise assessed. [In addition to the statement
14 required in section 431.2, the corporation shall furnish
15 to the assessor a copy of its annual report made to
16 the commissioner of insurance.]

17 Sec. 28. Section four hundred thirty-two point seven
18 (432.7), Code 1971, is amended to read as follows:

19 432.7 ASSESSMENT. It shall be the duty of the
20 assessor, upon the receipt of said statements, and from
21 other information acquired by him, to assess against
22 every corporation or association referred to in section
23 432.6, the value of all *tangible* personal property owned
24 by such corporation or association, together with the
25 actual value of each parcel of real estate situated

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1 in the assessment district of such assessor, and all
 2 the said property shall be assessed at the same rate,
 3 and for the same purposes as the property of private
 4 individuals, as provided in section 441.21.

5 Sec. 29. Section four hundred forty-four point three
 6 (444.3), Code 1971, is amended by striking unnumbered
 7 paragraphs two (2) through five (5), inclusive.

8 Sec. 30. Chapter four hundred thirty A (430A), and
 9 sections four hundred twenty-eight point twelve (428.12),
 10 four hundred thirty-two point eight (432.8), four hundred
 11 thirty-two point nine (432.9), four hundred forty-four
 12 point five (444.5), and five hundred eighteen A point
 13 thirty-eight (518A.38), Code 1971, are repealed.

14 2. Renumber the sections and internal references
 15 to sections to conform to this amendment.

LEE H. GAUDINEER, JR.
 C. JOSEPH COLEMAN
 MINNETTE F. DODERER
 GENE W. GLENN
 G. WILLIAM GROSS
 EUGENE M. HILL
 GENE V. KENNEDY
 CHARLES P. MILLER
 WILLIAM D. PALMER
 CLOYD E. ROBINSON
 JAMES F. SCHABEN
 JOHN E. TAPSCOTT

1 Amend Senate File 1205 as follows:

2 1. Page 1, line 6, by striking the words and
 3 figure "and thirty-five (35)," and inserting in lieu
 4 thereof the words and figures "thirty-five (35), and
 5 fifty-three (53),".

6 2. Page 1, by inserting after line 16 the follow-
 7 ing new subsection:

8 53. Supreme court.

9 Salaries of the supreme court judges:.....
 10 \$25,000.00 [\$25,000.00] *\$28,000.00*

11 Salaries of nine legal assistants each not exceeding:
 12 \$ 7,500.00 [\$ 7,500.00] *\$ 9,500.00*

13 Salary of the clerk of the supreme court not exceeding:
 14 \$ 9,000.00 \$ 9,000.00

15 Salary of the code editor not exceeding:.....
 16 \$14,000.00 \$14,000.00

17 Salary of the court administrator of the supreme court
 18 not exceeding \$13,000.00 \$13,000.00

19 3. Amend the title, page 1, line 3, by inserting after
 20 the word "library" the words "and the salaries of the
 21 supreme court judges and their nine legal assistants".

QUENTIN V. ANDERSON
 TOM RILEY

1 Amend Senate File 1205 after line 16, by adding the
 2 following new section:
 3 1. "Sec. All state employees shall receive a
 4 salary increase in the amount of five percent of their
 5 present salary not to exceed five hundred dollars per year."
 6 2. Amend the title, line 3, by adding after the word
 7 "library" the words "and all state employees".

WILLIAM D. PALMER
 MINNETTE DODERER

1 Amend House File 1001, page 2, lines 21 and 22, by
 2 striking the words ", goods or services".

R. DEAN ARBUCKLE
 EARL BASS

1 Amend House File 1001, as amended and passed by the House,
 2 page 4, by adding after line 17, the following new paragraph:
 3 "There is appropriated from the general fund of the state
 4 to the amusement inspection fund the sum of thirty-seven thou-
 5 sand (37,000) dollars or so much thereof as may be necessary,
 6 to be used by the bureau of labor to carry out the provisions
 7 of this Act. On January 1, 1973, the sum of thirty-seven
 8 thousand (37,000) dollars shall revert from the amusement
 9 inspection fund to the general fund of the state."

FRANCIS L. MESSERLY
 RALPH W. POTTER

1 Amend House File 1001, as amended and passed by the House,
 2 as follows:
 3 Page 6, strike lines 17 thru 20, and insert in lieu thereof:
 4 "2. A concession booth, amusement device which is owned and
 5 operated by a nonprofit religious, educational or charitable
 6 institution or association, if such booth or device is subject
 7 to inspection".

R. DEAN ARBUCKLE

1 Amend House File 1001, as amended and passed by the
 2 House, page 7, after line 2, by adding the following new
 3 section:
 4 "Sec. This Act, being deemed of immediate import-
 5 ance, shall take effect and be in force from and after
 6 its publication in the Lee Town News, a newspaper published
 7 in Des Moines, Iowa, and in The Daily Gate City, a news-
 8 paper published in Keokuk, Iowa."

JOHN E. TAPSCOTT

1 Amend House File 1247, as amended and passed by the House as
 2 follows:
 3 1. Page 2, line 32 by striking the words and figures
 4 "four hundred thousand (400,000) " and inserting in lieu
 5 thereof the words and figures "three hundred seventy-five
 6 thousand (375,000)".
 7 2. Page 2, line 33 by inserting after the word "area"

8 the following: "except that a special appropriation of
9 twenty-five thousand (25,000) dollars is made to the Mason
10 City area for a translator facility".

LEIGH R. CURRAN
H. L. OLLENBURG
W. CHARLENE CONKLIN
WILSON L. DAVIS

1 Amend House File 1272, page 8, by inserting after line 6
2 the following new section:
3 1. "Sec. Section five hundred forty-three point thirty
4 (543.30), Code 1971, is amended to read as follows:
5 543.30 INSPECTING AND GRADING. Grain, flaxseed, or
6 any other fungible agricultural product stored in a warehouse
7 licensed under this chapter *or an unlicensed warehouse pursuant*
8 *to section five hundred forty-three point seventeen (543.17)*
9 *of the Code*, for which no separate compartment is provided,
10 and its identity preserved, shall be inspected and graded,
11 *and the warehouseman, upon request, shall notify the depositor*
12 *or his delivering agent of the grade prior to commingling it."*
13 2. Renumber the subsequent sections accordingly.

QUENTIN V. ANDERSON

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Thursday, March 9, 1972.

JOURNAL OF THE SENATE

SIXTIETH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, MARCH 9, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by Father Frahm, pastor of the Saint James Episcopal Church, Oskaloosa, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, March 8, 1972, was approved.

PRESENTATION OF VISITORS

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

Forty-one students from the Central Community School, Clinton, Iowa. Senator Shaff.

One hundred twenty students from the Independence High School, Independence, Iowa, accompanied by W. G. Hatfield, principal. Senator Potter.

Fifty-five students from the Norwoodville Elementary School, Saydel Consolidated School District, Polk County, Iowa, accompanied by Wilma Lemons and Stan Voss. Senator Palmer.

Fifty students from the Albert City-Truesdale High School, Albert City, Iowa, accompanied by Roger Henningson, John Morey and Scott Hardie. Senator Brownlee.

Forty-seven students from the Jensen Elementary School, Urbandale, Iowa, accompanied by Mrs. Nicholson and Mrs. Drummond. Senator Carlson.

Forty-seven students from the Coon Rapids High School, Coon Rapids, Iowa, accompanied by Mr. Sword and Mr. Carlson. Senator Neu.

Twenty-seven students from the St. Anthony School, Des Moines, Iowa, accompanied by Loretta McCurran. Senator Tapscott.

Fifty-five students from the Franklin Elementary School, Muscatine, Iowa, accompanied by Mrs. O'Neill, Mrs. Kiene and Mr. Lange. Senator Rabedeaux.

Ninety-eight students from the Prairie Junior High School, Callender, Iowa, accompanied by Richard Phillips, Mr. and Mrs. Mike Schoneboom, Gary Boerner, Mike Sorenson and Jerry Payne. Senator Coleman.

Sixty students from the St. Matthews School, Cedar Rapids, Iowa, accompanied by Sister Susan and Mary Ellen O'Brien. Senator Riley.

One hundred twenty students from the Emmetsburg High School, Emmetsburg, Iowa, accompanied by Mrs. Nicholson, Mrs. Reil, Mr. Mann and Mr. Nolan. Senator Brownlee.

Sixteen students, participants in the New Careers Program, Des Moines, Iowa, accompanied by Bill Sharpe. Senator Tapscott.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

INTRODUCTION OF BILLS

Senate File 1209, by Senators Anderson and Arbuckle, a bill for an act to provide for cost-of-living adjustments after retirement under the Iowa public employees' retirement system.

Read first time and passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate File 1069.

JOHN C. RHODES

Chairman, Senate Committee

ELIZABETH R. MILLER

Chairman, House Committee

Report adopted.

BILL SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bill: Senate File 1069.

BILL SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 9th day of March, 1972, sent to the Governor for his approval: Senate File 1069.

JOHN C. RHODES, Chairman

Passed on file.

UNFINISHED BUSINESS

House File 1001

On motion of Senator Potter, House File 1001, a bill for an act relating to the safety inspection and regulation of amusement rides, devices and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations, was taken up for further consideration.

Senator Arbuckle offered the following amendment filed by Senators Arbuckle and Bass and moved its adoption:

- 1 Amend House File 1001, page 2, lines 21 and 22, by
- 2 striking the words " , goods or services".

Roll call was requested.

On the question "Shall the Arbuckle-Bass amendment be adopted?" (H.F. 1001) the vote was:

Ayes, 26:

Anderson	Curran	Lamborn	Schaben
Arbuckle	DeKoster	Laverty	Shaff
Balloun	Erskine	Messerly	Shawver
Bass	Gilley	Mowry	Smith
Briles	Graham	Potgeter	Stephens
Brownlee	Kennedy	Potter	Van Gilst
Coleman	Kyhl		

Nays, 18:

Carlson	Hill	Rabedeaux	Tapscott
Conklin	Miller	Rhodes	Thordsen
Doderer	Neu	Riley	Van Drie
Glenn	Nicholson	Robinson	Walsh
Griffin	Palmer		

Absent or not voting, 6:

Davis	Gross	Milligan	Ollenburg
Gaudineer	Keith		

The amendment was adopted.

Senator Messerly offered the following amendment filed by Senators Messerly and Potter:

- 1 Amend House File 1001, as amended and passed by the House,

2 page 4, by adding after line 17, the following new paragraph:
 3 "There is appropriated from the general fund of the state
 4 to the amusement inspection fund the sum of thirty-seven thou-
 5 sand (37,000) dollars or so much thereof as may be necessary,
 6 to be used by the bureau of labor to carry out the provisions
 7 of this Act. On January 1, 1973, the sum of thirty-seven
 8 thousand (37,000) dollars shall revert from the amusement
 9 inspection fund to the general fund of the state."

Senator Tapscott offered the following amendment to the amendment:

1 Amend the Messerly and Potter amendment filed March 8,
 2 1972, to House File 1001 as follows:
 3 1. Lines 4 and 5, by striking the words and figure
 4 "thirty-seven thousand (37,000)" and inserting in lieu
 5 thereof "fifty-eight thousand (58,000)".
 6 2. Lines 7 and 8, by striking the words and figure
 7 "thirty-seven thousand (37,000)" and inserting in
 8 lieu thereof "fifty-eight thousand (58,000)".

Senator Brownlee took the chair at 9:55 a.m.

Senator Tapscott moved the adoption of the amendment to the amendment and called for a division.

The amendment to the amendment lost.

On motion of Senator Messerly, the amendment was adopted.

Senator Arbuckle offered the following amendment filed by him:

1 Amend House File 1001, as amended and passed by the House,
 2 as follows:
 3 Page 6, strike lines 17 through 20, and insert in lieu thereof:
 4 "2. A concession booth, amusement device which is owned and
 5 operated by a nonprofit religious, educational or charitable
 6 institution or association, if such booth or device is subject
 7 to inspection".

Senator Arbuckle moved the adoption of his amendment and called for a division.

The amendment lost.

Senator Tapscott offered the following amendment filed by him and moved its adoption:

1 Amend House File 1001, as amended and passed by the
 2 House, page 7, after line 2, by adding the following new
 3 section:
 4 "Sec. This Act, being deemed of immediate import-
 5 ance, shall take effect and be in force from and after
 6 its publication in the Lee Town News, a newspaper published
 7 in Des Moines, Iowa, and in The Daily Gate City, a news-
 8 paper published in Keokuk, Iowa."

The amendment was adopted.

The following amendment by Senator Tapscott, considered and deferred on March 8, 1972, was ruled out of order with the adoption of the Messerly-Potter amendment:

- 1 Amend House File 1001, page 7, by adding after
- 2 line 2, the following new section:
- 3 "Sec. There is appropriated from the gen-
- 4 eral fund of the state to the bureau of labor for
- 5 the fiscal year commencing July 1, 1972, and ending
- 6 June 30, 1973, the sum of fifty-eight thousand four
- 7 hundred twenty-nine dollars (\$58,429), or so much
- 8 thereof as is necessary to carry out the provisions
- 9 of this Act."

Senator Gaudineer asked and received unanimous consent to withdraw division 2 of the amendment considered and deferred on March 8, 1972.

Senator Glenn offered the following amendment:

- 1 Amend House File 1001 as amended and passed by the House
- 2 as follows: Page 6, by striking lines 17 through 23.

Senator Potter raised a point of order that the amendment was out of order because the same subject matter had already been considered by the Senate.

The Chair ruled the point not well taken and the amendment in order.

Senator Glenn moved the adoption of his amendment.

The amendment lost.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1001) the vote was:

Ayes, 46:

Anderson	Gaudineer	Miller	Riley
Balloun	Gilley	Milligan	Robinson
Bass	Glenn	Mowry	Shaff
Briles	Graham	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Laverty	Rhodes	Walsh
Erskine	Messerly		

Nays, 2:

Arbuckle Schaben

Absent or not voting, 2:

Coleman Griffin

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

SENATE FILE WITHDRAWN

Senator Mowry asked and received unanimous consent that **Senate File 1207** be **withdrawn** from further consideration of the Senate.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1001 passed the Senate on March 9, 1972.

GENE W. GLENN

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

The Senate resumed session, President pro tempore Kyhl presiding.

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

AFTERNOON SESSION

The Senate reconvened, Senator Brownlee presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1288, a bill for an act providing for full disclosure of sales price in real estate transfers.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF JOINT RESOLUTION

Senate Joint Resolution 1006, by Senator Walsh, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow a property tax exemption for persons sixty-five years of age or older.

Read first time and passed on file.

HOUSE MESSAGE CONSIDERED

House File 1288, a bill for an act providing for the full disclosure of the sales price in real estate transfers and providing penalties for violations of this act.

Read first time and passed on file.

CONSIDERATION OF BILLS

Senate File 1201

On motion of Senator Keith, Senate File 1201, a bill for an act to appropriate funds to the state highway commission for designated capital improvement programs, was taken up and considered.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1201) the vote was:

Ayes, 44:

Anderson	Erskine	Messerly	Rhodes
Arbuckle	Gaudineer	Miller	Riley
Balloun	Gilley	Milligan	Robinson
Bass	Glenn	Mowry	Schaben
Brownlee	Graham	Neu	Shaff
Carlson	Griffin	Nicholson	Shawver
Conklin	Gross	Ollenburg	Smith
Curran	Hill	Palmer	Stephens
Davis	Keith	Potgeter	Tapscott
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst

Nays, none.

Absent or not voting, 6:

Briles	Kennedy	Thordsen	Walsh
Coleman	Laverty		

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

House File 1213

On motion of Senator Mowry, House File 1213, a bill for an act making an appropriation to the office of secretary of state to defray expenses relating to the administration of election laws, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Thordsen offered the following amendment filed by Senators Doderer and Thordsen:

- 1 Amend House File 1213, as amended and passed by the
 2 House, by adding after line 26 the following new
 3 section:
 4 1. "Sec. Section three hundred forty point one
 5 (340.1), Code 1971, is amended by adding the following
 6 new paragraph:
 7 The county commissioner of elections shall
 8 receive a salary equal to ten percent of the salary
 9 of the county auditor, in addition to his salary
 10 as county auditor."
 11 2. Amend the title, line 3, by adding after the word
 12 "laws" the words "and providing a salary for the county
 13 commissioner of elections".

Senator Balloun raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Lamborn raised a point of order that the subject matter contained in the amendment had already been considered and rejected by the Senate.

The Chair ruled the point well taken and the amendment out of order.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1213) the vote was:

Ayes, 43:

Arbuckle	Gaudineer	Miller	Riley
Balloun	Gilley	Milligan	Robinson
Brownlee	Glenn	Mowry	Schaben
Carlson	Graham	Neu	Shaff
Coleman	Griffin	Nicholson	Smith
Conklin	Gross	Ollenburg	Tapscott
Curran	Hill	Palmer	Thordsen
Davis	Kennedy	Potgeter	Van Drie
DeKoster	Kyhl	Potter	Van Gilst
Doderer	Lamborn	Rabedeaux	Walsh
Erskine	Messerly	Rhodes	

Nays, 3:

Anderson	Bass	Stephens
----------	------	----------

Absent or not voting, 4:

Briles	Keith	Laverty	Shawver
--------	-------	---------	---------

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

House File 1247

On motion of Senator Balloun, House File 1247, a bill for an act making appropriations to the educational radio and television facility board for the purpose of making capital improvements, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Balloun offered the amendment filed by him on March 7, 1972, and found on pages 730-733, inclusive, of the Senate Journal.

Senator Balloun moved the adoption of the amendment and called for a division.

The amendment lost.

Senator Balloun offered the following amendment filed by him :

1 Amend House File 1247, as amended and passed by the House,
2 page 3, after line 33, by adding a new section as follows:
3 "Sec. Funds appropriated by this Act shall not
4 become available until the communications advisory council
5 establishes a formal system for categorizing programs which
6 will be shown by the educational radio and television fac-
7 lity into the classifications of educational, supplementary
8 educational, and entertainment programs. The various classi-
9 fications assigned to programs shall be noted on program
10 schedules provided by the educational radio and television
11 facility."

Senator Balloun moved the adoption of the amendment and called for a division.

The amendment lost.

Senator Curran withdrew the amendment filed March 8, 1972, by Senators Curran, Ollenburg, et al., and found on pages 785 and 786 of the Senate Journal.

Senator Curran offered the following amendment by Senators Curran, Ollenburg, et al. :

1 Amend House File 1247, as amended and passed by the House, as
2 follows:
3 1. Page 2, line 32, by striking the words and figures
4 "four hundred thousand (400,000)" and inserting in lieu
5 thereof the words and figures "three hundred eighty-seven
6 thousand five hundred (387,500)".
7 2. Page 2, line 33, by inserting after the word "area"
8 the following: "except that a special appropriation of
9 twenty-five thousand (25,000) dollars is made to the Mason
10 City area for a translator facility".

Senator Curran moved the adoption of the amendment and called for a division.

The amendment was adopted.

Senator Balloun offered the following amendment:

- 1 Amend House File 1247, as amended and passed by the House,
- 2 page 3, after line 33, by adding a new section as follows:
- 3 "Sec. Section eight A point eighteen (8A.18), Code
- 4 1971, as amended by chapter eighty-four (84), section twenty-
- 5 one (21), Acts of the Sixty-fourth General Assembly, First
- 6 Session, is amended to read as follows:
- 7 "8A.18 DIRECTOR EDUCATIONAL FACILITIES. The board shall
- 8 appoint an educational facilities director *who shall be approved*
- 9 *by a two-thirds vote of the Senate and* who shall not be included
- 10 in the Iowa merit system and fix his compensation if it is not
- 11 otherwise provided by law. All appointments of personnel needed
- 12 to administer this chapter shall be without reference to poli-
- 13 tical party affiliation, religious beliefs, sex, marital status,
- 14 race, color, or national origin. The total amount of compensa-
- 15 tion for employees shall be subject to the limitation of the
- 16 appropriation and other funds lawfully available."

Senator Doderer raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Riley offered the following amendment by Senators Riley, Shawver, et al.:

- 1 Amend House File 1247, as amended and passed by the
- 2 House, page 2, after line 19, by adding the following new sub-
- 3 section:
- 4 "4. For the fiscal year beginning July 1, 1972, and ending
- 5 June 30, 1973 the sum of ten thousand (10,000) dollars, or so
- 6 much thereof as is necessary, to be used as program acquisition
- 7 costs to aid in defraying costs of making available programs
- 8 having educational value to young children to commercial tele-
- 9 vision stations which will carry such programs and which pro-
- 10 vide television coverage within areas of the state which do not
- 11 receive coverage from the Iowa educational broadcasting network."

Senator Arbuckle raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

President pro tempore Kyhl took the chair at 3:29 p.m.

Senator Riley moved the adoption of the amendment.

Division was called for.

The amendment was adopted.

President Jepsen took the chair at 3:57 p.m.

Senator Balloun moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1247) the vote was:

Ayes, 48:

Anderson	Erskine	Lavery	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Brownlee	Graham	Mowry	Shaff
Carlson	Griffin	Neu	Shawver
Coleman	Gross	Nicholson	Smith
Conklin	Hill	Ollenburg	Tapscott
Curran	Keith	Palmer	Thordsen
Davis	Kennedy	Potgeter	Van Drie
DeKoster	Kyhl	Potter	Van Gilst
Doderer	Lamborn	Rabedeaux	Walsh

Nays, 1:

Stephens

Absent or not voting, 1:

Briles

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

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

The Senate resumed session, President Jepsen presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1148, a bill for an act relating to the civil rights of physically and mentally handicapped persons.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1188, a bill for an act relating to publication of education and scientific reports by state archaeologist.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 105, creating a study committee for the purpose of studying the structure of the Iowa Supreme Court.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 217, a bill for an act relating to the board of parole.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1292, a bill for an act to increase allocation for construction of state institutional roads and state park roads.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 111, directing the President of the United States and other federal departments to institute a study of present price-grading system for grains and oil seeds in the United States.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 123, recommending that the executive council approve expenditure of three dollars per month for purchase of disability income protection and life insurance protection for state employees.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1210, by committee on law enforcement, a bill for an act relating to benefits under the peace officers' retirement system.

Read first time and placed on calendar.

Senate File 1211, by committee on judiciary, a bill for an act to establish a commission on the status of women and to define its powers and duties.

Read first time and placed on calendar.

Senate File 1212, by committee on state government, a bill for an act relating to health maintenance organizations.

Read first time and placed on calendar.

HOUSE MESSAGE CONSIDERED

House File 1292, a bill for an act to increase the allocation for construction of state institutional roads and state park roads.

Read first time and passed on file.

HOUSE CONCURRENT RESOLUTION 111

By Committee on Agriculture

Whereas, we, the members of the agriculture committee of the Iowa House of Representatives, have a deep concern for the problems of the grain producers of our state in marketing grain and oil seeds, the market price of which is determined by established grade; and

Whereas, hundreds of Iowa grain producers are submitting grain and oil seeds to local markets, which grain and oil seeds average consistently higher in quality and grade than is provided for in the present grade-pricing system; and

Whereas, these producers of premium quality grain and oil seeds are unable to procure premium prices for their products under the present grade-price structure, *Now, Therefore*,

Be It Resolved by the House, the Senate Concurring, That the President of the United States, the Secretary of Agriculture of the United States, the Congress of the United States, and the Committees on Agriculture of the United States House of Representatives and Senate be directed to immediately institute a study of the present price-grading system for grains and oil seeds in the United States with the intent of establishing a new base for determining the market price of feed grains and oil seeds; and

Be It Further Resolved, That copies of this resolution be transmitted to the President of the United States, the Secretary of Agriculture of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Committees on Agriculture of the United States House of Representatives and Senate and to all members of the Iowa delegation to the Congress of the United States.

HOUSE CONCURRENT RESOLUTION 123

By Welden, Taylor, Blouin, Franklin, Egenes, Gluba, Wells,
Andersen, Wyckoff, Willits, Larson, Nystrom, Logemann,
Schwieger, Edelen, Strothman, Norpel,
Cochran, Husak and Trowbridge

Whereas, the Sixty-fourth General Assembly, First Session, appropriated funds for the payment of salaries and for providing other economic benefits for employees of the state; and

Whereas, it was intended by the general assembly that benefits be provided for each employee of the state at a cost of fifteen dollars per month; and

Whereas, the state is presently contributing twelve dollars per month for hospitalization and medical insurance for each of its employees; and

Whereas, the executive council has determined that an expenditure for disability income protection must be authorized by the general assembly; *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the general assembly recommends that the executive council approve the expenditure of three dollars per month for the purchase of disability income protection and life insurance protection for each employee of the state.

HOUSE AMENDMENT TO SENATE FILE 1148

- 1 Amend Senate File 1148 as follows:
- 2 Page 4, by adding after line 10, the following new

- 3 sections:
- 4 Sec. Chapter one hundred five A (105A), Code 1971,
5 is amended by adding thereto the following section:
- 6 After a handicapped individual is employed, the
7 employer shall not be required under this chapter to promote
8 or transfer such handicapped person to another job or
9 occupation, unless, prior to such transfer, such handicapped
10 person by training or experience is qualified for such job or
11 occupation. Any collective bargaining agreement between an
12 employer and labor organization shall contain this section as
13 a part of such agreement.
- 14 Sec. Section one hundred five A point five (105A.5),
15 subsections five (5) and seven (7), Code 1971, are amended to
16 read as follows:
- 17 5. To issue such publications and reports of investigations
18 and research as in the judgment of the commission shall tend to
19 promote good will among the various racial, religious, and
20 ethnic groups of the state and which shall tend to minimize or
21 eliminate discrimination in public accommodations, employment,
22 apprenticeship and on-the-job training programs, vocational
23 schools, or housing because of race, creed, color, sex, national
24 origin, religion, [or] ancestry, *or disability*.
- 25 7. To make recommendations to the general assembly for such

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- 1 further legislation concerning discrimination because of
2 race, creed, color, sex, national origin, religion, [or]
3 ancestry, *or disability* as it may deem necessary and desirable.

SENATE CONCURRENT RESOLUTION 122

By Lamborn and Gaudineer

Whereas, large numbers of resolutions have been introduced in both the Senate and the House of Representatives calling for interim studies of numerous state functions; and

Whereas, in the waning hours of the Second Session of the Sixty-fourth General Assembly it is impractical to accurately determine during floor debate the amount of hours of staff time required to complete such studies, within the limitations of funds which will be available, and assign precise priorities;

Now, Therefore, Be It Resolved by the Senate, the House Concurring: That all resolutions calling for interim studies by the Legislative Council and by the Legislative Service Bureau which have not been adopted in both houses be delivered to the President pro tempore, on the part of the Senate, and the Speaker of the House, on the part of the House, for consideration by the Legislative Council, which shall determine priorities and authorize such studies as may be feasible within the limits of the staff, time and funds available.

STEERING COMMITTEE REPORT

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends that they be placed on the steering calendar.

S. F. 1102

H. F. 1127

CLIFTON C. LAMBORN, Chairman

BILLS ASSIGNED TO COMMITTEE

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

S.J.R.1006 Constitutional amendments and reapportionment
 S. F. 1209 Social services
 H. F. 1286 Ways and means
 H. F. 1288 Ways and means

REASSIGNMENT OF BILL

President Jepsen announced the reassignment of **House File 1220** from the committee on **county government** to the committee on **state government**.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1156 passed the Senate.

JOHN M. WALSH

REPORTS OF COMMITTEES

Senator Erskine submitted the following report:

MR. PRESIDENT: Your committee on conservation and recreation, to which was referred **House File 1219**, a bill for an act related to the destruction of undesirable fish, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ALDEN J. ERSKINE, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 1269**, a bill for an act amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, First Session, by including in the definition of fall enrollment those resident pupils attending public schools in another district or state and out-of-state pupils attending public schools in the district, and including attendance at special education programs as well as classes; excluded from miscellaneous income reimbursement received for programs provided under section two hundred fifty-seven point twenty-six (257.26) of the Code; permitting a school district to increase its costs for the single school year beginning July 1, 1972, by the amount its federal aid increases over the previous year, and to exclude the increased amount from miscellaneous income; excluding from miscellaneous income beginning July 1, 1973, all federal aids and reimbursements; correcting the definition of district cost and defining total expenditures for the current year; clarifying the method of determining maximum district cost; correcting the method of determining additional school district property tax levy; redefining the procedure for the school budget review committee to authorize an increase

in maximum millage when a nonpublic school closes; clarifying the duties of the school budget review committee in reviewing school budgets; and correcting the limitation on costs incurred under section two hundred fifty-seven point twenty-six (257.26) of the Code, for which reimbursement may be claimed, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

Senator Potgeter submitted the following reports:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate Concurrent Resolution 117**, a resolution to create a study committee, consisting of legislative members of the General Assembly, to study the feasibility of authorizing the establishment of health maintenance organizations to provide prepaid health care services, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend Senate Concurrent Resolution 117, line 13, by
- 2 adding after the word "council" the word "may".

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 387**, a bill for an act relating to collective bargaining in public employment, providing penalties for violations, and making an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 1017**, a bill for an act relating to alterations and repairs to the state capitol building and to organization of the capitol planning commission, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass**:

- 1 Amend Senate File 1017 by striking all after the
- 2 enacting clause and inserting in lieu thereof the
- 3 following:
- 4 Section 1. Section eighteen A point one (18A.1),
- 5 Code 1971, as amended by chapter eighty-four (84),
- 6 section seventy (70), Acts of the Sixty-fourth Gen-
- 7 eral Assembly, First Session, is amended by striking
- 8 the section and inserting in lieu thereof the
- 9 following:
- 10 18A.1 COMMISSION CREATED. There is hereby created
- 11 the capitol planning commission composed of thirteen
- 12 members.
- 13 1. Four members of the general assembly, two

14 thereof to be appointed by the speaker of the house
15 from the membership thereof, two to be appointed by
16 the lieutenant governor from the membership of the
17 senate.

18 2. Five residents of the state of Iowa to be ap-
19 pointed by the governor.

20 3. The director of the department of general
21 services and the president of the board of architec-
22 tural examiners.

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1 4. The curator of the Iowa state department of
2 history and archives and the president of the board of
3 curators of the state historical society.

4 The members of the commission appointed by the gov-
5 ernor shall be qualified by experience or education to
6 aid the commission to carry out its duties.

7 Sec. 2. Section eighteen A point two (18A.2),
8 Code 1971, is amended by striking the section and
9 inserting in lieu thereof the following:

10 18A.2 TERMS. Terms of office of members shall
11 be four years beginning on May 1 of each odd-numbered
12 year. Vacancies shall be filled for the unexpired
13 term of the original appointee. Whenever a legisla-
14 tive appointee ceases to be a member of the branch
15 from which he was appointed, a vacancy shall occur to
16 be filled in the same manner as the original appoint-
17 ment for the remainder of the unexpired term.

18 Sec. 3. Section eighteen A point three (18A.3),
19 Code 1971, as amended by chapter eighty-four (84),
20 section seventy-one (71), Acts of the Sixty-fourth
21 General Assembly, First Session, is amended as follows:

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1 18A.3 DUTIES. It shall be the duty of the commis-
2 sion to [advise upon] *approve* the location of statues,
3 fountains and monuments and the placing of any addi-
4 tional buildings on the capitol grounds, *to adopt plans*
5 *for the type of architecture and the [type of] construc-*
6 *tion of any new buildings to be erected on the state*
7 *capitol grounds [as now encompassed or as subsequently*
8 *enlarged, and repairs and restoration thereof, and it*
9 *shall be the duty of the officers, commissions, and*
10 *councils charged by law with the duty of determining*
11 *such questions to call upon the commission for such*
12 *advice].*

13 *No alteration, repair or enlargement to any build-*
14 *ing on the capitol grounds, including any project*
15 *initiated under chapter two (2) of the Code, with a*
16 *probable cost in excess of one thousand dollars shall*
17 *be made without the approval of the capitol planning*
18 *commission.*

19 The commission shall[, in cooperation with the
20 director of the department of general services,] develop
21 and implement within the limits of its appropriation,

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1 a five-year modernization program for the capitol
2 complex.

3 Sec. 4. Section eighteen A point four (18A.4),
4 Code 1971, is amended as follows:

5 18A.4 ORGANIZATION. The commission [shall enter
6 into its duties as soon as this resolution is effective
7 and as soon as the membership has been filled as herein
8 specified,] shall organize *on May 15 each year* by the
9 selection of a chairman and a secretary drawn from the
10 membership of the commission, who shall serve at the
11 pleasure of the commission. *Additional meetings shall
12 be on call of the chairman or on petition of nine
13 members. A majority of the total membership of the
14 commission shall be necessary for any official action.*

15 Sec. 5. Section eighteen A point five (18A.5),
16 Code 1971, is amended to read as follows:

17 18A.5 EXPENSES. The members of the commission
18 shall be paid for their actual and necessary expenses
19 while in attendance at any meeting of the commission
20 held at the seat of government and in going to and
21 from the seat of government to attend a meeting of
22 such commission [and while attending the same. Service

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1 of the superintendent of buildings and grounds and the
2 state architect upon this commission shall be an addi-
3 tional duty conferred by statute.]

4 Sec. 6. Section two point fifty-one (2.51), Code
5 1971, is amended as follows:

6 2.51 GENERAL SUPERVISION OVER LEGISLATIVE
7 FACILITIES, EQUIPMENT, AND ARRANGEMENTS. The legisla-
8 tive council in cooperation with the officers of the
9 senate and house shall have the duty and responsibil-
10 ity for preparing for each session of the general
11 assembly. Pursuant to such duty and responsibility,
12 the legislative council may assign areas in the state
13 capitol or other state buildings, in consultation with
14 the executive council and the capitol planning commis-
15 sion, for use of the general assembly or legislative
16 agencies. The legislative council, *with the approval
17 of the capitol planning commission*, may authorize
18 the renovation, remodeling and preparation of the
19 physical facilities used or to be used by the general
20 assembly and award contracts pursuant to such author-
21 ity to carry out such preparation. The legislative

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1 council may purchase supplies and equipment deemed
2 necessary for the proper functioning of the legislative
3 branch of government.

4 In carrying out its duties under this section, the
5 legislative council shall consult with the executive
6 council and the capitol planning commission, but
7 shall not be bound by any decision of the executive

8 council in respect to the responsibilities and duties
 9 provided for in this section. The legislative
 10 council may direct the superintendent of buildings
 11 and grounds or other state employees to carry out its
 12 directives in regard to the physical facilities of
 13 the general assembly, or may employ other personnel
 14 to carry out such functions.

15 The costs of carrying out the provisions of this
 16 section shall be paid pursuant to section 2.12.

17 Sec. 7. The governor shall appoint the two addi-
 18 tional nonofficial appointees provided for in section
 19 one (1) of this Act as soon as possible following the
 20 effective date of this Act. The terms of such persons
 21 shall, for one appointive expire on April 30, 1973, and

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1 for the other appointee expire April 30, 1975. All
 2 successors to such appointees shall be appointed for
 3 four years and such terms shall commence on May 1
 4 following their appointment. This section shall be
 5 printed in the session laws only and not be printed
 6 as a permanent part of the Code of Iowa.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 1159**, a bill for an act to provide office space and a leave of absence for officers of certain state public employee organizations, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend Senate File 1159 as follows:
- 2 1. Line 4, by striking the word "shall" and inserting the
- 3 word "may".
- 4 2. Lines 6 and 7, by striking the words "having a membership
- 5 of twenty-five hundred or more".

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1265**, a bill for an act relating to the 1972 primary election, begs leave to report it has had the same under consideration and recommends the same **do pass.**

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 387 as follows:
 2 1. Page 13, by striking lines 7 through 20, inclusive,
 3 and inserting in lieu thereof the following:
 4 "1. The scope of collective bargaining shall include
 5 wages, salaries, other economic benefits, and safety standards
 6 and conditions as provided by law or rules and regulations
 7 authorized by law, procedures for the adjustment of grievances
 8 under the collective bargaining agreement, and the period of
 9 time, not to exceed two years, for which the collective bar-
 10 gaining agreement shall be in effect."
 11 2. Page 16, by striking lines 2 through 3, inclusive.
 12 3. Page 16, by striking lines 7 and 8, and inserting in
 13 lieu thereof the following:
 14 "procedures, the impasse procedures provided in section
 15 nineteen (19) of this Act shall apply."
 16 4. Page 16, by striking lines 18 through 35, inclusive,
 17 and on page 17, by striking lines 1 through 19, inclusive, and
 18 inserting in lieu thereof the following:
 19 "Sec. 20. If the parties fail to resolve the impasse
 20 through mediation ninety days prior to the budget submission
 21 date, a local arbitration board shall be established consisting
 22 of one member selected by the public employer, one member selected
 23 by the employer organization, and one member selected by the
 24 first two members selected.
 25 The local board shall promptly proceed to obtain information

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- 1 concerning the dispute. The local board shall have the power
 2 to subpoena persons and records of the disputing parties and
 3 may utilize relevant reports, evidence, data and statistics,
 4 and any other matter it deems necessary for an equitable
 5 determination of the dispute. Each party to the dispute
 6 shall submit a copy of its final offer to the local board.
 7 A majority vote of the local board shall be required to
 8 determine any matter relating to its duties and the determin-
 9 ation shall be binding on the parties to the dispute, subject
 10 to the provisions of section seventeen (17), subsection six (6),
 11 of this Act. If the local board agrees not to reach a decision
 12 on a dispute, the dispute shall be referred to the public
 13 employment relations board for determination.
 14 The cost of the local board shall be shared equally by the
 15 public employer and the employee organization."
 16 5. Page 17, by striking lines 23 through 30, inclusive,
 17 and inserting in lieu thereof the following:
 18 "a strike against a public employer."

QUENTIN V. ANDERSON

- 1 Amend Senate File 529 as follows:
 2 Page 2, line 2, by striking the words and figures
 3 "April 1, 1971" and inserting in lieu thereof the words and
 4 figures "January 1, 1972".

JAMES A. POTGETER

1 Amend Senate File 1085, page 2 by striking lines 4 through
 2 13 and inserting in lieu thereof the following:
 3 "Sec. There is appropriated from the general
 4 fund of the state to Iowa state university of science and
 5 technology agricultural experiment station the sum of three
 6 hundred thousand (\$300,000.00) dollars for research into
 7 finding new ways to use corn for commercial, medicinal and other
 8 purposes within and without the state. Unexpended appropriations
 9 shall revert to the general fund June 30, 1976."

RUDY VAN DRIE

1 Amend Senate File 1192 as follows:
 2 1. Page 3, lines 24 and 25, by striking the words
 3 "*, device as defined in subsection 4 of section 203A.2,*".
 4 2. Page 3, line 32, by striking the word "*, device*".

W. CHARLENE CONKLIN

1 Amend Senate File 1204, page 2, by adding after line 19
 2 the following new section:
 3 "Sec. This Act, being deemed of immediate
 4 importance, shall take effect and be in force from and after
 5 its publication in the Marshalltown Times-Republican, a
 6 newspaper published in Marshalltown, Iowa, and in the
 7 Times-Democrat, a newspaper published in Davenport, Iowa."

JOHN L. MOWRY

HAROLD A. THORSEN

1 Amend House File 107 as follows:
 2 1. Page 1, by adding after line 10 the following new
 3 section:
 4 "Sec. A person using the school lunch facilities
 5 under the provisions of section one (1) of this Act
 6 shall be deemed to have waived his right to file a claim
 7 under chapter six hundred thirteen A (613A) of the Code
 8 against a municipality, as defined in section six hundred
 9 thirteen A point one (613A.1) of the Code, for incidents
 10 arising out of such use."

EARL G. BASS

1 Amend House File 1141, as amended and passed by the House
 2 page 10, by inserting after the period in line 23 the following:
 3 "*The commissioner shall, if he finds the violations of sections*
 4 *five hundred seven B point four (507B.4) or five hundred seven*
 5 *B point five (507B.5) of the Code were directed, encouraged,*
 6 *condoned, ignored, or ratified by the employer of such person,*
 7 *assess such fine to the employer and not such person.*"

GENE V. KENNEDY

LEE H. GAUDINEER, JR.

1 Amend House File 1265, as amended and passed by the
 2 House, as follows:
 3 1. Page 2, line 4, by striking the word and figure
 4 "August 1, 1972" and inserting in lieu thereof the word
 5 and letter "date A".

- 6 2. Page 2, line 6, by striking the word and figure
7 "August 1, 1972" and inserting in lieu thereof the word
8 and letter "date A".
- 9 3. Page 5, line 19, by striking the word and figure
10 "July 24, 1972" and inserting in lieu thereof the word
11 and letter "date B".
- 12 4. Page 5, line 27, by striking the word and figure
13 "May 31, 1972" and inserting in lieu thereof the word and
14 letter "date C".
- 15 5. Page 5, line 27, by striking the word and figure
16 "June 9, 1972" and inserting in lieu thereof the word and
17 letter "date D".
- 18 6. Page 5, line 32, by striking the word and figure
19 "April 30, 1972" and inserting in lieu thereof the word
20 and letter "date E".
- 21 7. Page 5, lines 32 and 33, by striking the word
22 and figure "May 30, 1972" and inserting in lieu thereof
23 the word and letter "date F".
- 24 8. Page 5, line 35, by striking the word and figure
25 "June 9, 1972" and inserting in lieu thereof the word and

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- 1 letter "date D".
- 2 9. Page 6, line 11, by striking the word and figure
3 "August 1, 1972" and inserting in lieu thereof the word
4 and letter "date A".
- 5 10. Page 6, line 12, by striking the word and figure
6 "June 23, 1972" and inserting in lieu thereof the word
7 and letter "date G".
- 8 11. Page 6, line 16, by striking the word and figure
9 "June 23, 1972" and inserting in lieu thereof the word
10 and letter "date G".
- 11 12. Page 6, line 16, by striking the word and figure
12 "July 31, 1972" and inserting in lieu thereof the word
13 and letter "date H".
- 14 13. Page 6, line 22, by striking the word and figure
15 "July 16, 1972" and inserting in lieu thereof the word
16 and letter "date I".
- 17 14. Page 7, lines 4 and 5, by striking the word and
18 figure "June 23, 1972" and inserting in lieu thereof the
19 word and letter "date G".
- 20 15. Page 7, line 5, by striking the word and figure
21 "July 31, 1972" and inserting in lieu thereof the word
22 and letter "date H".
- 23 16. Page 7, line 9, by striking the word and figure
24 "August 1, 1972" and inserting in lieu thereof the word
25 and letter "date A".

Page 3

- 1 17. Page 7, line 13, by striking the word and figure
2 "August 15, 1972" and inserting in lieu thereof the word
3 and letter "date J".
- 4 18. Page 7, lines 14 and 15, by striking the word and
5 figure "August 15, 1972" and inserting in lieu thereof
6 the word and letter "date J".
- 7 19. Page 7, line 17, by striking the word and figure

8 "August 16, 1972" and inserting in lieu thereof the word
9 and letter "date K".

10 20. Page 7, line 25, by striking the word and figure
11 "August 1, 1972" and inserting in lieu thereof the word
12 and letter "date A".

13 21. Page 8, by adding after line 10 the following new
14 section:

15 Sec. If the Iowa supreme court adopts a reapportionment plan on or before March 17, 1972, the following
16 schedule of dates shall be effective:

17 Date A June 27, 1972
18 Date B June 19, 1972
19 Date C April 26, 1972
20 Date D May 5, 1972
21 Date E March 27, 1972
22 Date F April 25, 1972
23 Date G May 18, 1972
24 Date H June 26, 1972

Page 4

1 Date I June 11, 1972
2 Date J July 11, 1972
3 Date K July 12, 1972

4 If the Iowa supreme court adopts a reapportionment
5 plan on or before April 1, 1972 but after March 17, 1972,
6 the following schedule of dates shall be effective:

7 Date A July 11, 1972
8 Date B July 3, 1972
9 Date C May 10, 1972
10 Date D May 19, 1972
11 Date E April 10, 1972
12 Date F May 9, 1972
13 Date G June 1, 1972
14 Date H July 10, 1972
15 Date I June 25, 1972
16 Date J July 25, 1972
17 Date K July 26, 1972

18 If the Iowa supreme court adopts a reapportionment plan
19 on or before April 14, 1972 but after April 1, 1972, the
20 following schedule of dates shall be effective:

21 Date A July 25, 1972
22 Date B July 17, 1972
23 Date C May 24, 1972
24 Date D June 2, 1972
25 Date E April 24, 1972

Page 5

1 Date F May 23, 1972
2 Date G June 15, 1972
3 Date H July 24, 1972
4 Date I July 9, 1972
5 Date J August 8, 1972
6 Date K August 9, 1972

7 22. Renumber the subsequent sections accordingly.

ARTHUR A. NEU

1 Amend House File 1276 as follows:

2 1. Page 3, by adding after line 28 the following
3 new section:
4 "Sec. Chapter one hundred thirty-one (131),
5 section sixteen (16), subsection two (2), paragraphs
6 a and c, Acts of the Sixty-fourth General Assembly,
7 First Session, are amended to read as follows:
8 a. Purchases of alcoholic liquor *and wine* for
9 resale by the department.
10 c. The establishment of retail prices of alcoholic
11 liquor *and wine*."

12 2. Page 4, by adding after line 23, the follow-
13 ing new section:

14 "Sec. Chapter one hundred thirty-one (131),
15 section twenty (20), subsection one (1), Acts of
16 the Sixty-fourth General Assembly, First Session,
17 is amended to read as follows:

18 1. To purchase alcoholic liquors *and wine* for
19 resale by the department in the manner set forth in
20 this Act."

21 3. Page 4, by adding after line 30, the follow-
22 ing new section:

23 "Sec. Chapter one hundred thirty-one (131),
24 section twenty-one (21), subsections two (2), three
25 (3), seven (7), eight (8), and nine (9), Acts of the

Page 2

1 Sixty-fourth General Assembly, First Session, are
2 amended to read as follows:

3 2. Regulating the management, equipment, and
4 merchandise of state liquor stores and warehouses
5 in and from which alcoholic liquors *and wine* are
6 transported, kept, or sold and prescribing the books
7 and records to be kept therein.

8 3. Regulating the purchase of alcoholic liquor
9 *and wine* generally and the furnishing of such liquor
10 *and wine* to state liquor stores established under
11 this Act, determining the classes, varieties, and
12 brands of alcoholic liquors *and wine* to be kept in
13 state warehouses or for sale at any state liquor
14 store.

15 7. Prescribing the official seals, labels, or
16 other markings which shall be attached to or stamped
17 on packages of alcoholic liquor *and wine* sold under
18 this Act.

19 8. Prescribing, subject to this Act, the days
20 and hours during which state liquor stores shall be
21 kept open for the purpose of the sale of alcoholic
22 liquors *and wine*.

23 9. Prescribing the place and the manner in which
24 alcoholic liquor *and wine* may be lawfully kept or
25 stored by the licensed manufacturer under this Act."

Page 3

1 4. Page 6, by adding after line 13, the following
2 new sections:

3 "Sec. Chapter one hundred thirty-one (131),
4 section twenty-three (23), Acts of the Sixty-fourth
5 General Assembly, First Session, is amended to read
6 as follows:

7 Sec. 23. STATE LIQUOR STORES. The department
8 shall establish and maintain in any city or
9 incorporated town which the director may deem advisable,
10 a state liquor store or stores for storage and sale
11 of alcoholic liquor *and wine* in accordance with the
12 provisions of this Act. The department may, from
13 time to time, as determined by the director, fix the
14 prices of the different classes, varieties, or brands
15 of alcoholic liquor *and wine* to be sold.

16 Sec. Chapter one hundred thirty-one (131),
17 section twenty-four (24), Acts of the Sixty-fourth
18 General Assembly, First Session, is amended to read
19 as follows:

20 Sec. 24. VENDORS—CASH SALES. In the conduct
21 and management of state liquor stores the director
22 is empowered to employ a person who shall be known
23 as a 'vendor' who shall, subject to the directions
24 of the director, observe all provisions of this Act
25 and the rules and regulations of the department.

Page 4

1 No vendor of any state liquor store shall sell
2 alcoholic liquor *or wine* to any person except for
3 cash.

4 Sec. Chapter one hundred thirty-one (131),
5 section twenty-five (25), Acts of the Sixty-fourth
6 General Assembly, First Session, is amended to read
7 as follows:

8 Sec. 25. CONSUMPTION ON PREMISES. No vendor,
9 officer, clerk, agent, or employee of the depart-
10 ment employed in any state liquor store or state-owned
11 warehouse shall allow any alcoholic liquor *or wine*
12 to be consumed on such premises, nor shall any person
13 consume any liquor *or wine* on such premises.

14 Sec. Chapter one hundred thirty-one (131),
15 section twenty-six (26), Acts of the Sixty-fourth
16 General Assembly, First Session, is amended to read
17 as follows:

18 Sec. 26. RESTRICTIONS ON SALES—SEALS—LABELING.
19 No alcoholic liquor *or wine* shall be sold by the
20 department to any purchaser except in a sealed con-
21 tainer with such identifying markers as shall be
22 prescribed by the director and affixed on the premises
23 of a state warehouse or store and no such container
24 shall be opened upon the premises of any state ware-
25 house or store. Possession of alcoholic liquors *or*

Page 5

1 *wine purchased from the state* which do not carry the
2 prescribed identifying markers shall be a violation
3 of this Act except as provided in section twenty-two
4 (22) of this Act.

5 Sec. Chapter one hundred thirty-one (131),
6 section twenty-eight (28), Acts of the Sixty-fourth
7 General Assembly, First Session, is amended to read
8 as follows:

9 Sec. 28. TRANSPORTATION PERMITTED. It shall be
10 lawful to transport, carry, or convey alcoholic liquors
11 *and wine* from the place of purchase by the department
12 to any state warehouse, store, or depot established
13 by the department or from one such place to another
14 and, when so permitted by this Act, it shall be lawful
15 for any common carrier or other person to transport,
16 carry, or convey alcoholic liquor *or wine* sold by
17 a vendor from a state warehouse, store, depot or point
18 of purchase by the state to any place to which such
19 liquor *or wine* may be lawfully delivered under this
20 Act. No common carrier or other person shall break
21 or open or allow to be broken or opened any container
22 or package containing alcoholic liquor *or wine* or
23 use or drink or allow to be used or drunk any alcoholic
24 liquor *or wine* while it is being transported or
25 conveyed, but this section shall not prohibit a private

Page 6

1 person from transporting individual bottles or
2 containers of alcoholic liquor *or wine* exempted
3 pursuant to section twenty-two (22) of this Act and
4 individual bottles or containers bearing the
5 identifying mark prescribed in section twenty-six
6 (26) of this Act which have been opened previous to
7 the commencement of such transportation. Nothing
8 in this section shall affect the right of any special
9 permit or liquor control license holder to purchase,
10 possess, or transport alcoholic liquors *and wine*
11 subject to the provisions of this Act."

12 5. Page 13, by adding after line 5, the follow-
13 ing new sections:

14 "Sec. Chapter one hundred thirty-one (131),
15 section fifty-three (53), subsections one (1) and
16 two (2), Acts of the Sixty-fourth General Assembly,
17 First Session, are amended to read as follows:

18 1. There shall be established within the office
19 of the treasurer of state a fund to be known as the
20 beer and liquor control fund. The fund shall consist
21 of any moneys appropriated by the general assembly
22 for deposit in the fund and moneys received from the
23 sale of alcoholic liquors *and wine*, from the issuance
24 of permits and licenses, and of moneys and receipts
25 received by the department from any other source.

Page 7

1 2. The state comptroller shall periodically
2 transfer from the beer and liquor control fund to
3 the general fund of the state those revenues of the
4 department which are not necessary for the purchase
5 of liquor *and wine* for resale by the department, or

6 for remittances to local authorities or other sources
7 as required by this Act, or for other obligations
8 and expenses of the department which are paid from
9 such fund.

10 Sec. Chapter one hundred thirty-one (131),
11 section fifty-five (55), subsections six (6) and seven
12 (7), Acts of the Sixty-fourth General Assembly, First
13 Session, are amended to read as follows:

14 6. The total quantity and particular kind of
15 alcoholic liquor *and wine* sold.

16 7. The increase or decrease of liquor *and wine*
17 sales from the previous reporting period."

18 6. Page 17, by adding after line 35, the follow-
19 ing new section:

20 "Sec. Chapter one hundred thirty-one (131),
21 section ninety-six (96), Acts of the Sixty-fourth
22 General Assembly, First Session, is amended to read
23 as follows:

24 Sec. 96. TAX ON BEVERAGES SOLD FOR CONSUMPTION
25 ON THE PREMISES.

Page 8

1 1. There is imposed on every person licensed to
2 sell alcoholic beverages for consumption on the
3 premises where sold, a special tax equivalent to
4 fifteen percent of the price established by the
5 department on all alcoholic beverages *and wine* for
6 general sale to the public. Such tax shall be paid
7 by all licensees at the point of purchase from the
8 state on all alcoholic beverages *and wine* intended
9 or used for resale for consumption on the premises
10 of retail establishments. Such tax shall be in lieu
11 of any other sales tax applied at the state store
12 and shall be shown as a separate item on special sales
13 slips provided by the department for purchases by
14 licensees.

15 2. Except as allowed under section ninety-five
16 (95) of this Act no licensee shall knowingly keep
17 on the licensed premises nor use for resale purposes
18 any alcoholic liquor *or wine purchased from the state*
19 on which the special tax has not been paid to the
20 state. The conviction of a violation of this section
21 shall cause the license held to automatically be
22 revoked and the license shall immediately be
23 surrendered by the holder, and the bond of the license
24 holder shall be forfeited to the department.

25 3. Each bottle of alcoholic liquor *or wine* pur-

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1 chased by a licensee *from the state for resale for*
2 *consumption on the premises only*, shall bear an
3 identification marked applied at the place of
4 purchase."

5 7. Page 24, line 22, by striking the words "another
6 class 'A' permittee", and inserting in lieu thereof
7 the following: "another class 'A' permittee, and

- 8 no tax shall be levied or collected on wine purchased
 9 by the state for resale only".
 10 8. Renumber sections and correct internal references
 11 as necessary in accordance with this amendment.

ARTHUR A. NEU

- 1 Amend House File 1276, as amended and passed by the
 2 House, as follows:
 3 1. Page 5, line 2, by striking the words "*and*
 4 *wine*".
 5 2. Page 5, line 4, by adding after the word
 6 "*beer*", the words "*and wine*".
 7 3. Page 8, line 15, by adding after the word "*beer*",
 8 the words "*or wine*".
 9 4. Page 8, line 18, by adding after the word "*beer*",
 10 the word "*, wine*".
 11 5. Page 11, line 8, by adding after the word "*beer*",
 12 the words "*or wine*".
 13 6. Page 12, line 25, by adding after the word "*beer*",
 14 the words "*or wine*".
 15 7. Page 17, line 12, by adding after the word "*beer*",
 16 the words "*or wine*".
 17 8. Page 17, line 26, by striking the words "*or wine*".
 18 9. Page 17, line 27, by striking the words "*or wine*".
 19 10. Page 18, line 10, by adding after the word "*beer*",
 20 the words "*or wine*".
 21 11. Page 18, line 23, by striking the words "*and wine*",
 22 and inserting in lieu thereof the words "*or wine*".
 23 12. Page 18, line 25, by adding after the period,
 24 the following: "In the case of class 'A', class 'B',
 25 and class 'C' permits, as provided in this section,

Page 2

- 1 a separate and distinct permit shall be issued
 2 for the sale of wine only and a separate and distinct
 3 permit shall be issued for the sale of beer only. The
 4 application, requirements therefor, hearing and appeal
 5 procedures, violations, enforcement, and issuance of
 6 the wine permit shall be the same as for the correspond-
 7 ing class of beer permit. The wine permit shall be
 8 considered synonymous with the beer permit in all respects
 9 except the distribution of the wine permit fees as pro-
 10 vided in this section.
 11 A beer and wine permit of the same class may be held
 12 by the same person, but no person shall directly or
 13 indirectly be interested in more than one class of beer
 14 or wine permit.
 15 The director and local authority shall have the
 16 authority as provided in this chapter to revoke or
 17 suspend wine permits in the same manner and upon the
 18 same grounds as would be applicable to beer permits and
 19 retail liquor control licenses. In the event of the
 20 suspension or revocation of a wine or beer permit and
 21 the permittee holds a wine and beer permit, both
 22 such wine and beer permit shall be revoked or suspended

23 on the same terms, conditions, and for the same periods
24 of time."

25 13. Page 18, line 28, by striking the word "and",

Page 3

1 and inserting in lieu thereof the word "or".

2 14. Page 18, line 31, by striking the word "and",

3 and inserting in lieu thereof the word "or".

4 15. Page 18, line 33, by striking the word "and",

5 and inserting in lieu thereof the word "or".

6 16. Page 18, by inserting after line 33, the fol-
7 lowing:

8 "Fees for the issuance of a wine permit shall be
9 as follows:

10 1. A class 'A' permit: one hundred dollars.

11 2. A class 'B' permit: two hundred dollars.

12 3. A class 'C' permit: three hundred dollars.

13 All fees for wine permits shall be payable to the
14 department. All wine permit fees collected by local
15 authorities for the retail sale of wine at the time
16 application for the permit is made shall be remitted
17 with the application to the department, and all fees
18 so collected by the department as well as class 'A'
19 wine permit fees collected by the department shall
20 accrue to the general fund of the state."

21 17. Page 19, line 5, by striking the word "and",
22 and inserting in lieu thereof the word "or".

23 18. Page 19, line 18, by striking the word "and",
24 and inserting in lieu thereof the word "or".

25 19. Page 19, line 29, by striking the word "and",

Page 4

1 and inserting in lieu thereof the word "or".

2 20. Page 20, line 21, by striking the word "and",
3 and inserting in lieu thereof the word "or".

4 21. Page 22, line 14, by adding after the word "beer",
5 the words "or wine".

6 22. Page 13, line 5, by striking the word "repealed",
7 and inserting in lieu thereof the following: "amended
8 to read as follows:

9 3. No signs or other matter advertising any brand of
10 beer, or wine shall be erected or placed upon the outside
11 of any premises occupied by a licensee or permittee
12 authorized to sell beer or wine at retail. All such
13 signs shall be removed by the owner of same by July 1, 1974."

14 23. Page 19, by adding after line 35, the following:
15 "Cost, for the purposes of this section, shall be determined
16 by the director with the approval of a majority of the
17 members of the Iowa beer and liquor control council. Cost
18 shall be determined by regulation establishing the minimum
19 percentage markup for sales of wine at retail whether in
20 case lot or less. To determine 'cost' a minimum percentage
21 markup may be applied to the wholesale price of wine sold
22 by class 'A' permittees to permittees authorized to sell
23 wine at retail."

24 24. Page 21, line 27, by adding after the word
25 "business", the following: "and shall designate the

Page 5

1 geographic area in which its products are to be dis-
2 tributed by such permittee. The listing of class
3 'A' permittees and geographic area as filed with the
4 department may be amended from time to time by the
5 holder of a certificate of compliance".
6 25. Page 24, line 17, by striking the words "one
7 dollar and twenty-five", and inserting in lieu thereof
8 the word "fifty".

JOHN M. WALSH
JAMES W. GRIFFIN, SR.

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Friday, March 10, 1972.

JOURNAL OF THE SENATE

SIXTY-FIRST DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, MARCH 10, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Gilbert Fields, pastor of the St. Mark's Methodist Church, Cedar Rapids, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, March 9, 1972, was approved.

PRESENTATION OF VISITORS

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

Three students from Pella Christian High School, Pella, Iowa, Diane and Joleen Van Gilst, daughters of Senator Van Gilst, and Sheryl Boot. Senator Van Gilst.

One hundred students from Indianola High School, Indianola, Iowa, accompanied by Pat Beckerdike. Senator Laverty.

Forty-two students from St. Peter's School, Des Moines, Iowa, accompanied by Sue Felice. Senator Tapscott.

Thirty students from St. Theresa's School, Des Moines, Iowa, accompanied by Mrs. Becker. Senator Milligan.

One hundred thirty-five students from Winterset Junior High School, Winterset, Iowa, accompanied by Jerry Scholten. Senator Rhodes.

PETITION

The following petition was presented and placed on file:

By Senator Potter, from sixty-eight faculty members of North Linn Community School District supporting Intermediate Units under House File 291.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, Clarion, Iowa.

PRESENTATION OF SENATE QUEEN

Senator Lavery rose on a point of personal privilege and presented to the Senate his secretary, Janice Ver Hoef of Norwalk, who was selected by the pages of the Senate as "Queen of the Senate" for the second regular session of the Sixty-fourth General Assembly.

ANNIVERSARY CONGRATULATIONS

Senator Lavery rose on a point of personal privilege and on behalf of the Senate extended congratulations and best wishes to Senator and Mrs. Leigh R. Curran on their thirty-fifth wedding anniversary.

MOVE TO RETURN BILL TO COMMITTEE FAILED

Senator Shaff asked unanimous consent that Senate File 1202 be returned to the committee on ways and means.

Objection was raised.

ADOPTION OF CONCURRENT RESOLUTIONS

House Concurrent Resolution 123

Senator Van Drie asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 123

By Welden, Taylor, Blouin, Franklin, Egenes, Gluba, Wells,
Andersen, Wyckoff, Willits, Larson, Nystrom, Logemann,
Schwieger, Edelen, Strothman, Norpel,
Cochran, Husak and Trowbridge

Whereas, the Sixty-fourth General Assembly, First Session, appropriated funds for the payment of salaries and for providing other economic benefits for employees of the state; and

Whereas, it was intended by the general assembly that benefits be provided for each employee of the state at a cost of fifteen dollars per month; and

Whereas, the state is presently contributing twelve dollars per month for hospitalization and medical insurance for each of its employees; and

Whereas, the executive council has determined that an expenditure for

disability income protection must be authorized by the general assembly;
Now, Therefore,

Be It Resolved by the House of Representatives, the Senate Concurring,
That the general assembly recommends that the executive council approve the expenditure of three dollars per month for the purchase of disability income protection and life insurance protection for each employee of the state.

The resolution was adopted.

House Concurrent Resolution 110

Senator Hill called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 110

By Campbell

Whereas, trees and shrubs add immeasurably to the esthetic beauty of the cities, towns, and rural areas of Iowa; and

Whereas, trees and shrubs provide excellent protection and shelter for domestic animals as well as wildlife; and

Whereas, trees and shrubs, planted as windbreaks and shelter belts near homes, reduce the loss of heat and the consumption of essential fossil fuel resources; and

Whereas, the conservation of our nation's supply of lumber resources should be continually emphasized, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring,
That the Sixty-fourth General Assembly encourages each citizen of Iowa to observe Arbor Day, to be designated by proclamation of the Governor as April 28, 1972, by planting a tree or shrub.

The resolution was adopted.

CONSIDERATION OF BILLS

Senate File 1171

On motion of Senator Stephens, Senate File 1171, a bill for an act related to licensing of vehicles from which food and dairy products are sold, was taken up and considered.

Senator Stephens moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1171) the vote was:

Ayes, 44:

Anderson	Brownlee	DeKoster	Griffin
Arbuckle	Carlson	Erskine	Gross
Balloun	Coleman	Gilley	Hill
Bass	Conklin	Glenn	Kennedy
Briles	Curran	Graham	Kyhl

Lamborn	Nicholson	Rhodes	Stephens
Laverty	Ollenburg	Riley	Tapscott
Messerly	Palmer	Schaben	Thordsen
Miller	Potgeter	Shaff	Van Drie
Mowry	Potter	Shawver	Van Gilst
Neu	Rabedeaux	Smith	Walsh

Nays, none.

Absent or not voting, 6:

Davis	Gaudineer	Milligan	Robinson
Doderer	Keith		

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

Senate File 517

On motion of Senator Kennedy, Senate File 517, a bill for an act to revise, update, and correct certain sections of the Code of Iowa relating to school districts and school corporations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry withdrew the amendment filed May 3, 1971, and found on pages 1097 and 1098 of the 1971 Senate Journal.

Senator Mowry offered the following amendment filed February 25, 1972, and moved its adoption:

- 1 Amend Senate File 517, page 4, by inserting after line 34
- 2 the following new section:
- 3 1. "Sec. Section two hundred seventy-seven point twenty-
- 4 seven (277.27), Code 1971, is amended as follows:
- 5 277.27 QUALIFICATION. A school officer or member of the
- 6 board shall, at the time of election or appointment, be a
- 7 qualified voter of the corporation or subdistrict. *Notwith-*
- 8 *standing any contrary provision of the Code, no member of the*
- 9 *board of directors of any school district, or his or her spouse,*
- 10 *shall receive compensation directly from the school board. No*
- 11 *director or spouse affected by this provision on the effective*
- 12 *date of this Act, whose term of office for which elected has not*
- 13 *expired, or whose contract of employment has a fixed date of*
- 14 *expiration and has not expired, shall be affected by this*
- 15 *provision until the expiration of the term of office to which*
- 16 *elected, or the expiration date of the contract for which*
- 17 *employed."*
- 18 2. Renumber the remaining sections accordingly.

Division was called for.

The amendment was adopted.

Senator Kennedy moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 41:

Anderson	Gilley	Messerly	Riley
Arbuckle	Glenn	Miller	Robinson
Balloun	Griffin	Milligan	Schaben
Briles	Gross	Mowry	Shawver
Brownlee	Hill	Neu	Smith
Carlson	Keith	Nicholson	Stephens
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn	Rabedeaux	Van Gilst
DeKoster	Laverty	Rhodes	Walsh
Erskine			

Nays, 4:

Bass	Coleman	Ollenburg	Potter
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Absent or not voting, 5:

Doderer	Graham	Shaff	Tapscott
Gaudineer			

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

House File 219

On motion of Senator Walsh, House File 219, a bill for an act relating to the use of carbon tetrachloride fire extinguishers in migratory labor camps, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Walsh moved that the bill be read a last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 219) the vote was:

Ayes, 44:

Anderson	DeKoster	Laverty	Rabedeaux
Arbuckle	Doderer	Messerly	Rhodes
Balloun	Gaudineer	Miller	Riley
Bass	Gilley	Milligan	Robinson
Briles	Glenn	Mowry	Schaben
Brownlee	Griffin	Neu	Shaff
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Gilst
Davis	Lamborn	Potter	Walsh

Nays, 2:

Erskine	Van Drie
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Absent or not voting, 4:

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

House File 544

On motion of Senator Briles, House File 544, a bill for an act relating to the soldiers relief commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Tapscott moved that further action on House File 544 be deferred.

The motion lost.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 544) the vote was:

Ayes, 48:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Schaben
Bass	Graham	Mowry	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedaux	Van Gilst
Erskine	Laverty	Rhodes	Walsh

Nays, none.

Absent or not voting, 2:

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

PRESENTATION OF GIFTS

Senator Briles appeared in the well of the Senate on a point of personal privilege and requested that the following Senators be escorted to the rostrum where they were presented with gifts of silver on behalf of the Senate in appreciation of their service during the Sixty-fourth General Assembly:

President pro tempore Kyhl, escorted by Senator Stephens;

Senator Lamborn, Majority Floor Leader, escorted by Senator Schaben;

Senator Gaudineer, Minority Floor Leader, escorted by Senator Coleman.

Senator Messerly appeared on the rostrum and presented a silver punch bowl service to Lieutenant Governor Jepsen on behalf of the Senate in appreciation of his leadership as presiding officer.

President Jepsen took the chair at 10:08 a.m.

CONSIDERATION OF BILLS

House File 1071

On motion of Senator Briles, House File 1071, a bill for an act to legalize the indebtedness of the Audubon County Agricultural Society and to authorize an annual tax to pay said indebtedness, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1071) the vote was:

Ayes, 34:

Anderson	Davis	Miller	Robinson
Arbuckle	Erschine	Milligan	Schaben
Bass	Gilley	Mowry	Shaff
Briles	Glenn	Neu	Shawver
Brownlee	Graham	Ollenburg	Smith
Carlson	Griffin	Potter	Thordsen
Coleman	Gross	Rabedeaux	Van Gilst
Conklin	Kyhl	Rhodes	Walsh
Curran	Lamborn		

Nays, 11:

Balloun	Kennedy	Palmer	Tapscott
Doderer	Messerly	Potgeter	Van Drie
Hill	Nicholson	Riley	

Voting present, 1:

DeKoster

Absent or not voting, 4:

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

Senate File 1178

On motion of Senator Bass, Senate File 1178, a bill for an act relating to the use of ambulance services at university hospital, was taken up and considered.

Senator Bass asked and received unanimous consent that **House File 1253** be substituted for **Senate File 1178**.

House File 1253

On motion of Senator Bass, House File 1253, a bill for an act relating to the use of ambulance services at university hospital, was taken up and considered.

Senator Bass moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1253) the vote was:

Ayes, 45:

Anderson	Doderer	Laverty	Riley
Arbuckle	Erskine	Messerly	Schaben
Balloun	Gilley	Milligan	Shaff
Bass	Glenn	Mowry	Shawver
Briles	Graham	Neu	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Gross	Palmer	Tapscott
Coleman	Hill	Potgeter	Thordsen
Conklin	Kennedy	Potter	Van Drie
Curran	Kyhl	Rabedeaux	Van Gilst
Davis	Lamborn	Rhodes	Walsh
DeKoster			

Nays, none.

Absent or not voting, 5:

Gaudineer	Miller	Nicholson	Robinson
Keith			

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

SENATE FILE WITHDRAWN

Senator Bass asked and received unanimous consent that **Senate File 1178** be **withdrawn** from further consideration of the Senate.

President pro tempore Kyhl took the chair at 10:25 a.m.

CONSIDERATION OF BILLS

House File 1176

On motion of Senator Laverty, House File 1176, a bill for an act relating to the department of soil conservation, with report of committee recommending passage, was taken up, considered, and

the report of the committee adopted.

Senator Graham offered the following amendment filed by him:

1 Amend House File 176, page 6, after line 22, by adding
 2 the following new section and renumbering the subsequent section
 3 accordingly:
 4 "Sec. Chapter two hundred twenty-seven (227), section
 5 six (6), subsection eight (8), Acts of the Sixty-fourth General
 6 Assembly, First Session, is amended to read as follows:
 7 8. Have authority to acquire by gift, lease, purchase,
 8 grant, or inheritance any property, real or personal, in fee
 9 or a lesser interest, needed to achieve the objectives of
 10 this Act, and to sell and convey property owned but no longer
 11 needed by the district. [The board shall also have authority
 12 to acquire by condemnation proceedings any real property,
 13 in fee or a lesser interest, needed to achieve the objectives
 14 of this Act, but no condemnation proceedings shall be insti-
 15 tuted by the board less than fifteen days after a letter has
 16 been sent by restricted certified mail to the owner or owners
 17 of the property sought, setting forth in detail the reasons
 18 why the property is needed and the board's best offer for
 19 the property.]"

Senator Van Drie raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Graham moved the adoption of the amendment.

Division was called for.

The amendment lost.

Senator Laverty moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1176) the vote was:

Ayes, 35:

Arbuckle	Gaudineer	Messerly	Rhodes
Briles	Glenn	Miller	Riley
Brownlee	Griffin	Milligan	Robinson
Carlson	Gross	Mowry	Shaff
Conklin	Keith	Nicholson	Thordsen
Curran	Kennedy	Ollenburg	Van Drie
Davis	Kyhl	Palmer	Van Gilst
DeKoster	Lamborn	Potter	Walsh
Erskine	Laverty	Radebeaux	

Nays, 10:

Anderson	Coleman	Hill	Smith
Balloun	Gilley	Potgeter	Stephens
Bass	Graham		

Absent or not voting, 5:

Doderer
Neu

Schaben

Shawver

Tapscott

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

House File 1032

On motion of Senator Bass, House File 1032, a bill for an act relating to resignations of school board members, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bass offered the following amendment filed by him and moved its adoption:

1 Amend House File 1032, as passed by the House, by
2 striking everything after the enacting clause and
3 inserting in lieu thereof the following:
4 Section 1. Section two hundred seventy-nine point
5 six (279.6), Code 1971, is amended to read as follows:
6 279.6 VACANCIES [FILLED BY BOARD]—QUALIFICATION—
7 TENURE. Vacancies occurring among the officers or
8 members of a school board shall be filled by the
9 board by appointment. A person so appointed to fill
10 a vacancy in an elective office shall hold until the
11 organization of the board the third Monday in September
12 immediately following the next regular election and
13 until his successor is elected and qualified. A
14 person appointed to fill a vacancy in an appointive
15 office shall hold such office for the residue of the
16 unexpired term and until his successor is appointed
17 and qualified. Any person so appointed shall qualify
18 within ten days thereafter in the manner required by
19 section 277.28.

20 *However, if a member of a school board resigns from*
21 *the board prior to the time for filing nomination*
22 *papers for office as a school board member, as pro-*
23 *vided in section 277.4, and he specifies in his resig-*
24 *nation that the resignation will be effective on the*
25 *date the next term of office for elective school*

Page 2

1 *officials begins, the president of the board shall*
2 *declare the office vacant as of that date and nomination*
3 *papers shall be received for the unexpired term of the*
4 *resigning member. The person elected at the next*
5 *regular school election to fill the vacancy shall*
6 *take office at the same time and place as the other*
7 *elected school board members.*

The amendment was adopted.

Senator Bass moved that the bill be read the last time now,

which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1032) the vote was:

Ayes, 46:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gaudineer	Milligan	Robinson
Balloun	Gilley	Mowry	Shaff
Bass	Glenn	Neu	Shawver
Briles	Graham	Nicholson	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Gross	Palmer	Tapscott
Coleman	Hill	Potgeter	Thordsen
Conklin	Kennedy	Potter	Van Drie
Curran	Kyhl	Rabedaux	Van Gilst
DeKoster	Lamborn	Rhodes	Walsh
Doderer	Laverty		

Nays, none.

Absent or not voting, 4:

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

House File 1117

On motion of Senator Thordsen, House File 1117, a bill for an act relating to the annual report of the commissioner of insurance, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1117) the vote was:

Ayes, 42:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Schaben
Balloun	Gilley	Mowry	Shaff
Briles	Glenn	Neu	Smith
Brownlee	Graham	Nicholson	Stephens
Carlson	Griffin	Ollenburg	Tapscott
Coleman	Gross	Palmer	Thordsen
Curran	Hill	Potgeter	Van Drie
Davis	Keith	Potter	Van Gilst
DeKoster	Kennedy	Rabedaux	Walsh
Doderer	Kyhl		

Nays, none.

Absent or not voting, 8:

Bass	Messerly	Milligan	Robinson
Conklin	Miller	Riley	Shawver

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

Senate File 1170

On motion of Senator Stephens, Senate File 1170, a bill for an act relating to the department of agriculture and inspection services, was taken up and considered.

SENATE FILE DEFERRED

Senator Schaben asked and received unanimous consent that further action on **Senate File 1170** be deferred and that the bill be placed on the calendar under **unfinished business**.

House File 711

On motion of Senator Brownlee, House File 711, a bill for an act relating to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Brownlee offered the following amendment filed by the committee on conservation and recreation and moved its adoption:

- 1 Amend House File 711, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 7, line 2, by inserting after the number
- 4 and comma "1972," the words "except when operated or
- 5 used in an authorized special event,".
- 6 2. Page 7, by striking lines 25 through 27, inclusive, and
- 7 on page 8, by striking lines 1 through 4, inclusive.
- 8 3. Page 8, line 5, by striking the number "7" and insert-
- 9 ing in lieu thereof the number "6".
- 10 4. Page 8, line 12, by striking the number "8" and insert-
- 11 ing in lieu thereof the number "7".

The amendment was adopted.

Senator Curran offered the following amendment by Senators Curran, Erskine and Keith and moved its adoption:

- 1 Amend House File 711, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 13, by inserting after line 15 the follow-
- 4 ing new section:
- 5 "Sec. Section three hundred twenty-one G point
- 6 nine (321G.9), Code 1971, is amended by adding the follow-
- 7 ing new subsection:
- 8 7. The operation of snowmobiles on the right-of-way
- 9 of a public highway shall be at the owner's and operator's

10 risk and the state, counties, municipalities of the state
11 and the owners of the property adjoining the right-of-way
12 of a public highway and their employees and agents shall be
13 immune from liability for any damages sustained by the owner
14 or operator of the snowmobile, except in case of willful
15 or gross negligence. Governmental liability for willful
16 or gross negligence shall be governed by the provisions of
17 chapters twenty-five A (25A) and six hundred thirteen A
18 (613A) of the Code.”
19 2. Page 1, line 2, amend the title by inserting
20 after the word “snowmobiles” the words “, to liability
21 for use of snowmobiles.”.

Division was called for.

The amendment lost.

Senator Balloun moved to reconsider the vote by which the Curran, et al., amendment failed to be adopted.

Division was called for.

The motion prevailed.

HOUSE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **House File 711** be deferred and that the bill be placed on the calendar under **unfinished business**.

MOTION TO RECONSIDER ADOPTED

Senate File 1111

Senator Rabedeaux called up the following motion to reconsider filed by him on February 21, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1111 passed the Senate, February 21, 1972.

The motion prevailed.

Senator Rabedeaux moved to reconsider the vote by which Senate File 1111 went to its last reading, which motion prevailed.

On motion of Senator Rabedeaux, Senate File 1111, a bill for an act relating to the compensation of members of the general assembly, was taken up for reconsideration.

Senator Rabedeaux offered the following amendment filed by him and moved its adoption:

1 Amend Senate File 1111 as follows:

2 1. Page 1, by striking lines 7 through 17, inclusive,
3 and inserting in lieu thereof the following:

4 "4. When a vacancy occurs by reason of the death of
5 any member after adjournment of a regular session of the
6 general assembly and during the first six months of any
7 calendar year, the surviving spouse of the member or his
8 estate shall be paid his total salary computed as provided
9 in subsection five (5) of this section.

10 When a vacancy occurs by reason of the death of any member
11 during the first six months of any calendar year when the
12 general assembly is in regular session, the surviving spouse
13 of the member or his estate shall be paid his salary computed
14 as provided in subsection five (5) and expenses as provided
15 in subsection one (1) of this section, for a period of thirty
16 days after the member's death. However, if a legislative
17 session should end within such thirty days, the surviving
18 spouse or estate shall be paid only such expenses as would
19 have been paid had not the member died."

20 2. Page 2, line 5, by inserting after the word "year"
21 the words "when the general assembly is in regular session".

The amendment was adopted.

Senator Rabedeaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1111) the vote was:

Ayes, 47:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Schaben
Bass	Graham	Mowry	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Tapscott
Coleman	Keith	Palmer	Thordsen
Conklin	Kennedy	Potgeter	Van Drie
Curran	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rabedeaux	Walsh
Erskine	Laverty	Rhodes	

Nays, none.

Absent or not voting, 3:

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

MOTION TO RECONSIDER LOST

House File 1042

Senator Nicholson called up the following motion to reconsider filed by him on February 24, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1042 passed the Senate on February 23, 1972.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1042) the vote was:

Ayes, 14:

Arbuckle	Gilley	Messerly	Rhodes
Balloun	Graham	Mowry	Robinson
Bass	Hill	Nicholson	Van Drie
Briles	Keith		

Nays, 28:

Anderson	Erskine	Lamborn	Riley
Carlson	Gaudineer	Lavery	Schaben
Coleman	Glenn	Milligan	Shaff
Conklin	Griffin	Ollenburg	Shawver
Davis	Gross	Palmer	Tapscott
DeKoster	Kennedy	Potgeter	Van Gilst
Doderer	Kyhl	Potter	Walsh

Absent or not voting, 8:

Brownlee	Miller	Rabedaux	Stephens
Curran	Neu	Smith	Thordsen

The motion lost.

MOTION TO RECONSIDER

Senate File 431

Senator Davis called up the following motion filed by him on March 1, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 431 failed to pass the Senate.

Senator Balloun raised a point of order that the motion to reconsider was out of order for the reason that the mover was not recorded as having voted on the prevailing side.

The Chair ruled the point well taken and the motion out of order.

Senator Anderson moved that the rules be suspended and that Senator Anderson be permitted to file a motion to reconsider the vote by which Senate File 431 failed to pass the Senate.

On the question "Shall the rules be suspended and Senator Anderson be permitted to file a motion to reconsider?" (S.F. 431) the vote was:

Rule 24 was invoked.

Ayes, 35:

Anderson	Doderer	Kyhl	Rhodes
Bass	Erskine	Lamborn	Schaben
Briles	Gaudineer	Laverty	Shaff
Brownlee	Glenn	Milligan	Shawver
Carlson	Graham	Mowry	Smith
Coleman	Gross	Palmer	Tapscott
Curran	Hill	Potgeter	Van Gilst
Davis	Keith	Potter	Walsh
DeKoster	Kennedy	Rabedeaux	

Nays, 9:

Arbuckle	Gilley	Nicholson	Stephens
Balloun	Griffin	Ollenburg	Van Drie
Conklin			

Absent or not voting, 6:

Messerly	Neu	Robinson	Thordsen
Miller	Riley		

The motion having received a two-thirds majority prevailed, and Senator Anderson filed the following motion to reconsider:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 431 failed to pass the Senate.

On the question "Shall the motion to reconsider the vote by which Senate File 431 failed to pass the Senate be adopted?" (S.F. 431) the vote was:

Ayes, 40:

Anderson	Erskine	Kyhl	Rabedeaux
Briles	Gaudineer	Lamborn	Rhodes
Brownlee	Gilley	Laverty	Schaben
Carlson	Glenn	Milligan	Shaff
Coleman	Graham	Mowry	Shawver
Conklin	Griffin	Nicholson	Smith
Curran	Gross	Ollenburg	Stephens
Davis	Hill	Palmer	Tapscott
DeKoster	Keith	Potgeter	Van Gilst
Doderer	Kennedy	Potter	Walsh

Nays, 3:

Arbuckle	Balloun	Van Drie
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Absent or not voting, 7:

Bass	Miller	Riley	Thordsen
Messerly	Neu	Robinson	

The motion prevailed.

On the question "Shall the bill pass?" (S.F. 431) the vote was:

Ayes, 40:

Anderson	Coleman	Doderer	Graham
Balloun	Conklin	Erskine	Griffin
Briles	Curran	Gaudineer	Gross
Brownlee	Davis	Gilley	Hill
Carlson	DeKoster	Glenn	Keith

Kennedy	Nicholson	Rabedaux	Shawver
Lamborn	Ollenburg	Rhodes	Stephens
Laverty	Palmer	Robinson	Tapscott
Messerly	Potgeter	Schaben	Van Drie
Mowry	Potter	Shaff	Van Gilst

Nays, 1:

Walsh

Voting present, 2:

Arbuckle Kyhl

Absent or not voting, 7:

Bass	Milligan	Riley	Thordsen
Miller	Neu	Smith	

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 1147, a bill for an act relating to the election laws.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1242, a bill for an act to establish a commission on compensation, expenses, and salaries for elective state officials.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENTS TO SENATE
AMENDMENT CONSIDERED

House File 1147

Senator Potgeter called up for consideration House File 1147, a bill for an act relating to the election laws and providing penalties for violations thereof, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend the Senate amendment to House File 1147 as follows:
- 2 1. By striking from lines 12 and 13 the following:
- 3 "delivered by such city to the county commissioner of
- 4 registration" and inserting in lieu thereof the following:
- 5 "under the jurisdiction of the county commissioner of
- 6 registration who shall designate the location of such
- 7 records".
- 8 2. Lines 114 and 115, by striking all after the word
- 9 "age" in line 114 and through the word "qualifications" in
- 10 line 115.

- 11 3. Further amend the Senate amendment by adding
 12 thereto the following:
 13 24. Page 7, line 18, after the word "office" insert
 14 the words "or other designated locations".
 15 25. Page 7, line 21, after the word "office" insert
 16 the words "or other designated locations".

The motion prevailed and the Senate concurred in the House amendments to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 1147) the vote was:

Ayes, 38:

Anderson	Doderer	Lamborn	Rhodes
Arbuckle	Erskine	Laverty	Riley
Balloun	Gaudineer	Mowry	Robinson
Briles	Glenn	Nicholson	Schaben
Brownlee	Graham	Ollenburg	Shawver
Carlson	Griffin	Palmer	Tapscott
Coleman	Hill	Potgeter	Van Drie
Conklin	Keith	Potter	Van Gilst
Davis	Kennedy	Rabedeaux	Walsh
DeKoster	Kyhl		

Nays, 2:

Bass Gilley

Absent or not voting, 10:

Curran	Miller	Shaff	Stephens
Gross	Milligan	Smith	Thordsen
Messerly	Neu		

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

INTRODUCTION OF BILLS

Senate Joint Resolution 1007, by committee on constitutional amendments and reapportionment, a joint resolution proposing an amendment to the constitution of the State of Iowa relating to the power of the state to contract debts.

Read first time and placed on calendar.

Senate File 1213, by committee on appropriations, a bill for an act relating to the appropriation of the office of the geological survey.

Read first time and placed on calendar.

Senate File 1214, by committee on appropriations, a bill for an act relating to reimbursement to local school districts, county school systems, joint county systems, or equivalent intermediate units for auxiliary services to nonpublic school students and to make an appropriation therefor.

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

Senate File 1215, by committee on human and industrial relations, a bill for an act relating to workmen's compensation for loss of hearing.

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

HOUSE MESSAGE CONSIDERED

House File 1242, a bill for an act to establish a commission on compensation, expenses, and salaries for elective state officials.

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

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 9, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 590—Relating to a renal disease program and to provide an appropriation therefor.
- S. F. 1008—Relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations.
- S. F. 1019—Making the violation of the Iowa Commercial Feed Law of 1964 a misdemeanor and providing a penalty therefor.
- S. F. 1030—Relating to the recording of blind, deaf and handicapped persons by the assessor.
- S. F. 1069—Relating to terms of office of county superintendents of schools.
- S. F. 1087—Relating to the designation of the General Assembly and acts thereof.
- S. F. 1125—To change the fiscal year of cities and towns, counties, and other political subdivisions.

REPORTS OF COMMITTEES

Senator Messerly submitted the following reports:

MR. PRESIDENT: Your committee on appropriations, to which was referred **Senate File 154**, a bill for an act relating to the establishment of a regional medical education board and providing an appropriation, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1282**, a bill for an act relating to the creation of a physicians' assistants fund and making an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 1082**, a bill for an act relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the suspension of drivers licenses, providing for fees and providing a penalty, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

Senator Potgeter submitted the following reports:

MR. PRESIDENT: Your committee on state government, to which was referred **House Concurrent Resolution 103**, a resolution creating a study committee which shall consist primarily of female members of appropriate standing committees of the House of Representatives and the Senate and primarily of female nonlegislative members having special knowledge in the field of correctional and rehabilitation facilities for women, to conduct during the 1972-1973 legislative interim a comprehensive study of the women's correctional system in Iowa, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1220**, a bill for an act authorizing the use of electronic voting systems, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1170 as follows:
- 2 1. Line 7, by adding after the word "the" the word
- 3 "milk".
- 4 2. By striking from lines 14 and 15 the words

5 "chapters 159 through 216, inclusive" and insert in
6 lieu thereof the words "chapter 192".

JAMES F. SCHABEN

1 Amend Senate File 1192, as follows:
2 1. Page 3, by striking all of lines 19 through 35.
3 2. Page 4, by striking all of line 1.
4 3. Renumber the remaining sections to conform to this
5 amendment.

LEE H. GAUDINEER, JR.
W. CHARLENE CONKLIN
HAROLD A. THORSEN

1 Amend House File 1089 as amended and passed by the House,
2 page 3, line 25, by inserting after the word "All" the following:
3 "member".

JOHN L. MOWRY

1 Amend the Anderson amendment to House File 1272, filed
2 March 8, 1972, line 12, by adding after the word "*it*" the
3 words "*, and shall keep a quart sample of the grain for a*
4 *period of five days with depositor's name attached*".

J. WESLEY GRAHAM

1 Amend House File 1272, as passed by the House as follows:
2 1. Page 2, by striking lines 7 through 13 inclusive.
3 2. Page 6, by striking lines 26 through 35 inclusive,
4 Page 7, by striking lines 1 through 35 inclusive and Page 8,
5 by striking lines 1 through 6 inclusive.
6 3. Renumber the subsequent sections accordingly.

RICHARD L. STEPHENS
CLIFTON C. LAMBORN
JAMES A. POTGETER
CHARLES O. LAVERTY

1 Amend House File 1273, by striking everything
2 after the enacting clause and inserting in lieu there-
3 of the following:
4 "Section 1. Section seven hundred thirteen A
5 point three (713A.3), subsection nine (9), Code 1971,
6 is amended to read as follows:
7 9. Trade or vocational schools approved or
8 accredited by any department or agency of any state
9 or the federal government, *which have continuously*
10 *operated and maintained an attendance center offering*
11 *and providing courses of classroom instruction to*
12 *regularly enrolled students in the State of Iowa for*
13 *the last preceding five (5) years."*

LUCAS J. DeKOSTER

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Monday, March 13, 1972.

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, MARCH 13, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend J. Riley West, pastor of the First Presbyterian Church, Oskaloosa, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, March 10, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirty students from West Marshall Community School, Marshalltown, Iowa, accompanied by Mrs. Shives. Senator Mowry.

Twenty-six students from Stratford High School, Stratford, Iowa, accompanied by Mr. Klink. Senator Potgeter.

Forty-seven students from Saint Mary's of Panama-Portsmouth Consolidated School, Panama and Portsmouth, Iowa, accompanied by Sister Carolyn Quint, Mr. and Mrs. M. T. Leinen and Mr. and Mrs. Croghan. Senator Schaben.

Forty-five students from Twin Rivers School, Bode, Iowa, accompanied by Mr. Raney and Mr. Brock. Senator Keith.

Thirty-nine students from Clinton Senior High School, Clinton, Iowa, accompanied by Mr. Mennenga. Senator Shaff.

Twenty-two students from West Marshall Community School, State Center, Iowa, accompanied by Mrs. George Speers. Senator Mowry.

PETITION

The following petition was presented and placed on file:

By Senator Conklin, from thirty-three residents of Black Hawk County favoring the proposal of the Terrace Hill Commission that Terrace Hill become the home of the Governor of the State.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. G. L. Schmit, Cedar Rapids, Iowa.

CONSIDERATION OF BILLS

Senate File 1191

On motion of Senator Brownlee, Senate File 1191, a bill for an act relating to business corporations, was taken up and considered.

Senator DeKoster offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1191 as follows:
- 2 1. Page 10, by striking from lines four and five the word
- 3 "*fictitious*" and inserting in lieu thereof the word "*assumed*".
- 4 2. Page 10, by striking from line six the word "*fictitious*"
- 5 and inserting in lieu thereof the word "*assumed*".

The amendment was adopted.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1191) the vote was:

Ayes, 36:

Anderson	Curran	Kennedy	Rhodes
Arbuckle	Davis	Kyhl	Shawver
Balloun	DeKoster	Lamborn	Smith
Bass	Gaudineer	Messerly	Stephens
Briles	Gilley	Neu	Tapscott
Brownlee	Glenn	Nicholson	Thordsen
Carlson	Griffin	Ollenburg	Van Drie
Coleman	Gross	Potgeter	Van Gilst
Conklin	Keith	Potter	Walsh

Nays, none.

Absent or not voting, 14:

Doderer	Laverty	Palmer	Robinson
Erskine	Miller	Rabedeaux	Schaben
Graham	Milligan	Riley	Shaff
Hill	Mowry		

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

Senate File 1194

On motion of Senator Coleman, Senate File 1194, a bill for an act relating to the Iowa Probate Code, was taken up and considered.

Senator Coleman moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1194) the vote was:

Ayes, 39:

Anderson	Gaudineer	Lamborn	Schaben
Arbuckle	Gilley	Lavery	Shawver
Balloun	Glenn	Messerly	Smith
Briles	Graham	Neu	Stephens
Brownlee	Griffin	Nicholson	Tapscott
Coleman	Gross	Ollenburg	Thordsen
Conklin	Hill	Potter	Van Drie
Curran	Keith	Rabedeaux	Van Gilst
Davis	Kennedy	Rhodes	Walsh
DeKoster	Kyhl	Riley	

Nays, none.

Absent or not voting, 11:

Bass	Erskine	Mowry	Robinson
Carlson	Miller	Palmer	Shaff
Doderer	Milligan	Potgeter	

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

Senate File 1195

On motion of Senator Briles, Senate File 1195, a bill for an act relating to the drawing of grand jurors, was taken up and considered.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1195) the vote was:

Ayes, 45:

Anderson	Erskine	Lavery	Robinson
Arbuckle	Gaudineer	Messerly	Schaben
Balloun	Gilley	Neu	Shaff
Bass	Glenn	Nicholson	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Gross	Palmer	Stephens
Carlson	Hill	Potgeter	Tapscott
Coleman	Keith	Potter	Thordsen
Conklin	Kennedy	Rabedeaux	Van Drie
Curran	Kyhl	Rhodes	Van Gilst
Davis	Lamborn	Riley	Walsh
DeKoster			

Nays, none.

Absent or not voting, 5:

Doderer	Miller	Milligan	Mowry
Graham			

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

Senator Briles asked and received unanimous consent that **Senate File 1195** be **immediately messaged** to the House, which request was complied with.

House File 556

On motion of Senator Gross, House File 556, a bill for an act relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

HOUSE FILE DEFERRED

Senator Coleman asked and received unanimous consent that further action on **House File 556** be deferred and that the bill be placed on the calendar under **unfinished business**.

CONSIDERATION OF BILLS

Senate File 1038

On motion of Senator Van Gilst, Senate File 1038, a bill for an act relating to eminent domain, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Van Gilst offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1038, line 3, by adding after the word
- 2 "proceedings" the words "instituted by the state highway
- 3 commission and".

The amendment was adopted.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1038) the vote was:

Ayes, 46:

Anderson	Curran	Graham	Messerly
Arbuckle	Davis	Griffin	Milligan
Balloun	DeKoster	Gross	Mowry
Bass	Doderer	Hill	Neu
Brownlee	Erskine	Keith	Nicholson
Carlson	Gaudineer	Kennedy	Ollenburg
Coleman	Gilley	Kyhl	Palmer
Conklin	Glenn	Lamborn	Potgeter

Potter	Robinson	Smith	Thordsen
Rabedeaux	Schaben	Stephens	Van Drie
Rhodes	Shaff	Tapscott	Van Gilst
Riley	Shawver		

Nays, none.

Absent or not voting, 4:

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

Senator Van Gilst asked and received unanimous consent that Senate File 1038 be **immediately messaged** to the House, which request was complied with.

Senate File 1203

On motion of Senator Messerly, Senate File 1203, a bill for an act making an appropriation from the general fund of the state to the department of public defense for various capital improvements, was taken up and considered.

Senator Tapscott moved that Senate File 1203 be referred to the committee on appropriations.

The motion lost.

President pro tempore Kyhl took the chair at 11:00 a.m.

Senator Anderson offered the following amendment by Senators Anderson and Glenn:

- 1 Amend Senate File 1203 as follows: page 2, line 9,
- 2 by adding after the words "state guard," the following:
- 3 "which facilities shall be located at Waterloo and
- 4 Ottumwa, Iowa."

Senator Anderson moved the adoption of the amendment and requested a roll call.

On the question "Shall the amendment be adopted?" (S.F. 1203) the vote was:

Ayes, 13:

Anderson	Laverty	Rabedeaux	Schaben
Coleman	Palmer	Rhodes	Tapscott
Glenn	Potgeter	Robinson	Van Gilst
Hill			

Nays, 36:

Arbuckle	Brownlee	Davis	Gaudineer
Balloun	Carlson	DeKoster	Gilley
Bass	Conklin	Doderer	Graham
Briles	Curran	Erskine	Griffin

Gross	Messerly	Nicholson	Smith
Keith	Miller	Ollenburg	Stephens
Kennedy	Milligan	Potter	Thordsen
Kyhl	Mowry	Riley	Van Drie
Lamborn	Neu	Shaff	Walsh

Absent or not voting, 1:
Shawver

The amendment lost.

Senator Messerly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1203) the vote was:

Ayes, 31:

Arbuckle	Davis	Kennedy	Shaff
Balloun	DeKoster	Kyhl	Shawver
Bass	Erskine	Lamborn	Smith
Briles	Gilley	Laverty	Stephens
Brownlee	Graham	Messerly	Thordsen
Carlson	Griffin	Mowry	Van Drie
Conklin	Hill	Ollenburg	Walsh
Curran	Keith	Riley	

Nays, 17:

Anderson	Milligan	Potgeter	Robinson
Coleman	Neu	Potter	Schaben
Glenn	Nicholson	Rabedeaux	Tapscott
Gross	Palmer	Rhodes	Van Gilst
Miller			

Absent or not voting, 2:
Doderer Gaudineer

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

President Jepsen took the chair at 11:35 a.m.

Senator Messerly moved that the vote by which **Senate File 1203** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 1203) the vote was:

Ayes, 27:

Balloun	DeKoster	Laverty	Shaff
Bass	Erskine	Messerly	Shawver
Briles	Gilley	Milligan	Smith
Carlson	Graham	Mowry	Stephens
Conklin	Griffin	Nicholson	Thordsen
Curran	Kyhl	Ollenburg	Walsh
Davis	Lamborn	Riley	

Nays, 18:

Anderson	Gross	Potgeter	Schaben
Arbuckle	Hill	Potter	Tapscott
Brownlee	Miller	Rabedeaux	Van Drie
Coleman	Neu	Robinson	Van Gilst
Glenn	Palmer		

Absent or not voting, 5:

Doderer	Keith	Kennedy	Rhodes
Gaudineer			

The motion prevailed.

Senate File 1204

On motion of Senator Mowry, Senate File 1204, a bill for an act making an appropriation to the Iowa law-enforcement academy for the construction of a building, was taken up and considered.

Senator Mowry offered the following amendment filed by Senators Mowry and Thordsen and moved its adoption:

- 1 Amend Senate File 1204, page 2, by adding after line 19
- 2 the following new section:
- 3 "Sec. This Act, being deemed of immediate
- 4 importance, shall take effect and be in force from and after
- 5 its publication in the Marshalltown Times-Republican, a
- 6 newspaper published in Marshalltown, Iowa, and in the
- 7 Times-Democrat, a newspaper published in Davenport, Iowa."

The amendment was adopted.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1204) the vote was:

Rule 24 was invoked.

Ayes, 29:

Arbuckle	Gilley	Mowry	Robinson
Bass	Griffin	Nicholson	Schaben
Brownlee	Gross	Palmer	Stephens
Carlson	Hill	Potter	Thordsen
Coleman	Kennedy	Rabedeaux	Van Drie
Curran	Laverty	Rhodes	Van Gilst
DeKoster	Milligan	Riley	Walsh
Erskine			

Nays, 16:

Anderson	Doderer	Kyhl	Ollenburg
Balloun	Glenn	Lamborn	Potgeter
Conklin	Graham	Messerly	Shaff
Davis	Keith	Neu	Tapscott

Absent or not voting, 5:

Briles	Miller	Shawver	Smith
Gaudineer			

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 30, 48, 367, 574, 680, 1074, 1099, 1120, 1213 and 1257.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Files 30, 48, 367, 574, 680, 1074, 1099, 1120, 1213 and 1257.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 274, a bill for an act relating to age discrimination in employment.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1201, a bill for an act to appropriate funds to the state highway commission for designated capital improvement programs.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1101, a bill for an act to legalize proceedings for the establishment, organization, formation and changes in boundaries of merged area school systems.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1271, a bill for an act relating to the time of destruction of certain court records.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1275, a bill for an act relating to dissolution of marriage.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1101, a bill for an act to legalize and validate proceedings for the establishment, organization, formation and changes in the boundaries of merged area school systems.

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

House File 1271, a bill for an act relating to the time of destruction of certain court records.

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

House File 1275, a bill for an act relating to dissolution of marriage.

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

CONSIDERATION OF BILLS

Senate File 1205

On motion of Senator Mowry, Senate File 1205, a bill for an act relating to the salaries of the members of the Iowa state commerce commission and the director of the Iowa state traveling library, was taken up and considered.

Senator Anderson offered the following amendment filed by Senators Anderson and Riley:

- 1 Amend Senate File 1205 as follows:
- 2 1. Page 1, line 6, by striking the words and
- 3 figure "and thirty-five (35)," and inserting in lieu
- 4 thereof the words and figures "thirty-five (35), and
- 5 fifty-three (53),".
- 6 2. Page 1, by inserting after line 16 the follow-
- 7 ing new subsection:
- 8 53. Supreme court.
- 9 Salaries of the supreme court judges:.....
- 10 \$25,000.00 [\$25,000.00] *\$28,000.00*
- 11 Salaries of nine legal assistants each not exceeding:
- 12 \$ 7,500.00 [\$ 7,500.00] *\$ 9,500.00*
- 13 Salary of the clerk of the supreme court not exceeding:
- 14 \$ 9,000.00 \$ 9,000.00

- 15 Salary of the code editor not exceeding:.....
- 16 \$14,000.00 \$14,000.00
- 17 Salary of the court administrator of the supreme court
- 18 not exceeding \$13,000.00 \$13,000.00
- 19 3. Amend the title, page 1, line 3, by inserting after
- 20 the word "library" the words "and the salaries of the
- 21 supreme court judges and their nine legal assistants".

President Jepsen took the chair at 2:00 p.m.

Senator Balloun raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken and the amendment not germane.

Senator DeKoster moved that Senate Rule 3 be suspended as it applies to Section 402 of Mason's Manual of Legislative Procedure only for the purpose of considering the Anderson-Riley amendment and the DeKoster amendment thereto on Senate File 1205.

Senator Van Drie moved that the motion be amended to include consideration of the Van Drie-Van Gilst amendment.

Senator Hill moved as a substitute motion that the rule as found in Section 402 of Mason's Manual of Legislative Procedure be suspended and that all amendments to Senate File 1205 relating to statutory salaries be considered.

Senator Lamborn moved that Senate File 1205 be indefinitely postponed.

The Chair ruled the motion out of order.

REFERRED TO COMMITTEE

Senator Shaff moved that Senate File 1205 be referred back to the committee on appropriations.

Roll call was requested.

On the question "Shall the bill be referred back to the committee on appropriations?" (S.F. 1205) the vote was:

Ayes, 30:

- | | | | |
|----------|----------|-----------|-----------|
| Anderson | Davis | Keith | Potter |
| Balloun | DeKoster | Kyhl | Rabedeaux |
| Bass | Erskine | Lamborn | Rhodes |
| Briles | Gilley | Laverty | Riley |
| Brownlee | Graham | Milligan | Shaff |
| Carlson | Griffin | Nicholson | Smith |
| Conklin | Gross | Ollenburg | Stephens |
| Curran | Hill | | |

Nays, 18:

Arbuckle	Kennedy	Potgeter	Thordsen
Coleman	Miller	Robinson	Van Drie
Doderer	Mowry	Shawver	Van Gilst
Gaudineer	Neu	Tapscott	Walsh
Glenn	Palmer		

Absent or not voting, 2:

Messerly	Schaben
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The motion prevailed and Senate File 1205 was referred back to the committee on appropriations.

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1213.

Senate File 1213

On motion of Senator Brownlee, Senate File 1213, a bill for an act relating to the appropriation of the office of the geological survey, was taken up and considered.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1213) the vote was:

Ayes, 45:

Anderson	Gilley	Miller	Robinson
Arbuckle	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shaff
Brownlee	Griffin	Neu	Shawver
Carlson	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Potgeter	Tapscott
Curran	Kennedy	Potter	Thordsen
Davis	Kyhl	Rabedeaux	Van Drie
DeKoster	Lamborn	Rhodes	Van Gilst
Doderer	Laverty	Riley	Walsh
Erskine			

Nays, 3:

Balloun	Bass	Gaudineer
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Absent or not voting, 2:

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

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1214.

Senate File 1214

On motion of Senator Walsh, Senate File 1214, a bill for an act relating to reimbursement to local school districts, county school systems, joint county systems, or equivalent intermediate units for auxiliary services to nonpublic school students and to make an appropriation therefor, was taken up and considered.

Senator Hill offered the following amendment and moved its adoption:

- 1 Amend Senate File 1214, as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "students" the word "residing".
- 4 2. Page 2, line 22, by inserting after the word
- 5 "students" the word "residing".
- 6 3. Page 2, line 31, by inserting after the word "of"
- 7 the word "resident".
- 8 4. Page 2, line 34, by inserting after the word
- 9 "district" the words "wherein they have residence".
- 10 5. Page 3, line 19, by inserting after the word "a"
- 11 the word "resident".
- 12 6. Page 3, line 23, by inserting after the word "dent"
- 13 the word "residing".
- 14 7. Page 3, line 32, by inserting after the word "to"
- 15 the word "resident".
- 16 8. Page 4, by striking lines 1 through 5 inclusive.

President pro tempore Kyhl took the chair at 3:32 p.m.

Senator Hill moved the adoption of his amendment and called for a division.

The amendment lost.

Senator Shaff offered the following amendment by Senators Shaff and Ollenburg:

- 1 Amend Senate File 1214 as follows:
- 2 By striking all after the enacting clause and inserting in
- 3 lieu thereof the following:
- 4 1. "Section 1. Funds appropriated to the department of public
- 5 instruction for the purposes set forth in chapter one hundred
- 6 sixty-five (165), section twenty-seven (27), Acts of the Sixty-
- 7 fourth General Assembly, First Session, shall be made available
- 8 not only for reimbursement of claims for the period commen-
- 9 cing July 1, 1971, and ending June 30, 1972, but also for the
- 10 period commencing July 1, 1972, and ending June 30, 1973.
- 11 Claims for the 1972-73 school year shall be certified by the
- 12 department of public instruction to the state comptroller on
- 13 or before August 31, 1973. On or before September 15, 1973,
- 14 the state comptroller shall draw warrants on the fund created
- 15 by the aforesaid section of chapter one hundred sixty-five
- 16 (165), section twenty-seven (27), Acts of the Sixty-fourth
- 17 General Assembly, First Session, and in the event the claims

18 so certified are greater than the balance of funds available
19 said claims shall be prorated.

20 For the purposes of this Act, reference to expenditures
21 incurred in accordance with the provisions of section two
22 hundred fifty-seven point twenty-six (257.26), subsection
23 two (2), of the Code relating to special education shall be
24 for those programs meeting the requirements of chapter two
25 hundred eighty-one (281) of the Code and the regulations per-

Page 2

1 taining thereto of the department of public instruction.

2 Funds paid to public school districts from the approp-
3 riation made for chapter one hundred sixty-five (165), section
4 twenty-seven (27), Acts of the Sixty-fourth General Assembly,
5 First Session, shall not be taken into consideration as 'mis-
6 cellaneous income.'

7 2. Amend the title page 1, line 1, by striking all
8 after the word "Act" and lines 2 through 4 inclusive and
9 insert in lieu thereof the following:
10 "relating to time of availability of the appropriation
11 made for state school aid and to the treatment for budget
12 expenditure purposes of the moneys distributed pursuant to
13 said appropriation."

President Jepsen took the chair at 3:57 p.m.

Senator Shaff moved the adoption of the amendment.

Roll call was requested.

On the question "Shall the Shaff-Ollenburg amendment be adopted?" (S.F. 1214) the vote was:

Rule 24 was invoked.

Ayes, 21:

Bass	Graham	Mowry	Rhodes
Carlson	Gross	Nicholson	Shaff
Conklin	Hill	Ollenburg	Smith
Curran	Keith	Potter	Stephens
Erskine	Kyhl	Rabedaux	Van Drie
Gilley			

Nays, 28:

Anderson	DeKoster	Lavery	Robinson
Arbuckle	Doderer	Miller	Schaben
Balloun	Gaudineer	Milligan	Shawver
Briles	Glenn	Neu	Tapscott
Brownlee	Griffin	Palmer	Thordsen
Coleman	Kennedy	Potgeter	Van Gilst
Davis	Lamborn	Riley	Walsh

Absent or not voting, 1:

Messerly

The amendment lost.

Senator Hill offered the following amendment and moved its adoption:

- 1 Amend Senate File 1214 as follows:
- 2 1. Page 3, by inserting after line 18 the following
- 3 new paragraph:
- 4 "Title to instructional equipment and materials,
- 5 scientific instruments and audio visual resources,
- 6 including projectors, film and other equipment, shall
- 7 remain with the local school district, county school
- 8 system, joint county system, or equivalent interme-
- 9 diate unit providing same. A proper inventory shall
- 10 be kept of equipment and materials provided. Such
- 11 inventory and inventoried items shall be available
- 12 for inspection by the proper authorities."

The amendment was adopted.

Senator Stephens offered the following amendment by Sena-
tors Stephens, Smith and Graham:

- 1 Amend Senate File 1214 as follows:
- 2 Page 4, line 7, by inserting after the period the follow-
- 3 ing:
- 4 "Programs under which funds are appropriated pursuant
- 5 to this Act shall be audited annually by the auditor of
- 6 state. The audit shall include not only the local school
- 7 district receiving funds under this section but also the
- 8 nonpublic school in which a nonpublic school student
- 9 receiving services is enrolled. Any local school district
- 10 accepting funds and any nonpublic school in which a non-
- 11 public school student who receives services under this
- 12 section is enrolled, shall consent to the audit by the
- 13 auditor of state as a condition to the nonpublic school
- 14 student receiving such services."

Senator Van Drie offered the following amendment to the
amendment and moved its adoption:

- 1 Amend the Stephens, et al., amendment filed March 13, 1972,
- 2 to Senate File 1214, line 5, by striking the word "shall" and
- 3 inserting in lieu thereof the word "may".

The amendment to the amendment was adopted.

Senator Stephens moved the adoption of the amendment as
amended and called for a division.

The amendment as amended lost.

Senator Ollenburg moved that Senate File 1214 be referred
to the committee on schools.

President pro tempore Kyhl took the chair at 4:45 p.m.

Senator Davis moved as a substitute motion that further action on Senate File 1214 be deferred and that the bill retain its place on the calendar.

The motion lost.

Senator Ollenburg re-stated his motion to refer Senate File 1214 to the committee on schools.

Roll call was requested.

On the question "Shall the bill be referred to the committee on schools?" (S.F. 1214) the vote was:

Ayes, 22:

Anderson	Erskine	Mowry	Rhodes
Bass	Gilley	Nicholson	Shaff
Carlson	Graham	Ollenburg	Smith
Conklin	Hill	Potter	Stephens
Curran	Keith	Rabedeaux	Van Drie
Davis	Kyhl		

Nays, 27:

Arbuckle	Glenn	Miller	Schaben
Balloun	Griffin	Milligan	Shawver
Briles	Gross	Neu	Tapscott
Coleman	Kennedy	Palmer	Thordsen
DeKoster	Lamborn	Potgeter	Van Gilst
Doderer	Laverty	Riley	Walsh
Gaudineer	Messerly	Robinson	

Absent or not voting, 1:

Brownlee

The motion lost.

Senator Stephens offered the following amendment and moved its adoption:

- 1 Amend Senate File 1214, page 4, line 27, by striking the
- 2 word "not".

Division was called for.

The amendment lost.

Senator DeKoster offered the following amendment by Senators DeKoster and Conklin and moved its adoption:

- 1 Amend Senate File 1214, page 4, line 5, by striking the
- 2 words "the state" and inserting in lieu thereof the following:
- 3 "that district, county system, joint county system, or inter-
- 4 mediate unit, respectively."

The amendment was adopted.

Senator DeKoster offered the following amendment by Senators DeKoster and Conklin and moved its adoption:

1 Amend Senate File 1214, page 2, line 32, by striking all
2 after the period and by striking lines 33 through 35, inclusive.
3 Page 3, by striking lines 1 through 5, inclusive, and inserting
4 in lieu thereof the following:
5 "The department of public instruction shall allocate funds
6 to the appropriate board of each county school system, joint
7 county system, or equivalent intermediate unit, on the basis of
8 the number of nonpublic school students within that system.
9 Applications for receipt of auxiliary services for nonpublic
10 school students shall be made to the board of the county school
11 system, joint county system, or equivalent intermediate unit.
12 The board of the county school system, joint county system, or
13 equivalent intermediate unit, to which application is made may
14 contract with the board of any local school district providing
15 such services to public school students to provide any of the
16 auxiliary services to nonpublic school students and be reimbursed."

The amendment was adopted.

Senator Coleman offered the following amendment and moved
its adoption:

1 Amend Senate File 1214 as follows:
2 Page 4, line 11 by inserting after the word "dollars" the words
3 "of the sum appropriated in chapter one hundred sixty-five (165),
4 section twenty-seven (27), Acts of the Sixty-fourth General
5 Assembly, First Session".

The amendment was adopted.

Senator Kennedy offered the following amendment and moved
its adoption:

1 Amend Senate File 1214, page 4, line 20 by inserting
2 after the word "district" the words ", systems or unit,".
3 Page 4, line 25, by inserting after the word "district"
4 the words ", systems or unit,".

The amendment was adopted.

Action on the bill was temporarily deferred for the prepara-
tion of an amendment.

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to
take up for consideration House File 1282.

House File 1282

On motion of Senator Balloun, House File 1282, a bill for an
act relating to the creation of a physicians' assistants fund and
making an appropriation therefor, with report of committee
recommending passage, was taken up, considered, and the report
of the committee adopted.

Senator Balloun moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1282) the vote was:

Ayes, 47:

Anderson	Erskine	Messerly	Robinson
Arbuckle	Gaudineer	Milligan	Schaben
Balloun	Gilley	Mowry	Shaff
Bass	Glenn	Neu	Shawver
Briles	Graham	Nicholson	Smith
Carlson	Griffin	Ollenburg	Stephens
Coleman	Gross	Palmer	Tapscott
Conklin	Hill	Potgeter	Thordsen
Curran	Kennedy	Potter	Van Drie
Davis	Kyhl	Rabedeaux	Van Gilst
DeKoster	Lamborn	Rhodes	Walsh
Doderer	Laverty	Riley	

Nays, 1:

Miller

Absent or not voting, 2:

Brownlee Keith

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

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1047.

House File 1047

On motion of Senator Thordsen, House File 1047, a bill for an act relating to the lending and investing powers of savings and loan associations, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Thordsen offered the following amendment filed by the committee on commerce and moved its adoption:

- 1 Amend House File 1047 as passed by the House, page 2, by
- 2 striking lines 1 through 21, inclusive, and renumber the sub-
- 3 sequent sections accordingly.

Division was called for.

The amendment was adopted.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1047) the vote was:

Ayes, 45:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Schaben
Bass	Graham	Mowry	Shawver
Briles	Griffin	Neu	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn	Potter	Van Gilst
DeKoster	Laverty	Rabedeaux	Walsh
Erskine			

Nays, none.

Voting present, 1:

Doderer

Absent or not voting, 4:

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

Senate File 1214

The Senate resumed consideration of Senate File 1214.

Senator DeKoster offered the following amendment by Senators DeKoster and Ollenburg and moved its adoption:

- 1 Amend Senate File 1214 by striking all after the enacting
- 2 clause and insert in lieu thereof the following:
- 3 "Section 1. Section two hundred fifty-seven point twenty-
- 4 six (257.26), unnumbered paragraph two (2), Code 1971, is amended
- 5 to read as follows:
- 6 The provisions of this section shall not deprive the re-
- 7 spective boards of public school districts of any of their legal
- 8 powers, statutory or otherwise, and in accepting such specially
- 9 enrolled students, each of said boards shall prescribe the terms
- 10 of such special enrollment, including but not limited to sched-
- 11 uling of such courses and the length of class periods. In addi-
- 12 tion, the board of the affected public school district shall be
- 13 given notice by the state board of its decision to permit such
- 14 special enrollment not later than six months prior to the open-
- 15 ing of the affected public school district's school year, except
- 16 that the board of the public school district may, in its discretion,
- 17 waive such notice requirement. [School districts and county school
- 18 systems may when available make special education services and
- 19 materials enumerated in this chapter available to pupils attending
- 20 nonpublic schools in the same manner and to the same extent that
- 21 they are provided to public school students in the school district
- 22 or county.]
- 23 *Boards of local school districts, county school systems, and*
- 24 *joint county systems, or any equivalent intermediate unit, shall*
- 25 *provide auxiliary services to nonpublic school students in the*

Page 2

1 district, county system, joint county system, or intermediate
 2 unit, to the extent that funds appropriated from the general
 3 fund of the state to the department of public instruction specif-
 4 ically for reimbursement for claims of school districts, county
 5 school systems, joint county systems, or any equivalent inter-
 6 mediate unit, for auxiliary services provided to nonpublic school
 7 students are sufficient to pay for the auxiliary services. The
 8 department of public instruction shall allocate funds to the
 9 appropriate board of each county school system, joint county system,
 10 or equivalent intermediate unit, on the basis of the number of
 11 nonpublic school students within that system. Applications for
 12 receipt of auxiliary services for nonpublic school students shall
 13 be made to the board of the county school system, joint county
 14 system, or equivalent intermediate unit. The board of the county
 15 school system, joint county system, or equivalent intermediate
 16 unit, to which application is made may contract with the board of
 17 any local school district providing such services to a public
 18 school student to provide any of the auxiliary services to a
 19 nonpublic school student and be reimbursed.

20 Auxiliary services include the following:

- 21 1. Health services.
- 22 2. Programs of special education as defined in section
 23 two hundred eighty point twenty-two (280.22) and chapter two
 24 hundred eighty-one (281) of the Code and rules and regulations
 25 of the department of public instruction.

Page 3

1 3. Remedial education services, including teachers aides
 2 and associates.

3 4. Instructional equipment and materials.

4 5. Scientific instruments.

5 6. Audiovisual resources.

6 Auxiliary services provided to a nonpublic school student
 7 shall not exceed the auxiliary services provided by the local
 8 school district, county school system, joint county system, or
 9 equivalent intermediate unit, to a public school student in the
 10 district, county system, joint county system, or intermediate
 11 unit. If the available funds for reimbursement are inadequate
 12 to provide auxiliary services to a nonpublic school student to
 13 the same extent that such services are provided to a public
 14 school student, the board of the school district, county school
 15 system, joint county system, or equivalent intermediate unit,
 16 shall determine which services shall be provided to a nonpublic
 17 school student.

18 Auxiliary services in excess of those for which funds are
 19 appropriated to the department of public instruction may be pro-
 20 vided to a nonpublic school student by the board of a school
 21 district, county school system, joint county system, or equivalent
 22 intermediate unit, without filing a claim for reimbursement from
 23 the department of public instruction.

24 Any nonpublic school student who is a resident of Iowa,
 25 regardless of where he resides within this state, may receive

Page 4

1 *auxiliary services from any school district, county system,*
 2 *joint county system, or equivalent intermediate unit, if he*
 3 *attends a nonpublic school located within that district, county*
 4 *system, joint county system, or intermediate unit, respectively.*
 5 *Any parent or guardian of a nonpublic school student may refuse*
 6 *to receive auxiliary services.*

7 Sec. 2. The programs in section one (1) of this Act shall
 8 be separate from the state foundation plan; and the reimbursements
 9 herein shall not be considered "miscellaneous income" as defined
 10 in section five (5) of chapter one hundred sixty-five (165), Acts
 11 of the Sixty-fourth General Assembly, First Session, for the pur-
 12 poses of determining state foundation aid.

13 Sec. 3. Funds appropriated to the department of public
 14 instruction for the purposes set forth in chapter one hundred
 15 sixty-five (165), section twenty-seven (27), Acts of the Sixty-
 16 fourth General Assembly, First Session, shall be made available
 17 not only for reimbursement of claims for the period commencing
 18 July 1, 1971, and ending June 30, 1972, but also for the period
 19 commencing July 1, 1972, and ending June 30, 1973. Claims for
 20 the 1972-73 school year shall be certified by the department of
 21 public instruction to the state comptroller on or before August
 22 31, 1973."

Division was called for.

The amendment was adopted.

Senator Walsh moved that the bill be read the last time now,
 which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1214) the vote
 was:

Ayes, 36:

Anderson	DeKoster	Laverty	Rabedeaux
Arbuckle	Doderer	Messerly	Riley
Balloun	Gaudineer	Miller	Robinson
Briles	Glenn	Milligan	Schaben
Carlson	Griffin	Neu	Shawver
Coleman	Gross	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Gilst
Davis	Lamborn	Potter	Walsh

Nays, 11:

Bass	Graham	Nicholson	Stephens
Erskine	Hill	Rhodes	Van Drie
Gilley	Mowry	Smith	

Absent or not voting, 3:

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

Senator Balloun asked and received unanimous consent that **Senate File 1214** be immediately messaged to the House, which request was complied with.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1026, a bill for an act relating to actions arising out of injuries or damages to property.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1110, a bill for an act to legalize transfer of real property from board of directors of the Prairie Community School District, Gowrie, Iowa.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1140, a bill for an act to establish a commission on the status of women.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1172, a bill for an act relating to the authority of the state conservation commission.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1198, a bill for an act to allow cities and towns to extend agreements to refrain from annexing specifically described territory.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the Senate is asked:

House File 1011, a bill for an act relating to attainment of the age of majority.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1249, a bill for an act relating to eligibility for old-age assistance.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGES CONSIDERED

House File 1140, a bill for an act to establish a commission on the status of women and to define its powers and duties.

Read first time and passed on file.

House File 1249, a bill for an act relating to eligibility for old-age assistance.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 123

By Smith and Van Drie

Whereas, the Iowa Legislature recognizes the outstanding performance of the Iowa State Wrestling Team in winning the N.C.A.A. wrestling tournament this past week at College Park, Maryland; and

Whereas, the Iowa Legislature wishes to properly credit Iowa State University for this outstanding achievement as well as winning this same honor three times in the past four years; *Therefore*

Be It Resolved by the Senate, the House of Representatives Concurring, That the Iowa Legislature in regular session March 13, 1972 on behalf of all Iowans, does hereby congratulate Coaches Nichols and Anderson and this great Iowa State University Wrestling Team in winning the coveted national honor and establishing three of their team members as individual national champions; and

Be It Further Resolved, That a copy of this resolution be forwarded to President Robert Parks of Iowa State University, Coaches Nichols and Anderson and the team.

SENATE CONCURRENT RESOLUTION 124

By Schaben, Van Drie, Walsh, Miller, Tapscott, Arbuckle, Doderer, Robinson, Neu, Kennedy, Carlson, Messerly, Griffin, Rabedaux, Palmer, Gross, Briles, Van Gilst, Rhodes, Glenn, and Gaudineer

Whereas, Senate Files 1159, 1153 and 1094 have been filed with the Second Session of the Sixty-fourth General Assembly with the intent that the passage of these bills shall result in allowing the president of the Organization of Iowa Highway Commission Employees time and office facilities; and

Whereas, the Highway Commission is a vast organization with some 4,200 employees dispersed throughout 99 counties; and

Whereas, it is essential to establish more communication and fill the gap between management and the employees; and

Whereas, the present president of the Iowa Highway Commission Employees has proved of utmost service to the employees, administration, legislators and the state of Iowa; and

Whereas, the employees as well as the Highway Commission administration have shown confidence in him; and he has used his own vacation time without any financial consideration to promote better working conditions for the people he represents; and

Whereas, the Sixty-fourth General Assembly is of unanimous opinion that legislation is not necessary to allow him time and office facilities; and

Whereas, the General Assembly feels this should be accomplished by administrative action; *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly strongly urges, in the interest of employee morale, better efficiency

and more output that the president of the organization of Iowa Highway Commission Employees be allowed reasonable working time to carry out his duties as president and be given office facilities pursuant to administrative action by the highway commissioners and that such president not be penalized financially or otherwise in the course of representation of the employees.

SENATE CONCURRENT RESOLUTION 125

By Rudy Van Drie

Whereas, the Roland-Story girls basketball team has won the 1972 State championship tournament; and

Whereas, before the tournament the Roland-Story team was not rated as one destined to advance to the state tournament; and

Whereas, the Roland-Story basketball team has displayed the utmost sportsmanship, teamwork and skill; and

Whereas, the state tournament truly is the time and place where the world's finest girls' basketball is played; and

Whereas, Forward Cathy Kammin and Guard Janice Braathun headed the tournament team selections for All-State, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the heartiest congratulations be extended to the Roland-Story School, its girls basketball team, Coach Bill Hennessy, teachers, school administrators and their families and loyal friends who encouraged the team through the regular season and during the tournament.

Be It Further Resolved, that a copy of this concurrent resolution be sent to Coach Bill Hennessy and the Roland-Story basketball team.

SENATE CONCURRENT RESOLUTION 126

By Laverty, Anderson, Arbuckle, Bass, Briles, Brownlee, Carlson, Coleman, Conklin, Curran, Davis, DeKoster, Doderer, Erskine, Gaudineer, Gilley, Glenn, Graham, Griffin, Gross, Hill, Keith, Kennedy, Kyhl, Lamborn, Messerly, Miller, Milligan, Mowry, Neu, Nicholson, Ollenburg, Palmer, Potgeter, Potter, Rabedeaux, Rhodes, Riley, Robinson, Schaben, Shaff, Shawver, Smith, Stephens, Tapscott, Thordsen, Van Drie, Van Gilst, Walsh

Whereas, the reduction of railroad service within the state of Iowa is of major concern to agricultural and industrial interests; and

Whereas, the abandonment of railroad lines has increased the burden of heavy freight traffic on the public highways of this state; and

Whereas, the need for adequate heavy freight transportation in this state is necessary to insure the orderly flow of agricultural and industrial products to national and international markets; and

Whereas, adequate heavy freight transportation within this state is necessary to insure continued economic growth, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council create a study committee to study the need for railroad service and methods to improve heavy freight transportation service to the communities of this state; and

Be It Further Resolved, That a report of the study be prepared and

submitted to the legislative council and the members of the Sixty-fifth General Assembly, First Session, and that the report be accompanied by legislative bill drafts to carry out the recommendations of the study committee.

BILLS ASSIGNED TO COMMITTEE

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

- H. F. 1242 State government
- H. F. 1249 Social services
- H. F. 1271 Judiciary
- H. F. 1275 Judiciary
- H. F. 1292 Appropriations

AMENDMENTS FILED

- 1 Amend Senate File 1170 as follows:
- 2 1. Line 12, by adding after the word "*perform*" the
- 3 word "*milk*".
- 4 2. By striking from lines 14 and 15 the words
- 5 "*chapters 159 through 216, inclusive*" and insert in lieu
- 6 thereof the words "*chapter 192*".

JAMES F. SCHABEN

- 1 Amend Senate File 1193 as follows:
- 2 1. Page 2, strike the words "regional medical education
- 3 facilities" where they appear on lines 3, 8 and 9, 29, and 34
- 4 and insert in lieu thereof the words "area health education
- 5 centers".
- 6 2. Page 2, line 5 after the word "medicine" add the words
- 7 "and to trainees in family practice".
- 8 3. Page 2, line 27, by adding after the comma (,) the
- 9 words "one hundred fifty-three (153)".
- 10 4. Amend the title, line 1, by striking the words "region-
- 11 al medical educational facilities" and inserting in lieu there-
- 12 of the words "area health education centers".

ARTHUR A. NEU

- 1 Amend Senate File 1205 as follows:
- 2 1. Lines 5 and 6 by striking the words "subsections eleven (11) and"
- 3 and inserting in lieu thereof the word "subsection".
- 4 2. Strike lines 9 through 13, inclusive.
- 5 3. Line 16, by striking the figure "\$15,000.00" and insert in lieu
- 6 thereof the figure "\$13,500.00".
- 7 4. Amend the title, line 1, by striking all after the word "Act",
- 8 striking lines 2 through 3 inclusive and insert in lieu thereof the
- 9 words "relating to the salary of the director of the Iowa state
- 10 traveling library."

R. DEAN ARBUCKLE

1 Amend Senate File 1205 as follows:

2 1. Page 1, after line 13, by inserting the following new sub-
3 section:

4 "25. Higher education facilities commission.

5 Salary of the executive director not exceeding:

6\$16,000.00 [\$16,000.00] \$17,000.00

7 2. Page 1, line 6, by inserting after the figure "(11)" the words
8 and figure ", twenty-five (25)".

9 3. Amend the title, line 2, by inserting after the word
10 "commission" the words ", the director of the higher education
11 facilities commission,".

RUDY VAN DRIE
BASS VAN GILST

1 Amend the Anderson and Riley amendment filed March 8, 1972
2 to Senate File 1205, after line 18, by adding the following
3 new section:

4 1. "Sec. Section six hundred five point one (605.1),

5 Code 1971, is amended as follows:

6 605.1 SALARY OF JUDGES. The salary of each judge of the
7 district court shall be [twenty-one] *twenty-three* thousand dollars
8 per year."

9 2. Line 20, after the fourth word "the" add the words "district court
10 judges and the".

LUCAS J. DeKOSTER

1 Amend the Anderson amendment to House File 1272, filed
2 March 8, 1972, as follows:

3 Line 10, by adding after the word "graded," the words
4 *and shall keep a quart sample of the grain for a period*
5 *of five days with the depositor's name attached."*

6 Strike all of lines 11 and 12 inclusive.

J. WESLEY GRAHAM

On motion of Senator Lamborn, the Senate adjourned until
9:00 a.m., Tuesday, March 14, 1972.

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, MARCH 14, 1972

The Senate met in regular session, Presiding Jepsen presiding.

Prayer was offered by the Reverend John D. McGowan, pastor of the New Christian Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, March 13, 1972, was approved.

DISTINGUISHED GUEST

Senator Davis rose on a point of personal privilege and presented to the Senate the Honorable Charles F. Eppers, Mayor of Keokuk, Iowa, former member of the Senate from Lee County.

PRESENTATION OF VISITORS

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

One hundred students from Hampton High School, Hampton, Iowa, accompanied by Mrs. Pat Peterson. Senator Curran.

Eighty students from St. Edward's School, Waterloo, Iowa, accompanied by Sister Lu Ann Bickle, Phylis Johnston, Terri Lutgen and Tom Renee. Senator Conklin.

Fifty-seven students from Centennial Elementary School, Altoona, Iowa, accompanied by Mrs. Brogg and Mrs. Toll. Senator Palmer.

Thirty students from Lone Tree Community High School, Lone Tree, Iowa, accompanied by Mr. La Vern Barton. Senator Doderer.

Thirty-five students from Columbus Community High School, Columbus Junction, Iowa, accompanied by their principal, Mr. Currie, and teacher, Mr. Buster. Senator Miller.

Thirty students from Hoover High School, Des Moines, Iowa, accompanied by Caral Axtelle. Senator Carlson.

Fifty students from Hills Elementary School, Hills, Iowa, accompanied by Don Benda. Senator Doderer.

Forty-three students from Mason City High School, Mason City, Iowa, accompanied by Don Brown and Richard Attleson. Senator Curran.

Fifty-one students from Sacred Heart School, Waterloo, Iowa, accompanied by Sister Patricia and Mrs. Kubik. Senator Conklin.

Twenty-five students from Keota-Harper Catholic School, Keota, Iowa, accompanied by Connie Sieren. Senator Van Gilst.

Twenty-two students, members of 4-H Club, from Henry and Des Moines counties, accompanied by Les Schoffelman, Marvin Van Syck, Ed Bruerer and Maurice McDonald. Senators Stephens and Miller.

PETITION

The following petition was presented and placed on file:

By Senator Rhodes, from thirty-three residents of Appanoose county, favoring Senate File 81, relating to the use of school buses by senior citizens.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. G. L. Schmit, Cedar Rapids, Iowa.

ADOPTION OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution 123

Senator Smith called up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 123

By Smith and Van Drie

Whereas, the Iowa Legislature recognizes the outstanding performance of the Iowa State Wrestling Team in winning the N.C.A.A. wrestling tournament this past week at College Park, Maryland; and

Whereas, the Iowa Legislature wishes to properly credit Iowa State University for this outstanding achievement as well as winning this same honor three times in the past four years; *Therefore*

Be It Resolved by the Senate, the House of Representatives Concurring, That the Iowa Legislature in regular session March 13, 1972 on behalf of all Iowans, does hereby congratulate Coaches Nichols and Anderson and this great Iowa State University Wrestling Team in winning the coveted national honor and establishing three of their team members as individual national champions; and

Be It Further Resolved, That a copy of this resolution be forwarded to President Robert Parks of Iowa State University, Coaches Nichols and Anderson and the team.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 125

Senator Van Drie called up the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 125

By Rudy Van Drie

Whereas, the Roland-Story girls basketball team has won the 1972 State championship tournament; and

Whereas, before the tournament the Roland-Story team was not rated as one destined to advance to the state tournament; and

Whereas, the Roland-Story basketball team has displayed the utmost sportsmanship, teamwork and skill; and

Whereas, the state tournament truly is the time and place where the world's finest girls' basketball is played; and

Whereas, Forward Cathy Kammin and Guard Janice Braathun headed the tournament team selections for All-State, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the heartiest congratulations be extended to the Roland-Story School, its girls basketball team, Coach Bill Hennessy, teachers, school administrators and their families and loyal friends who encouraged the team through the regular season and during the tournament.

Be It Further Resolved, that a copy of this concurrent resolution be sent to Coach Bill Hennessy and the Roland-Story basketball team.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Senate File 1099

On motion of Senator Griffin, Senate File 1099, a bill for an act relating to unfair trade practices in the business of insurance and providing a penalty, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Griffin asked and received unanimous consent that **House File 1141 be substituted for Senate File 1099.**

House File 1141

On motion of Senator Griffin, House File 1141, a bill for an act relating to unfair trade practices in the business of insurance

and providing a penalty, was taken up and considered.

Senator Griffin offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1141, as amended and passed by the
- 2 House, page 9, line 17, by striking the word "subsection"
- 3 and inserting in lieu thereof the word "section".

The amendment was adopted.

Senator Griffin offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1141, as amended and passed by the
- 2 House, page 10, line 20, by striking the words "*such violation*
- 3 *was willful*", and insert in lieu thereof the following:
- 4 "*the person knew or reasonably should have known he was*
- 5 *in violation of section five hundred seven B point four (507B.4)*
- 6 *or five hundred seven B point five (507B.5) of the Code*".

The amendment was adopted.

Senator Kennedy offered the following amendment filed by Senators Kennedy and Gaudineer and moved its adoption:

- 1 Amend House File 1141, as amended and passed by the House
- 2 page 10, by inserting after the period in line 23 the following:
- 3 "*The commissioner shall, if he finds the violations of sections*
- 4 *five hundred seven B point four (507B.4) or five hundred seven*
- 5 *B point five (507B.5) of the Code were directed, encouraged,*
- 6 *condoned, ignored, or ratified by the employer of such person,*
- 7 *assess such fine to the employer and not such person.*"

The amendment was adopted.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1141) the vote was:

Ayes, 47:

Anderson	Erskine	Lavery	Rhodes
Arbuckle	Gaudineer	Messery	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Keith	Palmer	Thordsen
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Potter	Walsh
Doderer	Lamborn	Rabedaux	

Nays, none.

Absent or not voting, 3:

DeKoster Shaff Van Gilst

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

SENATE FILE WITHDRAWN

Senator Griffin asked and received unanimous consent that Senate File 1099 be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Griffin asked and received unanimous consent that House File 1141 be immediately messaged to the House, which request was complied with.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 260, 334, 593, 1070 and 1188.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate, the following bills: Senate Files 260, 334, 593, 1070 and 1188.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 14th day of March, 1972, sent to the Governor for his approval: Senate Files 260, 334, 593, 1070 and 1188.

JOHN C. RHODES, Chairman

Passed on file.

CONSIDERATION OF BILLS

Senate File 1179

On motion of Senator Brownlee, Senate File 1179, a bill for an act relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees, was taken up and considered.

Senator Brownlee asked and received unanimous consent that **House File 1207** be substituted for Senate File 1179.

House File 1207

On motion of Senator Brownlee, House File 1207, a bill for an act relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees, was taken up and considered.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1207) the vote was:

Ayes, 29:

Arbuckle	Erskine	Laverty	Rabedeaux
Brownlee	Griffin	Messerly	Riley
Carlson	Gross	Milligan	Shaff
Coleman	Hill	Neu	Shawver
Conklin	Keith	Ollenburg	Stephens
Davis	Kyhl	Palmer	Thordsen
DeKoster	Lamborn	Potter	Van Gilst
Doderer			

Nays, 14:

Anderson	Gilley	Nicholson	Smith
Balloun	Glenn	Potgeter	Tapscott
Bass	Graham	Rhodes	Van Drie
Briles	Mowry		

Absent or not voting, 7:

Curran	Kennedy	Robinson	Walsh
Gaudineer	Miller	Schaben	

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

SENATE FILE WITHDRAWN

Senator Brownlee asked and received unanimous consent that **Senate File 1179** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senate File 1086

On motion of Senator Griffin, Senate File 1086, a bill for an act relating to the Iowa insurance guaranty association, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Griffin asked and received unanimous consent that **House File 1089** be substituted for **Senate File 1086**.

House File 1089

On motion of Senator Griffin, House File 1089, a bill for an act relating to the Iowa insurance guaranty association, was taken up and considered.

Senator Mowry withdrew the amendment filed March 10, 1972, and found on page 837 of the Senate Journal.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1089) the vote was:

Ayes, 46:

Anderson	Gilley	Miller	Riley
Arbuckle	Glenn	Milligan	Robinson
Balloun	Graham	Mowry	Schaben
Bass	Griffin	Neu	Shaff
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Palmer	Tapscott
Conklin	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst
Erskine	Laverty	Rhodes	Walsh
Gaudineer	Messerly		

Nays, none.

Absent or not voting, 4:

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

SENATE FILE WITHDRAWN

Senator Griffin asked and received unanimous consent that **Senate File 1086** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILLS

Senate File 1192

On motion of Senator Gaudineer, Senate File 1192, a bill for an act relating to the control of dangerous substances and the board of pharmacy, was taken up and considered.

Senator Stephens offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1192 as follows:
- 2 1. Page 3, line 8, by inserting before the word "drugs"
- 3 the word "*prescription*".
- 4 2. Page 3, line 12, by adding after the period the following:
- 5 "*Nothing contained in this subsection shall in any way affect*
- 6 *the exemptions provided in section one hundred fifty-five point*
- 7 *twenty-five (155.25) of the Code.*"
- 8 3. Page 3, line 18, by adding after the period the following:
- 9 "*Nothing contained in this subsection shall in any way affect*
- 10 *the exemptions provided in section one hundred fifty-five point*
- 11 *twenty-five (155.25) of the Code.*"

The amendment was adopted.

Senator Conklin withdrew the amendment filed March 9, 1972, and found on page 807 of the Senate Journal.

Senator Gaudineer offered the following amendment filed by Senators Thordsen and Gaudineer and moved its adoption:

- 1 Amend Senate File 1192, page 4, by adding after line 17
- 2 the following new section:
- 3 "Sec. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publication
- 5 in the Times-Democrat, a newspaper published in Davenport,
- 6 Iowa, and in the Lee Town News, a newspaper published in Des
- 7 Moines, Iowa."

The amendment was adopted.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer, Conklin and Thordsen and moved its adoption:

- 1 Amend Senate File 1192, as follows:
- 2 1. Page 3, by striking all of lines 19 through 35.
- 3 2. Page 4, by striking all of line 1.
- 4 3. Renumber the remaining sections to conform to this
- 5 amendment.

The amendment was adopted.

Senator Gaudineer moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1192) the vote was:

Ayes, 47:

Anderson	Erskine	Laverty	Riley
Arbuckle	Gaudineer	Messeryly	Schaben
Balloun	Gilley	Miller	Shaff
Bass	Glenn	Milligan	Shawver
Briles	Graham	Mowry	Smith
Brownlee	Griffin	Neu	Stephens
Carlson	Gross	Nicholson	Tapscott
Coleman	Hill	Ollenburg	Thordsen
Conklin	Keith	Palmer	Van Drie
Curran	Kennedy	Potgeter	Van Gilst
Davis	Kyhl	Potter	Walsh
Doderer	Lamborn	Rabedeaux	

Nays, none.

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Gaudineer asked and received unanimous consent that **Senate File 1192** be **immediately messaged** to the House, which request was complied with.

Senator Gaudineer asked and received unanimous consent that **House File 1207** be **immediately messaged** to the House, which request was complied with.

Senator Gaudineer asked and received unanimous consent that **House File 1089** be **immediately messaged** to the House, which request was complied with.

The Chair announced that unanimous consent to immediately message House File 1207, House File 1089, and Senate File 1192 to the House precludes the filing of motions to reconsider on those bills.

CONSIDERATION OF BILLS

Senate File 1102

On motion of Senator Curran, Senate File 1102, a bill for an act relating to the service tax on storage of goods, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Tapscott offered the following amendment by Senators Tapscott, et al.:

- 1 Amend Senate File 1102 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "laundering" the words "*except coin-operated*
- 4 *laundries*".
- 5 2. Amend the title, page 1, line 1, by adding
- 6 after the word "goods" the words "and coin-
- 7 operated laundries".

LL

Senator Laverty raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Tapscott moved that Senate Rule 3 be suspended as it applies to Section 402 of Mason's Manual of Legislative Procedure only for the purpose of considering the Tapscott, et al., amendment to Senate File 1102.

On the question "Shall the rules be suspended and the Tapscott, et al., amendment be considered" (S.F. 1102) the vote was:

Ayes, 14:

Coleman	Kennedy	Schaben	Van Drie
Doderer	Miller	Tapscott	Van Gilst
Gaudineer	Palmer	Thordsen	Walsh
Glenn	Riley		

Nays, 35:

Anderson	Davis	Kyhl	Potgeter
Arbuckle	DeKoster	Lamborn	Potter
Balloun	Erskine	Laverty	Rabedeaux
Bass	Gilley	Messerly	Rhodes
Briles	Graham	Milligan	Shaff
Brownlee	Griffin	Mowry	Shawver
Carlson	Gross	Neu	Smith
Conklin	Hill	Nicholson	Stephens
Curran	Keith	Ollenburg	

Absent or not voting, 1:

Robinson

The motion lost, having failed to receive a two-thirds majority.

President pro tempore Kyhl took the chair at 11:16 a.m.

President Jepsen took the chair at 11:40 a.m.

Senator Curran moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1102) the vote was:

Ayes, 37:

Anderson	Gilley	Messerly	Riley
Arbuckle	Graham	Milligan	Robinson
Balloun	Griffin	Mowry	Shaff
Briles	Gross	Nicholson	Shawver
Brownlee	Keith	Ollenburg	Smith
Carlson	Kennedy	Potgeter	Stephens
Coleman	Kyhl	Potter	Thordsen
Curran	Lamborn	Rabedeaux	Van Drie
Davis	Laverty	Rhodes	Walsh
Erskine			

Nays, 11:

Conklin	Glenn	Neu	Tapscott
Doderer	Hill	Palmer	Van Gilst
Gaudineer	Miller	Schaben	

Voting present, 1:

Bass

Absent or not voting, 1:

DeKoster

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1191 passed the Senate.

CHARLES F. BALLOUN

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 217, 219, 544, 1042, 1071, 1117, 1176 and 1253.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Files 217, 219, 544, 1042, 1071, 1117, 1176 and 1253.

CONSIDERATION OF BILLS

House File 1127

On motion of Senator Conklin, House File 1127, a bill for an act relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school-related functions, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Conklin offered the following amendment filed by the committee on schools and moved its adoption:

- 1 Amend House File 1127, as amended and passed by the House,
- 2 after line 20 by inserting a new section as follows:
- 3 "Sec. Section two hundred seventy-nine point nine
- 4 (279.9), Code of 1971, as amended by chapter one hundred
- 5 forty-nine (149), section ten (10), Acts of the Sixty-
- 6 fourth General Assembly, First Session, is further amended
- 7 to read as follows:
- 8 279.9 USE OF TOBACCO. Such rules shall prohibit the
- 9 use of tobacco *and the use or possession of alcoholic*
- 10 *liquor or beer* or any controlled substance as defined in
- 11 senate file 1, section 101, subsection 6, Acts of the
- 12 Sixty-fourth General Assembly, First Session, by any stu-
- 13 dent of such schools and the board may suspend or expel
- 14 any student for any violation of such rule."

The amendment was adopted.

Senator Conklin offered the following amendment and moved its adoption:

- 1 Amend House File 1127, as amended and passed by the House
- 2 as follows:
- 3 1. Page 1, line 18, by adding after the word "school",
- 4 the words "*or that portion thereof*".

The amendment was adopted.

Senator Conklin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1127) the vote was:

Ayes, 46:

Anderson	Conklin	Griffin	Miller
Arbuckle	Davis	Gross	Milligan
Balloun	Doderer	Hill	Mowry
Bass	Erskine	Keith	Nicholson
Briles	Gaudineer	Kyhl	Ollenburg
Brownlee	Gilley	Lamborn	Palmer
Carlson	Glenn	Laverty	Potgeter
Coleman	Graham	Messerly	Potter

Rabedeaux
Rhodes
Riley
Robinson

Schaben
Shaff
Shawver
Smith

Stephens
Tapscott
Thordsen

Van Drie
Van Gilst
Walsh

Nays, none.

Absent or not voting, 4:

Curran

DeKoster

Kennedy

Neu

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

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

Senate File 431, a bill for an act relating to hunting restrictions.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1032, a bill for an act relating to resignations of school board members.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1280, a bill for an act relating to the appropriation to the state board of regents.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1287, a bill for an act relating to state reciprocity in the enforcement of support decrees.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILL

Senate File 1216, by Senator Van Gilst, a bill for an act relating to property tax relief for the elderly and providing penalties for violations.

Read first time and passed on file.

HOUSE MESSAGES CONSIDERED

House File 1280, a bill for an act relating to the appropriation to the state board of regents.

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

House File 1287, a bill for an act relating to state reciprocity in the enforcement of support decrees; providing for the enforcement in Iowa of support decrees granted in other states and the enforcement in other states of those granted in Iowa; providing for the registration in Iowa of support orders granted in other states; and providing for the administrative procedures necessary thereto.

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

HOUSE AMENDMENTS CONSIDERED

Senate File 1148

Senator Griffin called up for consideration Senate File 1148, a bill for an act relating to the civil rights of physically and mentally handicapped persons, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1148, as follows:
- 2 Page 4, by adding after line 10, the following new
- 3 sections:
- 4 Sec. Chapter one hundred five A (105A), Code 1971,
- 5 is amended by adding thereto the following section:
- 6 After a handicapped individual is employed, the
- 7 employer shall not be required under this chapter to promote
- 8 or transfer such handicapped person to another job or
- 9 occupation, unless, prior to such transfer, such handicapped
- 10 person by training or experience is qualified for such job or
- 11 occupation. Any collective bargaining agreement between an
- 12 employer and labor organization shall contain this section as
- 13 a part of such agreement.
- 14 Sec. Section one hundred five A point five (105A.5),
- 15 subsections five (5) and seven (7), Code 1971, are amended to
- 16 read as follows:
- 17 5. To issue such publications and reports of investigations
- 18 and research as in the judgment of the commission shall tend to
- 19 promote good will among the various racial, religious, and
- 20 ethnic groups of the state and which shall tend to minimize or
- 21 eliminate discrimination in public accommodations, employment,
- 22 apprenticeship and on-the-job training programs, vocational
- 23 schools, or housing because of race, creed, color, sex, national
- 24 origin, religion, [or] ancestry, *or disability*.
- 25 7. To make recommendations to the general assembly for such

Page 2

- 1 further legislation concerning discrimination because of

- 2 race, creed, color, sex, national origin, religion, [or]
 3 ancestry, or *disability* as it may deem necessary and desirable.

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1148) the vote was:

Ayes, 44:

Anderson	Doderer	Kyhl	Rhodes
Arbuckle	Erskine	Lamborn	Robinson
Balloun	Gaudineer	Laverty	Schaben
Bass	Gilley	Messerly	Shaff
Briles	Glenn	Mowry	Shawver
Brownlee	Graham	Neu	Smith
Carlson	Griffin	Nicholson	Stephens
Coleman	Gross	Ollenburg	Tapscott
Conklin	Hill	Potgeter	Van Drie
Davis	Keith	Potter	Van Gilst
DeKoster	Kennedy	Rabedeaux	Walsh

Nays, none.

Absent or not voting, 6:

Curran	Milligan	Riley	Thordsen
Miller	Palmer		

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

MOTION TO RECONSIDER LOST

House File 1001

Senator Glenn called up for consideration the following motion filed March 9, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1001 passed the Senate on March 9, 1972.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1001) the vote was:

Rule 24 was invoked.

Ayes, 21:

Arbuckle	Glenn	Neu	Robinson
Carlson	Gross	Nicholson	Shawver
Coleman	Hill	Rabedeaux	Tapscott
Doderer	Kennedy	Rhodes	Van Drie
Gaudineer	Miller	Riley	Van Gilst
Gilley			

Nays, 25:

Anderson	DeKoster	Lamborn	Potter
Balloun	Erskine	Laverty	Shaff
Bass	Graham	Messerly	Smith
Briles	Griffin	Mowry	Stephens
Brownlee	Keith	Ollenburg	Thordsen
Conklin	Kyhl	Potgeter	Walsh
Davis			

Absent or not voting, 4:

Curran	Milligan	Palmer	Schaben
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The motion lost.

MOTION TO SUSPEND RULES LOST

Senator Glenn moved that the rules be suspended and that Senate File 1022 be taken up for immediate consideration, and requested a roll call.

On the question "Shall the motion to suspend the rules to take up Senate File 1022 be adopted?" (S.F. 1022) the vote was:

Rule 24 was invoked.

Ayes, 13:

Coleman	Gross	Miller	Robinson
Doderer	Hill	Palmer	Tapscott
Gaudineer	Kennedy	Riley	Van Gilst
Glenn			

Nays, 30:

Anderson	DeKoster	Messerly	Rhodes
Arbuckle	Erskine	Mowry	Shaff
Balloun	Gilley	Neu	Shawver
Bass	Graham	Nicholson	Smith
Briles	Keith	Ollenburg	Stephens
Brownlee	Kyhl	Potgeter	Thordsen
Carlson	Lamborn	Potter	Van Drie
Conklin	Laverty		

Voting present, 1:

Walsh (under Rule 24)

Absent or not voting, 6:

Curran	Griffin	Rabedeaux	Schaben
Davis	Milligan		

The motion lost.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 1127 passed the Senate on March 14, 1972.

R. DEAN ARBUCKLE

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

The Senate resumed session, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 125, congratulating the Roland-Story School and its girls' basketball team for winning the 1972 Girl's State championship tournament.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 126, authorizing the legislative council to create a study committee to study all existing professional and occupational licensing boards.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 126

By Hill and Holden

Whereas, during the 1971 and 1972 sessions of the Sixty-fourth General Assembly there were introduced twelve or more bills amending or adding to various professional and occupational licensing acts; and

Whereas, most of the bills introduced related to Chapter 147 of the Code of Iowa and either expanded the powers of existing professional and occupational licensing and examining boards or created new boards for professions and occupations not now recognized as such in the Code; and

Whereas, the Governor's Economy Committee recommended that all state licenses and certificates, including those now issued by the eighteen boards be issued through a central licensing unit in the Department of General Services; that the various trust funds of the many licensing boards be eliminated; and that the General Assembly review the value of the professional and occupational licensing boards, combine boards in related fields and eliminate any boards found to be unnecessary; and

Whereas, the professional and occupational licensing boards are of different sizes and have different powers, and the boards compete to expand their membership and powers; and

Whereas, unlicensed professions and occupations seek to be licensed and to establish their own licensing boards, such new boards may conflict with or duplicate existing boards, and it is important that the boards, new and existing, should be structured to protect the interests of all the citizens of Iowa rather than those persons practicing the professions and occupations; and

Whereas, there is a trend to have the public represented on the professional and occupational licensing boards rather than limiting membership to those persons being licensed and regulated, and the Department of Health has been advised that the composition of the Board of Examiners for Nursing Home Administrators violates proposed rules of the Administrator of the Social and Rehabilitation Services, United States Department of Health,

Education and Welfare, thereby jeopardizing receipt of federal funds under Title XIX of the United States Social Security Act; and

Whereas, most of the bills relating to the professional and occupational licensing boards were referred to the Committee on Social Services of the House and Senate, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee, as provided by law, which committee shall be comprised of members of the committees on social services of the house of representatives and the senate, to conduct during the 1972-1973 legislative interim a study of all of the existing professional and occupational licensing boards, all statutes relating thereto, and professions and occupations that should be licensed but are not now licensed under the law; and

Be It Further Resolved, That a report of the study be prepared and submitted to the legislative council and the members of the Sixty-fifth General Assembly, First Session, accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

HOUSE AMENDMENT CONSIDERED

Senate File 470

Senator Rhodes called up for consideration Senate File 470, a bill for an act relating to deferred compensation for governmental employees, amended by the House, as follows:

- 1 Amend Senate File 470, as passed by the Senate, by striking
- 2 everything after the enacting clause and inserting in lieu
- 3 thereof the following:
- 4 Section 1. Chapter five hundred nine A (509A), Code 1971,
- 5 is amended by adding the following new section:
- 6 "At the request of an employee the governing body shall by
- 7 contractual agreement acquire an individual or group life
- 8 insurance contract, annuity contract, security or any other
- 9 deferred payment contract for the purpose of funding a
- 10 deferred compensation program for an employee, from any company
- 11 the employee may choose that is authorized to do business in
- 12 this state and from any life underwriter duly licensed by this
- 13 state or from any securities dealer or salesman registered in
- 14 this state to contract business in this state. The deferred
- 15 compensation program shall be administrated so that the state
- 16 comptroller or his designees may remit one sum for the entire
- 17 program according to a single billing.
- 18 The provisions of this Act shall be in addition to any
- 19 benefit program provided by law for any employees of the state
- 20 or any of its political subdivisions."

Senator Palmer offered the following amendment to the House amendment and moved its adoption:

- 1 Amend the House amendment to Senate File 470 as follows:
- 2 1. Line 7, by striking the words "individual or group
- 3 life" and line 8, by striking the words "insurance contract,".
- 4 2. Line 12, by striking the words "life underwriter
- 5 duly licensed by this" and line 13, by striking the words
- 6 "state or from any".

The Chair called for a division.

The amendment to the House amendment lost.

Senator Rhodes moved that the Senate concur in the House amendment.

Roll call was requested.

On the question "Shall the Senate concur in the House amendment?" (S.F. 470) the vote was:

Ayes, 39:

Anderson	Erskine	Mowry	Schaben
Arbuckle	Graham	Neu	Shaff
Balloun	Griffin	Nicholson	Shawver
Briles	Hill	Ollenburg	Smith
Brownlee	Kennedy	Potgeter	Stephens
Carlson	Kyhl	Potter	Thordsen
Conklin	Lamborn	Rabedaux	Van Drie
Davis	Messerly	Rhodes	Van Gilst
DeKoster	Miller	Riley	Walsh
Doderer	Milligan	Robinson	

Nays, 7:

Bass	Gilley	Gross	Tapscott
Gaudineer	Glenn	Palmer	

Absent or not voting, 4:

Coleman	Curran	Keith	Laverty
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The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 470) the vote was:

Ayes, 39:

Anderson	Erskine	Milligan	Schaben
Arbuckle	Glenn	Mowry	Shaff
Balloun	Graham	Neu	Shawver
Briles	Griffin	Ollenburg	Smith
Brownlee	Kennedy	Potgeter	Stephens
Carlson	Kyhl	Potter	Thordsen
Conklin	Lamborn	Rabedaux	Van Drie
Davis	Laverty	Rhodes	Van Gilst
DeKoster	Messerly	Riley	Walsh
Doderer	Miller	Robinson	

Nays, 6:

Bass	Gilley	Palmer	Tapscott
Gaudineer	Gross		

Absent or not voting, 5:

Coleman	Hill	Keith	Nicholson
Curran			

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

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

The Senate resumed session, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has insisted on its amendments to Senate File 1091, a bill for an act relating to appropriation to the department of public instruction, and requests a conference committee.

Conferees on the part of the House are: the Representative from Polk, Mr. Kreamer, chairman; the Representative from Dubuque, Mr. Taylor, the Representative from Fremont, Mrs. McElroy, and the Representative from Keokuk, Mr. Dunton.

WILLIAM R. KENDRICK, Chief Clerk

CONFERENCE COMMITTEE

The Chair announced the appointment of the following conference committee on Senate File 1091, on the part of the Senate: Senators Conklin, chairman, Van Drie, Bass and Kennedy.

SENATE CONCURRENT RESOLUTION 127

By Anderson

Whereas, the Congress of the United States has enacted the Occupational Safety and Health Act of 1970; and

Whereas, the enforcing federal agencies have adopted rules and regulations to implement this law; and

Whereas, persons affected by this law are given little opportunity to comply and are confronted with rules and regulations which are difficult to interpret and implement; and

Whereas, persons affected by the Occupational Safety and Health Act of 1970 are subjected to heavy fines and penalties for violations of the law by the federal agencies charged with the responsibilities of enforcing it; *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the General Assembly of the State of Iowa hereby expresses its concern with the action of the Congress of the United States in implementing the Occupational Safety and Health Act of 1970 without giving the states an opportunity to study the new law and to revise its own laws to bring such laws into conformance with the federal law; and

Be It Further Resolved, That the Congress of the United States implement this law in such a manner as to give persons affected by the law adequate opportunity to comply with the requirements set out in the new law; and

Be It Further Resolved, That the federal agencies charged with the enforcement of the Occupational Safety and Health Act of 1970 be required to give proper notice and adequate time to comply with the rules and regulations adopted by the federal agencies before imposing heavy penalties and fines for violations.

SENATE CONCURRENT RESOLUTION 128

By Walsh

Whereas, the National Committee on Uniformed Traffic Laws and Ordinances have developed a uniform vehicle code; and

Whereas, at the request of the attorney general of Iowa, Professor Alan D. Vestal, Murray Professor of Law of the University of Iowa, has prepared a workbook comparing Iowa's motor vehicle laws with the uniform vehicle code; and

Whereas, it is desirable that Iowa's traffic laws conform, as far as practicable, with the laws of the other states, *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council be authorized to create a study committee, as provided by law, which committee shall include members of the appropriate standing committees of the Senate and the House of Representatives, to conduct during the 1972-73 legislative interim a comprehensive study of the motor vehicle laws of the state of Iowa. The study shall include, but not be limited to, a review and comparison of the Iowa motor vehicle statutes with those of the uniform vehicle code; and

Be It Further Resolved, That the study committee shall include non-legislative members having special knowledge in the fields of motor vehicle administration and traffic laws; and

Be It Further Resolved, That a report of the study shall be prepared and submitted to the legislative council and the members of the Sixty-fifth General Assembly, meeting in the year 1973, and shall be accompanied by legislative bill drafts designed to carry out the recommendations of the committee.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering calendar:

H. F. 1265

H. F. 1269.

CLIFTON C. LAMBORN

REPORTS OF COMMITTEES

Senator Messerly submitted the following reports:

MR. PRESIDENT: Your committee on appropriations to which was referred **House File 1279**, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1292**, a bill for an act to increase the allocation for construction of state institutional roads and state park roads, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Senator Conklin submitted the following report:

MR. PRESIDENT: Your committee on schools, to which was referred **House File 1273**, a bill for an act relating to regulation of advertising and selling courses of instruction, begs leave to report it has had the same under consideration and recommends the same **do pass**.

W. CHARLENE CONKLIN, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate Concurrent Resolution 108 as follows:
- 2 1. Page 1, by striking lines 21 and 22 of this
- 3 Resolution and inserting in lieu thereof the words
- 4 "the Sixty-fourth General Assembly authorize the
- 5 legislative council to determine whether the Commis-
- 6 sion on Aging or a legislative interim study commit-
- 7 tee to be created by the legislative council conduct
- 8 a comprehensive study of all retirement".
- 9 2. Page 2, line 1, by striking the word "shall"
- 10 and inserting in lieu thereof the word "may".
- 11 3. Page 2, line 3, by striking the word "shall"
- 12 and inserting in lieu thereof the word "may".
- 13 4. Page 2, line 4, by inserting after the word
- 14 "Aging" the words "or the legislative study commit-
- 15 tee".

EARL G. BASS

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "supervisors" the words ", four members representing
- 4 the general public to be selected from a list of
- 5 persons submitted by the Governor's committee on the
- 6 handicapped,".
- 7 2. Page 2, line 14, by inserting after the word
- 8 "supervisors" the words ", the Governor's committee
- 9 on the handicapped,".
- 10 3. Page 2, line 17, by inserting after the word
- 11 "steward" the words ", one public member,".
- 12 4. Page 2, line 17, by inserting after the words
- 13 "one steward" the words ", one public member,".
- 14 5. Page 2, line 18, by inserting after the word
- 15 "steward" the words ", two public members,".

FRANCIS L. MESSERLY

1 Amend Senate File 1190, page 3, line 19, by adding the
2 following new section:

3 "Sec. 3. Section two hundred forty-nine point six
4 (249.6), subsection eight (8), Code 1971, is amended to
5 read as follows:

6 8. Is not an inmate of a public institution, except
7 as a patient in a medical institution for treatment for
8 other than tuberculosis or mental diseases or who has been
9 diagnosed as having tuberculosis or psychosis and is a
10 patient in a public medical institution as a result thereof,
11 *and except as a resident in a county-owned skilled nursing*
12 *home.* However, an inmate of such institution may make
13 application for assistance, but the assistance, if granted,
14 shall not begin until he has ceased to be an inmate."

CHARLES P. MILLER

1 Amend House File 1265, as amended and passed by
2 the House, as follows:

3 1. Page 2, line 4, by striking the word and figure
4 "August 1" and inserting in lieu thereof the word
5 and figure "September 12".

6 2. Page 2, line 6, by striking the word and figure
7 "August 1" and inserting in lieu thereof the word
8 and figure "September 12".

9 3. Page 2, line 28, by striking the word "forty-
10 seven" and inserting in lieu thereof the word "sixty-
11 eight".

12 4. Page 4, line 7, by striking the word "forty"
13 and inserting in lieu thereof the word "sixty-one".

14 5. Page 4, line 10, by striking the word "fifteen"
15 and inserting in lieu thereof the word "thirty-six".

16 6. Page 4, line 16, by striking the word "thirty"
17 and inserting in lieu thereof the word "fifty-one".

18 7. Page 4, line 20, by striking the word "forty"
19 and inserting in lieu thereof the word "sixty-one".

20 8. Page 5, line 19, by striking the word and
21 figure "July 24" and inserting in lieu thereof the
22 word and figure "August 14".

23 9. Page 5, line 27, by striking the word and
24 figure "May 31" and inserting in lieu thereof the
25 word and figure "June 21".

Page 2

1 10. Page 5, line 27, by striking the word and
2 figure "June 9" and inserting in lieu thereof the
3 word and figure "June 30".

4 11. Page 5, lines 32 and 33, by striking the words
5 and figures "April 30, 1972, or later than May 30,
6 1972" and inserting in lieu thereof the words and
7 figures "May 21, 1972, or later than June 21, 1972".

8 12. Page 5, line 35, by striking the word and
9 figure "June 9" and inserting in lieu thereof the
10 word and figure "June 30".

11 13. Page 6, line 11, by striking the word and
12 figure "August 1" and inserting in lieu thereof the

13 word and figure "September 12".

14 14. Page 6, line 12, by striking the word and
15 figure "June 23" and inserting in lieu thereof the
16 word and figure "July 14".

17 15. Page 6, line 16, by striking the words and
18 figures "June 23, 1972 up to and including July 31,
19 1972" and inserting in lieu thereof the words and
20 figures "July 14, 1972 up to and including September
21 11, 1972".

22 16. Page 6, line 22, by striking the word and
23 figure "July 16" and inserting in lieu thereof the
24 word and figure "August 6".

25 17. Page 7, lines 4 and 5, by striking the words

Page 3

1 and figures "June 23, 1972, up to and including July
2 31, 1972" and inserting in lieu thereof the words
3 and figures "July 14, 1972, up to and including
4 September 11, 1972".

5 18. Page 7, line 9, by striking the word and
6 figure "August 1" and inserting in lieu thereof the
7 word and figure "September 12".

8 19. Page 7, line 13, by striking the word and
9 figure "August 15" and inserting in lieu thereof the
10 word and figure "September 26".

11 20. Page 7, lines 14 and 15, by striking the word
12 and figure "August 15" and inserting in lieu thereof
13 the word and figure "September 26".

14 21. Page 7, line 17, by striking the word and
15 figure "August 16" and inserting in lieu thereof the
16 word and figure "September 27".

17 22. Page 7, line 25, by striking the word and
18 figure "August 1" and inserting in lieu thereof the
19 word and figure "September 12".

LEE H. GAUDINEER, JR.

1 Amend House File 1265, as amended and passed by the
2 House, as follows:

3 1. Page 5, line 26, by striking the words "prior
4 to".

5 2. Page 5, line 27, by striking the words "May 31,
6 1972, or".

7 3. Page 5, line 32, by striking the words "prior
8 to April 30, 1972, or".

9 4. Page 8, by inserting after line 13, the fol-
10 lowing new sections:

11 "Sec. For the year 1972, only, nomination
12 papers in the form prescribed by section forty-three
13 point fourteen (43.14) of the Code, shall be legal
14 and valid notwithstanding the fact that they refer
15 to the primary election to be held in June, 1972,
16 or the reference to June, 1972, is struck through or
17 is changed.

18 Sec. For the year 1972 only, nomination
19 papers otherwise meeting the requirements of

20 sections forty-three point fifteen (43.15) and
21 forty-three point seventeen (43.17) of the Code
22 shall be legal and valid, notwithstanding the fact
23 that they were signed before the supreme court
24 established new election districts so long as the
25 place shown as the residence of the persons signing

Page 2

1 the nomination papers is in the new district estab-
2 lished by the supreme court, and notwithstanding the
3 fact that the election district may be described on
4 the nomination paper by a number different from
5 that assigned to the new district created by the
6 supreme court.
7 Sec. Affidavits of candidacy otherwise
8 meeting the requirements of section forty-three
9 point eighteen (43.18) of the Code shall be legal
10 and valid notwithstanding the fact that a candidate
11 filing the same describes the legislative district
12 from which he is seeking office by a number other
13 than that assigned to the new district by the
14 supreme court.”
15 5. Renumber sections and correct internal
16 references as are necessary in accordance with this
17 amendment.

JAMES A. POTGETER
LEE H. GAUDINEER, JR.

1 Amend the Walsh and Griffin Amendment of March 9, 1972,
2 to House File 1276, Page 5, by striking from line 8 the
3 word “fifty” and inserting, in lieu thereof, the word “thirty”.

JAMES E. BRILES
GEORGE L. SHAWVER

On motion of Senator Briles, the Senate adjourned until 9:00
a.m., Wednesday, March 15, 1972.

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY

SENATE CHAMBER
DES MOINES, IOWA, WEDNESDAY, MARCH 15, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Rudolph Trusheim, pastor of the Staves United Methodist Church, Des Moines, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, March 14, 1972, was approved.

PRESENTATION OF VISITORS

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

Seventy-five students from Rex Mathes Elementary School, West Des Moines, Iowa, accompanied by Mrs. LeCroy, Mrs. Soper, Mrs. Cory and Mrs. Terzis. Senator Milligan.

Eighty-five students from Ballard-Huxley Community High School, Huxley, Iowa, accompanied by Pat Cole and Phil Hintz. Senator Van Drie.

Ninety-four students from Corning Elementary School, Corning, Iowa, accompanied by Mrs. Kimball, Mrs. Hanna, Mrs. Prickett, Mrs. Cerven, Marvin D. Steffen and Bob Nelson. Senator Briles.

Thirty students from Irwin High School, Irwin, Iowa, accompanied by James Deacon. Senator Schaben.

Forty students from Graettinger Junior-Senior High School, Graettinger, Iowa, accompanied by Ron Worley. Senator Brownlee.

Forty-two students from John Adams and Roosevelt Junior High Schools, Mason City, Iowa, accompanied by Don Brown and Richard Attleson. Senator Curran.

Fifty students from St. John's School, Waterloo, Iowa, accompanied by Sister Mary Martenson, Mrs. Olson, Mrs. Wilson and Mr. Fiesler. Senator Conklin.

Eighty students from Belle Plaine Senior High School, Belle Plaine, Iowa, accompanied by Mrs. Roland Hanson and Ken Roberson. Senator Balloun.

Thirty students from Central Webster High School, Burnside, Iowa, accompanied by Jim Ainslie. Senator Coleman.

Fifty-six students from Lynnville-Sully Community School, Sully, Iowa, accompanied by Mrs. McKeag. Senator Hill.

Sixty-eight students from Pekin Middle School, Packwood, Iowa, accompanied by Robert Snow and Harlan Van Voorst. Senator Van Gilst.

Thirty students from St. John's School, Arcadia, Iowa, accompanied by Sister Mary Lee and Miss Weitze. Senator Neu.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. H. R. Light, Grinnell, Iowa.

CONSIDERATION OF BILLS

House File 1045

On motion of Senator Riley, House File 1045, a bill for an act changing the local budget certification date of school districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1045) the vote was:

Ayes, 43:

Anderson	Erskine	Laverty	Riley
Arbuckle	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Griffin	Mowry	Shawver
Brownlee	Gross	Neu	Smith
Coleman	Hill	Nicholson	Tapscott
Conklin	Keith	Ollenburg	Thordsen
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rhodes	

Nays, none.

Absent or not voting, 7:

Carlson	Graham	Rabedeaux	Walsh
Doderer	Palmer	Stephens	

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

House File 1075

On motion of Senator Briles, House File 1075, a bill for an act to legalize and validate the proceedings of the Town Council of the Town of Stuart, in the Counties of Adair and Guthrie, State of Iowa, in connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, Sanitary Sewer Improvement Project", with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1075) the vote was:

Ayes, 42:

Anderson	Gaudineer	Laverty	Riley
Arbuckle	Gilley	Messerly	Robinson
Balloun	Glenn	Miller	Schaben
Bass	Graham	Milligan	Shaff
Briles	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Tapscott
Conklin	Keith	Potgeter	Thordsen
Curran	Kennedy	Potter	Van Drie
DeKoster	Kyhl	Rhodes	Van Gilst
Erskine	Lamborn		

Nays, none.

Absent or not voting, 8:

Carlson	Doderer	Palmer	Stephens
Davis	Mowry	Rabedeaux	Walsh

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

House File 1265

On motion of Senator Potgeter, House File 1265, a bill for an act relating to the 1972 primary election, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Potgeter offered the following amendment filed by Senators Potgeter and Gaudineer, and moved its adoption:

- 1 Amend House File 1265, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 5, line 26, by striking the words "prior

4 to".

5 2. Page 5, line 27, by striking the words "May 31,
6 1972, or".

7 3. Page 5, line 32, by striking the words "prior
8 to April 30, 1972, or".

9 4. Page 8, by inserting after line 13, the fol-
10 lowing new sections:

11 "Sec. For the year 1972, only, nomination
12 papers in the form prescribed by section forty-three
13 point fourteen (43.14) of the Code, shall be legal
14 and valid notwithstanding the fact that they refer
15 to the primary election to be held in June, 1972,
16 or the reference to June, 1972, is struck through or
17 is changed.

18 Sec. For the year 1972 only, nomination
19 papers otherwise meeting the requirements of
20 sections forty-three point fifteen (43.15) and
21 forty-three point seventeen (43.17) of the Code
22 shall be legal and valid, notwithstanding the fact
23 that they were signed before the supreme court
24 established new election districts so long as the
25 place shown as the residence of the persons signing

Page 2

1 the nomination papers is in the new district estab-
2 lished by the supreme court, and notwithstanding the
3 fact that the election district may be described on
4 the nomination paper by a number different from
5 that assigned to the new district created by the
6 supreme court.

7 Sec. Affidavits of candidacy otherwise
8 meeting the requirements of section forty-three
9 point eighteen (43.18) of the Code shall be legal
10 and valid notwithstanding the fact that a candidate
11 filing the same describes the legislative district
12 from which he is seeking office by a number other
13 than that assigned to the new district by the
14 supreme court."

15 5. Renumber sections and correct internal
16 references as are necessary in accordance with this
17 amendment.

The amendment was adopted.

Senator Neu offered the following amendment and called for
a division of the amendment, sections 4 and 6 to be considered
as division 1 and the remainder of the amendment as division 2:

1 Amend House File 1265, as amended and passed by the
2 House, as follows:

3 1. Page 2, line 4, by striking the word and figure
4 "August 1, 1972" and inserting in lieu thereof the word
5 and letter "date A".

6 2. Page 2, line 6, by striking the word and figure
7 "August 1, 1972" and inserting in lieu thereof the word
8 and letter "date A".

- 9 3. Page 5, line 19, by striking the word and figure
 10 "July 24, 1972" and inserting in lieu thereof the word
 11 and letter "date A".
 12 4. Page 5, line 27, by striking the word and figure
 13 "May 31, 1972" and inserting in lieu thereof the word and
 14 letter "date C".
 15 5. Page 5, line 27, by striking the word and figure
 16 "June 9, 1972" and inserting in lieu thereof the word and
 17 letter "date D".
 18 6. Page 5, line 32, by striking the word and figure
 19 "April 30, 1972" and inserting in lieu thereof the word
 20 and letter "date E".
 21 7. Page 5, lines 32 and 33, by striking the word
 22 and figure "May 30, 1972" and inserting in lieu thereof
 23 the word and letter "date F".
 24 8. Page 5, line 35, by striking the word and figure
 25 "June 9, 1972" and inserting in lieu thereof the word and

Page 2

- 1 letter "date D".
 2 9. Page 6, line 11, by striking the word and figure
 3 "August 1, 1972" and inserting in lieu thereof the word
 4 and letter "date A".
 5 10. Page 6, line 12, by striking the word and figure
 6 "June 23, 1972" and inserting in lieu thereof the word
 7 and letter "date G".
 8 11. Page 6, line 16, by striking the word and figure
 9 "June 23, 1972" and inserting in lieu thereof the word
 10 and letter "date G".
 11 12. Page 6, line 16, by striking the word and figure
 12 "July 31, 1972" and inserting in lieu thereof the word
 13 and letter "date H".
 14 13. Page 6, line 22, by striking the word and figure
 15 "July 16, 1972" and inserting in lieu thereof the word
 16 and letter "date I".
 17 14. Page 7, lines 4 and 5, by striking the word and
 18 figure "June 23, 1972" and inserting in lieu thereof the
 19 word and letter "date G".
 20 15. Page 7, line 5, by striking the word and figure
 21 "July 31, 1972" and inserting in lieu thereof the word
 22 and letter "date H".
 23 16. Page 7, line 9, by striking the word and figure
 24 "August 1, 1972" and inserting in lieu thereof the word
 25 and letter "date A".

Page 3

- 1 17. Page 7, line 13, by striking the word and figure
 2 "August 15, 1972" and inserting in lieu thereof the word
 3 and letter "date J".
 4 18. Page 7, lines 14 and 15, by striking the word and
 5 figure "August 15, 1972" and inserting in lieu thereof
 6 the word and letter "date J".
 7 19. Page 7, line 17, by striking the word and figure
 8 "August 16, 1972" and inserting in lieu thereof the word
 9 and letter "date K".

10 20. Page 7, line 25, by striking the word and figure
11 "August 1, 1972" and inserting in lieu thereof the word
12 and letter "date A".

13 21. Page 8, by adding after line 10 the following new
14 section:

15 Sec. If the Iowa supreme court adopts a reapportionment plan or or before March 17, 1972, the following
16 schedule of dates shall be effective:

17
18 Date A June 27, 1972
19 Date B June 19, 1972
20 Date C April 26, 1972
21 Date D May 5, 1972
22 Date E March 27, 1972
23 Date F April 25, 1972
24 Date G May 18, 1972
25 Date H June 26, 1972

Page 4

1 Date I June 11, 1972
2 Date J July 11, 1972
3 Date K July 12, 1972

4 If the Iowa supreme court adopts a reapportionment
5 plan on or before April 1, 1972 but after March 17, 1972,
6 the following schedule of dates shall be effective:

7 Date A July 11, 1972
8 Date B July 3, 1972
9 Date C May 10, 1972
10 Date D May 19, 1972
11 Date E April 10, 1972
12 Date F May 9, 1972
13 Date G June 1, 1972
14 Date H July 10, 1972
15 Date I June 25, 1972
16 Date J July 25, 1972
17 Date K July 26, 1972

18 If the Iowa supreme court adopts a reapportionment plan
19 on or before April 14, 1972 but after April 1, 1972, the
20 following schedule of dates shall be effective:

21 Date A July 25, 1972
22 Date B July 17, 1972
23 Date C May 24, 1972
24 Date D June 2, 1972
25 Date E April 24, 1972

Page 5

1 Date F May 23, 1972
2 Date G June 15, 1972
3 Date H July 24, 1972
4 Date I July 9, 1972
5 Date J August 8, 1972
6 Date K August 9, 1972

7 22. Renumber the subsequent sections accordingly.

Senator Neu asked and received unanimous consent to withdraw division 1 of the amendment.

Senator Neu moved the adoption of division 2 of the amendment.

Division was called for.

Division 2 of the amendment lost.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend House File 1265, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 2, line 4, by striking the word and figure
- 4 "August 1" and inserting in lieu thereof the word
- 5 and figure "September 12".
- 6 2. Page 2, line 6, by striking the word and figure
- 7 "August 1" and inserting in lieu thereof the word
- 8 and figure "September 12".
- 9 3. Page 2, line 28, by striking the word "forty-
- 10 seven" and inserting in lieu thereof the word "sixty-
- 11 eight".
- 12 4. Page 4, line 7, by striking the word "forty"
- 13 and inserting in lieu thereof the word "sixty-one".
- 14 5. Page 4, line 10, by striking the word "fifteen"
- 15 and inserting in lieu thereof the word "thirty-six".
- 16 6. Page 4, line 16, by striking the word "thirty"
- 17 and inserting in lieu thereof the word "fifty-one".
- 18 7. Page 4, line 20, by striking the word "forty"
- 19 and inserting in lieu thereof the word "sixty-one".
- 20 8. Page 5, line 19, striking the word and
- 21 figure "July 24" and inserting in lieu thereof the
- 22 word and figure "August 14".
- 23 9. Page 5, line 27, by striking the word and
- 24 figure "May 31" and inserting in lieu thereof the
- 25 word and figure "June 21".

Page 2

- 1 10. Page 5, line 27, by striking the word and
- 2 figure "June 9" and inserting in lieu thereof the
- 3 words and figure "June 30".
- 4 11. Page 5, lines 32 and 33, by striking the words
- 5 and figure "April 30, 1972, or later than May 30,
- 6 1972" and inserting in lieu thereof the words and
- 7 figures "May 21, 1972, or later than June 21, 1972".
- 8 12. Page 5, line 35, by striking the word and
- 9 figure "June 9" and inserting in lieu thereof the
- 10 word and figure "June 30".
- 11 13. Page 6, line 11, by striking the word and
- 12 figure "August 1" and inserting in lieu thereof the
- 13 word and figure "September 12".
- 14 14. Page 6, line 12, by striking the word and
- 15 figure "June 23" and inserting in lieu thereof the
- 16 word and figure "July 14".
- 17 15. Page 6, line 16, by striking the words and
- 18 figures "June 23, 1972 up to and including July 31,
- 19 1972" and inserting in lieu thereof the words and
- 20 figures "July 14, 1972 up to and including September

21 11, 1972”.

22 16. Page 6, line 22, by striking the word and
23 figure “July 16” and inserting in lieu thereof the
24 word and figure “August 6”.

25 17. Page 7, lines 4 and 5 by striking the words

Page 3

1 and figures “June 23, 1972, up to and including July
2 31, 1972” and inserting in lieu thereof the words
3 and figures “July 14, 1972, up to and including
4 September 11, 1972”.

5 18. Page 7, line 9, by striking the word and
6 figure “August 1” and inserting in lieu thereof the
7 word and figure “September 12”.

8 19. Page 7, line 13, by striking the word and
9 figure “August 15” and inserting in lieu thereof the
10 word and figure “September 26”.

11 20. Page 7, lines 14 and 15, by striking the word
12 and figure “August 15” and inserting in lieu thereof
13 the word and figure “September 26”.

14 21. Page 7, line 17, by striking the word and
15 figure “August 16” and inserting in lieu thereof the
16 word and figure “September 27”.

17 22. Page 7, line 25, by striking the word and
18 figure “August 1” and inserting in lieu thereof the
19 word and figure “September 12”.

President Jepsen took the chair at 10:25 a.m.

Division was called for.

The amendment lost.

Senator Doderer offered the following amendment:

1 Amend House File 1265 as follows:

2 Page 7, line 20, insert after the word “Code.” the
3 following:

4 “However, the term of office of party committeemen
5 elected prior to August 1, 1972, shall be for a full
6 term if the boundaries of the precinct from which they
7 were elected are not changed by August 1, 1972.”

Senator Doderer moved the adoption of her amendment and requested a roll call.

On the question “Shall the Doderer amendment be adopted?”
(H.F. 1265) the vote was:

Rule 24 was invoked.

Ayes, 25:

Bass	Gaudineer	Miller	Riley
Brownlee	Glenn	Milligan	Robinson
Carlson	Gross	Neu	Shaff
Coleman	Kennedy	Palmer	Shawver
Davis	Kyhl	Potgeter	Tapscott
DeKoster	Lamborn	Rhodes	Walsh
Doderer			

Nays, 21:

Anderson	Erskine	Keith	Potter
Arbuckle	Gilley	Laverty	Rabedeaux
Balloun	Graham	Messerly	Smith
Briles	Griffin	Nicholson	Stephens
Conklin	Hill	Ollenburg	Van Drie
Curran			

Absent or not voting, 4:

Mowry	Schaben	Thordsen	Van Gilst
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The amendment was adopted.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1265) the vote was:

Ayes, 48:

Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shaff
Brownlee	Griffin	Neu	Shawyer
Carlson	Gross	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Erskine	Laverty	Rhodes	Walsh

Nays, 2:

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

Senator Potgeter asked and received unanimous consent that **House File 1265** be **immediately messaged** to the House, which request was complied with.

House File 1269

On motion of Senator Ollenburg, House File 1269, a bill for an act amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, First Session, by including in the definition of fall enrollment those resident pupils attending public schools in another district or state and out-of-state pupils attending public schools in the district, and including attendance at special education programs as well as classes; excluded from miscellaneous income reimbursement received for programs provided under section two hundred fifty-seven point twenty-six (257.26) of the

Code; permitting a school district to increase its costs for the single school year beginning July 1, 1972, by the amount its federal aid increases over the previous year, and to exclude the increased amount from miscellaneous income; excluding from miscellaneous income beginning July 1, 1973, all federal aids and reimbursements; correcting the definition of district cost and defining total expenditures for the current year; clarifying the method of determining maximum district cost; correcting the method of determining additional school district property tax levy; redefining the procedure for the school budget review committee to authorize an increase in maximum millage when a non-public school closes; clarifying the duties of the school budget review committee in reviewing school budgets; and correcting the limitation on costs incurred under section two hundred fifty-seven point twenty-six (257.26) of the Code, for which reimbursement may be claimed, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Schaben withdrew the following amendment by Senators Schaben and Gaudineer:

- 1 Amend House File 1269, page 4, line 32, by inserting
- 2 after the period the following:
- 3 *"However, a school corporation which has surplus,*
- 4 *unencumbered moneys from prior years in its general fund*
- 5 *may transfer such moneys to its schoolhouse fund for use*
- 6 *in a designated building project, without the approval of*
- 7 *the state appeal board, if the transfer is approved by the*
- 8 *voters, as provided in section two hundred seventy-eight*
- 9 *point one (278.1) of the Code."*

Senator Ollenburg moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1269) the vote was:

Ayes, 43:

Anderson	Gilley	Messerly	Riley
Arbuckle	Glenn	Miller	Schaben
Balloun	Graham	Milligan	Shaff
Bass	Griffin	Neu	Shawver
Brownlee	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Curran	Keith	Palmer	Tapscott
Davis	Kennedy	Potgeter	Thordsen
Doderer	Kyhl	Potter	Van Gilst
Erskine	Lamborn	Rabedeaux	Walsh
Gaudineer	Laverty	Rhodes	

Nays, 2:

Coleman Van Drie

Absent or not voting, 5:

Briles	DeKoster	Mowry	Robinson
Conklin			

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

Senator Ollenburg moved that the vote by which **House File 1269** passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (H.F. 1269) the vote was:

Ayes, 31:

Anderson	Erskine	Lavery	Rhodes
Bass	Gilley	Messerly	Riley
Briles	Graham	Milligan	Shaff
Brownlee	Griffin	Mowry	Shawver
Carlson	Gross	Nicholson	Smith
Conklin	Keith	Ollenburg	Stephens
Curran	Kyhl	Potgeter	Thordsen
Davis	Lamborn	Potter	

Nays, 16:

Arbuckle	Glenn	Neu	Tapscott
Balloun	Hill	Palmer	Van Drie
Coleman	Kennedy	Robinson	Van Gilst
Gaudineer	Miller	Schaben	Walsh

Absent or not voting, 3:

DeKoster	Doderer	Rabedeaux
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The motion prevailed.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 274, 1026, 1110, 1172, 1198 and 1201.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 274, 1026, 1110, 1172, 1198 and 1201.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 15th day of March, 1972, sent to the Governor for his approval: Senate Files 274, 1026, 1110, 1172, 1198 and 1201.

JOHN C. RHODES, Chairman

Passed on file.

SECOND CONFERENCE COMMITTEE REPORT
ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the second conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 85, a bill for an act creating a department of environmental quality, specifying its powers, duties and functions, and providing penalties for violations thereof, respectfully submit the following report:

1. The House and Senate conferees failed to reach an agreement.

On the part of the Senate:

GEORGE L. SHAWVER, Chairman

W. R. RABEDEAUX

JAMES F. SCHABEN

JOHN M. WALSH

On the part of the House:

MURRAY C. LAWSON, Chairman

HERBERT L. CAMPBELL

JEWELL O. WAUGH

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the Speaker has appointed as members of the third conference committee on Senate File 85, a bill for an act creating a department of Environmental Quality, on the part of the House: the Representative from Muscatine, Mr. Drake, chairman; the Representative from Dubuque, Mr. Ellsworth; the Representative from Jasper, Mr. Roorda; and the Representative from Polk, Mr. Bennett.

WILLIAM R. KENDRICK, Chief Clerk

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1292.

House File 1292

On motion of Senator Keith, House File 1292, a bill for an act to increase the allocation for construction of state institutional roads and state park roads, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1292) the vote was:

Ayes, 43:

Arbuckle	Erskine	Lamborn	Rabedeaux
Bass	Gaudineer	Laverty	Rhodes
Briles	Gilley	Messerly	Robinson
Brownlee	Glenn	Miller	Shaff
Carlson	Graham	Milligan	Shawver
Coleman	Griffin	Mowry	Smith
Conklin	Gross	Neu	Stephens
Curran	Hill	Nicholson	Thordsen
Davis	Keith	Ollenburg	Van Drie
DeKoster	Kennedy	Palmer	Walsh
Doderer	Kyhl	Potter	

Nays, 6:

Anderson	Potgeter	Tapscott	Van Gilst
Balloun	Schaben		

Absent or not voting, 1:

Riley

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

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1279.

House File 1279

On motion of Senator Mowry, House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President pro tempore Kyhl took the chair at 11:50 a.m.

Senator Mowry offered the following amendment and moved its adoption:

- 1 Amend House File 1279, page 2, by striking lines 1
- 2 through 12 inclusive and inserting in lieu thereof the
- 3 following:
- 4 "Sec. 1. There is appropriated from the general fund
- 5 of the state of Iowa to the executive council the sum of
- 6 three hundred sixty thousand dollars (\$360,000), or so much
- 7 thereof as may be necessary, to be used by the executive
- 8 council to pay the balance due to complete the purchase on
- 9 the purchase-option lease and addendum with Trailer Owners
- 10 Service Corporation, currently known as the Capitol Industries,
- 11 Incorporated, for the building known as the GMC building, and
- 12 all, or such portions of the adjacent parking lot at East

13 Seventh and Walnut streets in the city of Des Moines, as the
 14 executive council may determine upon, including expenses
 15 incident to fees, abstracting costs, and appraisal fees.”

The amendment was adopted.

Senator Davis asked and received unanimous consent that further action on **House File 1279** be deferred and that the bill retain its place on the **calendar**.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

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

UNFINISHED BUSINESS

Senator Lamborn asked and received unanimous consent to take up out of order Senate File 1170.

Senate File 1170

On motion of Senator Schaben, Senate File 1170, a bill for an act relating to the department of agriculture and inspection services, was taken up for further consideration.

Senator Schaben withdrew the amendment filed by him on March 10, 1972, and found on pages 836 and 837 of the Senate Journal.

Senator Schaben offered the following amendment and moved its adoption:

- 1 Amend Senate File 1170 as follows:
- 2 1. Line 12, by adding after the word “perform” the
- 3 word “milk”.
- 4 2. By striking from lines 14 and 15 the words
- 5 “*chapters 159 through 216 inclusive*” and insert in lieu
- 6 thereof the words “*chapter 192*”.

The amendment was adopted.

Senator Schaben moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” the vote was:

Ayes, 36:

Anderson
 Arbuckle

Balloun
 Brownlee

Conklin
 Curran

Davis
 DeKoster

Gaudineer	Laverty	Palmer	Schaben
Gilley	Messerly	Potgeter	Shawver
Glenn	Miller	Potter	Smith
Gross	Milligan	Rabedaux	Stephens
Kennedy	Mowry	Rhodes	Tapscott
Kyhl	Nicholson	Riley	Thordsen
Lamborn	Ollenburg	Robinson	Van Gilst

Nays, none.

Absent or not voting, 14:

Bass	Doderer	Hill	Shaff
Briles	Erskine	Keith	Van Drie
Carlson	Graham	Neu	Walsh
Coleman	Griffin		

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

Senator Stephens asked and received unanimous consent that **Senate File 1170** be immediately messaged to the House, which request was complied with.

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1190.

Senate File 1190

On motion of Senator Miller, Senate File 1190, a bill for an act relating to the regulation of county homes, was taken up and considered.

Senator Miller offered the following amendment filed by the committee on county government and moved its adoption:

Amend Senate File 1190 as follows:

- 1 1. Page 2, by striking in line 4 the word "conjunction" and
- 2 inserting in lieu thereof the word "consultation".
- 3 2. Page 2, by striking in line 5 the word "prescribe" and in-
- 4 serting in lieu thereof the words "negotiate distinct".
- 5 3. Page 2, by inserting in line 6 after the word "regulations"
- 6 the words "for the classification of county homes within the category
- 7 of custodial homes".
- 8 4. Page 2, by striking in line 7 the words "of the" and insert-
- 9 ing in lieu thereof the word "for".
- 10 5. Page 2, by adding on line 22 after the period the words "The
- 11 board shall elect a chairman, vice-chairman and secretary-treasurer at
- 12 the first meeting of the board in each calendar year."
- 13 6. Page 2, by striking all after the period in line 28, all
- 14 of lines 29, through 33 inclusive, and on line 34 the word "met.",
- 15 and inserting in lieu thereof the following:
- 16 "No license shall be issued to or retained by a county home,
- 17 unless the state county home liaison board has submitted to the
- 18 commissioner of public health a certificate indicating the rules and
- 19 regulations promulgated for health care facilities under section
- 20 one hundred thirty-five C point nine (135C.9) of the Code are being
- 21 complied with or met.

22 The secretary-treasurer of the liaison board shall calculate the
 23 actual costs or expenses incurred by board members in making inspec-
 24 tions of county homes licensed or to be licensed under this Act.
 25 Such expenses shall be filed with the board of supervisors in the

Page 2

1 counties wherein county homes were inspected. The county boards
 2 shall pay the actual expenses as filed by the liaison board
 3 secretary-treasurer not later than ninety days from filing."
 4 7. Page 3, by inserting in line 7 after the word "home"
 5 the words, "however, such levy shall not exceed twenty thousand dollars
 6 annually".

President Jepsen took the chair at 2:03 p.m.

Senator Laverty took the chair at 2:20 p.m.

Senators Tapscott and Doderer called for a division of the amendment, sections 1, 3, 4, 5 and 6 to be considered as division 1; section 2 to be considered as division 2; section 7, as division 3.

On motion of Senator Miller, division 1 of the amendment was adopted.

On motion of Senator Miller, division 2 of the amendment was adopted.

On motion of Senator Miller, division 3 of the amendment was adopted.

Senator Messerly offered the following amendment and moved its adoption:

1 Amend Senate File 1190 as follows:
 2 1. Page 2, line 9, by inserting after the word
 3 "supervisors" the words ", four members representing
 4 the general public to be selected from a list of
 5 persons submitted by the Governor's committee on the
 6 handicapped,".
 7 2. Page 2, line 14, by inserting after the word
 8 "supervisors" the words ", the Governor's committee
 9 on the handicapped,".
 10 3. Page 2, line 17, by inserting after the word
 11 "steward" the words ", one public member,".
 12 4. Page 2, line 17, by inserting after the words
 13 "one steward" the words ", one public member,".
 14 5. Page 2, line 18, by inserting after the word
 15 "steward" the words ", two public members,".

Roll call was requested.

On the question "Shall the Messerly amendment be adopted?" (S.F. 1190) the vote was:

Ayes, 18:

Balloun	Gaudineer	Neu	Robinson
Brownlee	Glenn	Ollenburg	Shaff
Conklin	Gross	Palmer	Tapscott
DeKoster	Messerly	Riley	Walsh
Doderer	Milligan		

Nays, 27:

Anderson	Davis	Kyhl	Potter
Arbuckle	Erskine	Lamborn	Rabedeaux
Bass	Gilley	Laverty	Shawver
Briles	Graham	Miller	Smith
Carlson	Hill	Mowry	Stephens
Coleman	Keith	Nicholson	Van Gilst
Curran	Kennedy	Potgeter	

Absent or not voting, 5:

Griffin	Schaben	Thordsen	Van Drie
Rhodes			

The amendment lost.

Senator Neu raised the point of order that Senate File 1190 should be referred to the committee on state government under Senate Rule 37.

The Chair ruled the point not well taken.

Senator Miller offered the following amendment and moved its adoption:

- 1 Amend Senate File 1190, page 3, line 19, by adding the
- 2 following new section:
- 3 "Sec. 3. Section two hundred forty-nine point six
- 4 (249.6), subsection eight (8), Code 1971, is amended to
- 5 read as follows:
- 6 8. Is not an inmate of a public institution, except
- 7 as a patient in a medical institution for treatment for
- 8 other than tuberculosis or mental diseases or who has been
- 9 diagnosed as having tuberculosis or psychosis and is a
- 10 patient in a public medical institution as a result thereof,
- 11 and except as a resident in a county-owned skilled nursing
- 12 home. However, an inmate of such institution may make
- 13 application for assistance, but the assistance, if granted,
- 14 shall not begin until he has ceased to be an inmate."

The amendment was adopted.

President Jepsen took the chair at 3:09 p.m.

Senator Potgeter offered the following amendment:

- 1 Amend Senate File 1190, page 3, by striking lines 3
- 2 through 7 inclusive.

Senator Potgeter moved the adoption of the amendment and called for a division.

The amendment lost.

Senator Doderer offered the following amendment by Senators Doderer and Messerly and moved its adoption :

- 1 Amend Senate File 1190 as follows:
- 2 1. Page 2, line 9, by inserting after the word
- 3 "supervisors" the words ", two members representing
- 4 the general public to be appointed by the governor."
- 5 2. Page 2, line 14, by inserting after the word
- 6 "supervisors" the words ", the governor's appointee,".
- 7 3. Page 2, line 17, by inserting after the word
- 8 "steward" the words ", one public member,".
- 9 4. Page 2, line 17, by inserting after the words
- 10 "one steward" the words ", one public member,".

Division was called for.

The amendment lost.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1190) the vote was:

Ayes, 40:

Anderson	Erskine	Laverty	Robinson
Arbuckle	Gaudineer	Messerly	Schaben
Balloun	Gilley	Miller	Shaff
Bass	Graham	Mowry	Shawver
Briles	Gross	Nicholson	Smith
Carlson	Hill	Ollenburg	Stephens
Coleman	Keith	Potgeter	Thordsen
Curran	Kennedy	Potter	Van Drie
Davis	Kyhl	Rabedeaux	Van Gilst
DeKoster	Lamborn	Riley	Walsh

Nays, 7:

Brownlee	Glenn	Neu	Tapscott
Doderer	Milligan	Palmer	

Absent or not voting, 3:

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

Senator Briles asked and received unanimous consent that Senate File 1190 be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS

Senator Lamborn asked and received unanimous consent to take up out of order House File 107.

House File 107

On motion of Senator Van Gilst, House File 107, a bill for an

act relating to the use of school lunch facilities by senior citizen organizations, was taken up for further consideration.

Senator Bass withdrew the amendment filed by him on March 6, 1972, and found on page 707 of the Senate Journal.

Senator Bass offered the following amendment filed by him on March 9, 1972, and moved its adoption:

- 1 Amend House File 107 as follows:
- 2 1. Page 1, by adding after line 10 the following new
- 3 section:
- 4 "Sec. A person using the school lunch facilities
- 5 under the provisions of section one (1) of this Act
- 6 shall be deemed to have waived his right to file a claim
- 7 under chapter six hundred thirteen A (613A) of the Code
- 8 against a municipality, as defined in section six hundred
- 9 thirteen A point one (613A.1) of the Code, for incidents
- 10 arising out of such use."

The amendment lost.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 107) the vote was:

Ayes, 45:

Anderson	Doderer	Lamborn	Rabedeaux
Arbuckle	Erskine	Lavery	Riley
Balloun	Gaudineer	Messerly	Robinson
Bass	Glenn	Miller	Schaben
Briles	Graham	Milligan	Shawver
Brownlee	Griffin	Mowry	Stephens
Carlson	Gross	Nicholson	Tapscott
Coleman	Hill	Ollenburg	Thordsen
Conklin	Keith	Palmer	Van Drie
Curran	Kennedy	Potgeter	Van Gilst
Davis	Kyhl	Potter	Walsh
DeKoster			

Nays, 1:

Gilley

Absent or not voting, 4:

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

SENATE FILE WITHDRAWN

Senator Van Gilst asked and received unanimous consent that **Senate File 82** be withdrawn from further consideration of the Senate.

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

The Senate resumed session, President Jepsen presiding.

CONFERENCE COMMITTEE REPORT

Senate File 428

Senator Riley submitted the following report:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 428

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 428, a bill for an act to provide a unified trial court having district court judges and district court magistrates; to discontinue superior, justice of the peace, and police courts; and to establish traffic violations offices within the district court to receive uniform traffic violation penalties, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment.
2. That Senate File 428, as amended, passed, and reprinted by the Senate, be amended as follows:
 - a. By striking everything after the enacting clause and inserting in lieu thereof the following:

Page 2

1 UNIFIED TRIAL COURT

2 Section 1. UNIFIED TRIAL COURT. Effective July
3 1, 1973, there shall be a unified trial court in the
4 state of Iowa, known as "Iowa District Court". The
5 Iowa district court shall have general and original
6 jurisdiction of all actions, proceedings, and remedies,
7 civil, criminal, probate, and juvenile, and shall have
8 and exercise all the power usually possessed and
9 exercised by trial courts of general jurisdiction.

10 Sec. 2. JUDICIAL OFFICERS. To the extent provided
11 in this Act, the judicial power of the Iowa district
12 court shall be exercised by Iowa district judges,
13 district court associate judges, and judicial
14 magistrates.

15 DISTRICT JUDGES

16 Sec. 3. Section six hundred four point eight (604.8),
17 subsections two (2) and three (3), Code 1971, are amended
18 to read as follows:

19 2. The number of judgeships to which each of the
20 judicial districts shall be entitled shall be determined
21 from time to time according to the following formula,
22 giving equal weight to cases filed and population:
23 In districts containing a city of fifty thousand or
24 more population, there shall be one judgeship per five
25 hundred fifty combined civil and criminal filings

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1 *excluding small claims and misdemeanors* and forty
2 thousand population, or major fraction of either; in

3 all other districts there shall be one judgeship per
 4 four hundred fifty combined civil and criminal filings
 5 and forty thousand population, or major fraction of
 6 either; provided, the seat of government shall be
 7 entitled to one additional judgeship. The figures on
 8 filings shall be the average for the latest available
 9 previous three-year period and when current census
 10 figures on population are not available, figures shall
 11 be taken from the state department of health
 12 computations.

13 3. A vacancy, for purposes of this section, is
 14 defined as the death, retirement, removal, or failure
 15 of retention in office at the judicial election, of
 16 a judge *or increase in judgeships under this section.*

17 Sec. 4. Section six hundred four point eight (604.8),
 18 subsection six (6), Code 1971, is amended by striking
 19 the subsection and inserting in lieu thereof the
 20 following:

21 6. In those judicial districts that contain judicial
 22 election districts, no vacancy in any judicial election
 23 district shall be filled if the total number of judges
 24 in all the judicial election districts within the
 25 judicial district equals or exceeds the number of

Page 4

1 judgeships to which all of the judicial election
 2 districts of the judicial district combined are
 3 authorized.

4 Sec. 5. Section six hundred four point eight (604.8),
 5 subsections seven (7) and eight (8), Code 1971, are
 6 amended to read as follows:

7 7. [After the number of judges in each district
 8 equals the proper number of judgeships, as determined
 9 under subsection 2 hereof, subsection 6 hereof shall
 10 be of no further effect. Thereafter, a new judge shall
 11 be appointed in any district which becomes entitled
 12 to an additional judgeship, under subsection 2 hereof;
 13 and vacancies] *Vacancies* shall not be filled in any
 14 district which may become entitled to fewer judgeships
 15 under said subsection; but no incumbent judge shall
 16 ever be removed from office by reason thereof.

17 8. [On] *During* January [2] of each year, and at such
 18 other times as may be appropriate, the [chief justice]
 19 *supreme court administrator* shall make the determinations
 20 required under this section, and shall notify the
 21 nominating commissions involved and the governor of
 22 any appointments that may be required as a result
 23 thereof.

24 Sec. 6. Before April 1, 1973, the supreme court
 25 administrator shall notify the secretary of state of

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1 any additional judgeships created by this Act. The
 2 secretary of state shall notify the proper judicial
 3 nominating commission in accordance with chapter forty-
 4 six (46) of the Code. Such commission shall proceed

5 as provided in that chapter. Effective July 1, 1973,
6 a district judge shall be appointed for the district
7 pursuant to chapter forty-six (46) of the Code, if the
8 district is entitled to an additional judge or judges
9 as a result of this Act.

10 Sec. 7. The governor may appoint a person to serve
11 as a judge or magistrate whenever federal funds are
12 available for his salary, the cost of courtroom space,
13 and the salary of any additional court staff. The
14 person appointed by the governor shall fill the position
15 until his successor is appointed or until federal funds
16 are no longer available as required in this section.
17 The person appointed under this section may hear all
18 cases in which the use of alcohol is evident, and any
19 prosecution under section three hundred twenty-one point
20 two hundred eighty-one (321.281) of the Code may be
21 transferred within the judicial district to the
22 jurisdiction of the person appointed under this section.

23 Sec. 8. DISTRICT JUDGES. Iowa district judges shall
24 possess the full jurisdiction of the Iowa district
25 court, including the jurisdiction of judicial

Page 6

1 magistrates. While exercising the jurisdiction possessed
2 by judicial magistrates, district judges shall employ
3 judicial magistrates' practice and procedure, and may
4 hold court at any place where a judicial magistrate
5 may do so.

6 Sec. 9. Section six hundred four point three (604.3),
7 Code 1971, is amended by striking the section and
8 inserting in lieu thereof the following:

9 604.3 PROBATE ORDERS. Iowa district judges shall
10 have state-wide jurisdiction to enter orders in probate
11 matters not requiring notice and hearing, although the
12 judge is not a judge of or present in the district in
13 which the probate matter is pending. Such orders shall
14 be made in conformity with the rules of the district
15 in which the probate matter is pending.

16 Sec. 10. Section six hundred thirty-three point
17 three (633.3), Code 1971, is amended by striking
18 subsection nine (9) and inserting in lieu thereof the
19 following:

20 9. Court—the Iowa district court sitting in probate
21 and includes any Iowa district judge.

22 Sec. 11. Section six hundred four point nine (604.9),
23 Code 1971, is amended to read as follows:

24 604.9 PLACE OF HOLDING COURT. Courts must be held
25 at the places [provided by law] *in each county, as*

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1 *designated by the chief judge of the judicial district,*
2 *except for the determination of actions, special*
3 *proceedings and other matters not requiring a jury,*
4 *when they may[, by consent of the parties therein,] be*
5 *held at some other place in the district with the consent*
6 *of the parties.*

JUDICIAL MAGISTRATES

7 Sec. 12. COMPOSITION OF COUNTY JUDICIAL MAGISTRATE
8 APPOINTING COMMISSIONS. There shall be in each county

9 a judicial magistrate appointing commission which shall
10 be composed of the following members, except as provided
11 in section eighteen (18) of this Act:

12 1. A district court judge designated by the chief
13 judge of the district.

14 2. Three members appointed by the board of super-
15 visors.

16 3. Two attorneys elected by the county bar.

17 Sec. 13. APPOINTMENT COMMISSIONERS. The boards
18 of supervisors of each county shall appoint three
19 electors to the county judicial magistrate appointing
20 commission for the county for six-year terms beginning
21 January 1, 1973.

22 Sec. 14. ELECTION COMMISSIONERS. The resident
23 members of the bar of each county shall elect resident
24 members of the bar of such county to the county judicial
25

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1 magistrate appointing commission for six-year terms
2 beginning on January first. During December 1972, and
3 in each December thereafter, immediately preceding the
4 expiration of the terms of the members of the commission,
5 the members of the bar shall elect commissioners to
6 six-year terms.

7 Sec. 15. ELIGIBILITY TO VOTE. Eligibility to vote
8 in elections of judicial magistrate appointing
9 commissioners within a county shall be registration
10 as a member of the bar in accordance with sections
11 forty-six point seven (46.7) and forty-six point eight
12 (46.8) of the Code, and residency within the county.

13 Sec. 16. CONDUCT OF ELECTIONS. When an election
14 of judicial magistrate appointing commissioners in a
15 county is to be held, the clerk of the district court
16 for the county shall cause ballots to be mailed to the
17 members of the bar eligible in accordance with section
18 fifteen (15) of this Act, substantially as follows:

19 County Judicial Magistrate Appointing
20 Commission

BALLOT

21 To be cast by the resident members of the bar of
22 County.

23 Vote for (state number) for County judicial magis-
24 trate appointing commissioner(s) for term commencing
25

Page 9

1
2
3 John Doe
4

5 To be counted, this ballot must be completed and
6 mailed or delivered to Clerk of the District Court,
7, not later than December 31, 19... (or
8 the appropriate date under section nineteen (19) of
9 this Act in case of an election to fill a vacancy).

9 Sec. 17. No person while a member of the county
10 judicial magistrate appointing commission shall be
11 appointed to the office of judicial magistrate. No
12 member appointed by the board of supervisors to the
13 judicial magistrate appointing commission shall be an
14 attorney at law or an active law enforcement officer.

15 Sec. 18. EXCEPTION. In the event there is only one resi-
16 dent member of the bar in a county, the number appointed
17 by the county board of supervisors shall be two. In
18 the event there are no attorneys within the county,
19 the county board of supervisors shall appoint one
20 commissioner.

21 Sec. 19. VACANCY. A vacancy in the office of
22 judicial magistrate appointing commissioner shall be
23 filled by special appointment or election as the case
24 may be for the unexpired term.

25 Sec. 20. APPOINTMENT AND TERMINATION OF JUDICIAL

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1 MAGISTRATES. During April, 1973 and in April of the
2 year in which magistrates' terms expire, the judicial
3 magistrate appointing commission shall, by majority
4 vote, appoint Iowa judicial magistrates in such number
5 as provided in section twenty-eight (28) of this Act.
6 The commission shall appoint no more magistrates than
7 allotted to the county by the supreme court administrator
8 except as provided in sections twenty-eight (28) and
9 twenty-nine (29) of this Act. The judicial magistrates
10 appointed initially shall take office July 1, 1973,
11 and their term of office shall expire June 30, 1974.
12 Thereafter, judicial magistrates shall take office on
13 July 1, 1974 and every two years thereafter, provided
14 however, full time judicial magistrates appointed for
15 the term commencing July 1, 1974 shall hold office for
16 a term of four years and shall be subject to appointment
17 every four years thereafter. The commission shall
18 promptly certify the names and addresses of the
19 magistrates appointed to the clerk of the district court
20 and the chief judge of the judicial district. The clerk
21 shall certify to the supreme court administrator and
22 to the state comptroller the names and addresses of
23 magistrates so appointed. The certification of the
24 clerk to the comptroller shall be authority for the
25 comptroller to pay the salaries in accordance with

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1 section twenty-four (24) of this Act. Judicial
2 magistrates shall be officers of the state.
3 Before assuming office, a judicial magistrate shall
4 subscribe and file in the office of the clerk of the
5 district court of the county of his residence his oath
6 of office to uphold and support the Constitutions of
7 the United States of America and State of Iowa, the
8 laws enacted pursuant thereto, and the law and ordinances
9 of the political subdivisions of the state of Iowa.
10 Before July 1, 1973, and annually thereafter, the supreme

11 court administrator shall cause a school of instruction
 12 to be conducted for district magistrates, which each
 13 district magistrate appointed as provided in this Act
 14 prior to the time he takes office shall attend unless
 15 excused by the chief justice for a good cause.

16 Sec. 21. FULL TIME MAGISTRATES. Of the number of
 17 magistrates allotted, there shall be one magistrate
 18 who shall devote his entire time to the duties of his
 19 position including the holding of court on each weekday
 20 except for a reasonable vacation period in those counties
 21 having a population, according to the last federal
 22 decennial census, of more than thirty-five thousand
 23 and less than eighty thousand. There shall be two such
 24 magistrates in those counties having a population of
 25 more than eighty thousand and less than one hundred

Page 12

1 twenty-five thousand. There shall be three such
 2 magistrates in any county having a population of more
 3 than one hundred and twenty-five thousand and less than
 4 two hundred thousand people. There shall be four such
 5 magistrates in counties having a population of two
 6 hundred thousand people or above. In those counties
 7 in which a district court associate judge or judges
 8 reside, the district court associate judge or judges
 9 shall be considered full-time judicial magistrates for
 10 the purposes of this section. In those counties autho-
 11 rized more full-time magistrates than have district
 12 court associate judges residing therein, the county
 13 judicial magistrate appointing commission shall determine
 14 which magistrate or magistrates shall serve on a full-
 15 time basis.

16 Sec. 22. QUALIFICATIONS, AGE. A judicial magistrate
 17 shall be an elector of the county of appointment, shall
 18 be less than seventy-two years of age, and shall cease
 19 to hold office upon attaining that age.

20 Sec. 23. PROHIBITIONS. No magistrate shall accept
 21 any fee or reward from or on behalf of anyone for
 22 services rendered in the conduct of any official business
 23 except as provided in this Act.

24 A magistrate or any member of any corporation,
 25 partnership, firm or association with which he may be

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1 connected, may not be directly or indirectly engaged
 2 in any capacity for any party in any action or proceeding
 3 pending or arising within his jurisdiction based upon
 4 substantially the same facts upon which a prosecution
 5 or proceeding has been prosecuted or commenced before
 6 him.

7 Sec. 24. SALARY, EXPENSES. Each judicial magistrate
 8 shall receive a salary payable from the general fund
 9 of the state and also his actual and necessary expenses
 10 in the performance of his duties while away from the
 11 city or town of his residence, in accordance with section
 12 six hundred five point two (605.2) of the Code. The

13 salary of judicial magistrates, except as otherwise
14 provided herein, shall be the sum of four thousand eight
15 hundred dollars annually. The judicial magistrates
16 serving as full-time magistrates shall receive an annual
17 salary of seventeen thousand two hundred dollars.
18 Judicial magistrates except district associate judges
19 shall be members of the Iowa public employees' retirement
20 system.

21 Sec. 25. During January of 1975, the supreme court
22 administrator shall make a report to the Sixty-sixth
23 General Assembly, detailing the previous year's
24 statistics provided by the judicial magistrates. The
25 Sixty-sixth General Assembly shall review and readjust

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1 the compensation of judicial magistrates. If the general
2 assembly fails to readjust the salaries under this
3 section the salaries shall remain the same.

4 Sec. 26. FUNDS, REPORTS. Each month each judicial
5 magistrate shall file with the clerk of the district
6 court of the proper county a sworn, itemized statement,
7 by case, of all funds received and disbursed, and at
8 least monthly shall remit to the clerk all funds received
9 by him. The clerk of court shall provide adequate
10 clerical assistance to the full-time magistrates and
11 district associate judges to carry out this section.
12 The clerk shall remit all fines and forfeited bail
13 received from a magistrate to the city or town that
14 was the plaintiff in any action. The clerk shall remit
15 to the treasurer of the county, for the benefit of the
16 school fund, all other fines and forfeited bail received
17 from a magistrate. All fees and costs for the filing
18 of a complaint or information or upon forfeiture of
19 bail received from a magistrate shall be remitted monthly
20 by the clerk as follows:

21 1. Three-fifths to the state treasurer to be credited
22 to the general fund of the state.

23 2. Two-fifths to the county treasurer to be credited
24 to the general fund of the county.

25 Sec. 27. REMOVAL OF JUDICIAL MAGISTRATES. The

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1 electors residing within a county where a magistrate
2 resides may petition the judges of the district court
3 to terminate the appointment of a judicial magistrate
4 sitting in that district. Such petition shall be signed
5 by at least two percent of the electors voting for
6 governor in the last general election of the county
7 of residence of the magistrate and shall contain a
8 general statement of the grounds upon which termination
9 is sought. Within thirty days after the petition is
10 filed with the clerk of the district court of the county
11 in which the judicial magistrate resides, the district
12 judges of that district sitting en banc shall hold a
13 hearing to determine the sufficiency and the merits
14 of such petition and shall determine whether to continue

15 or terminate the appointment of such judicial magistrate.
16 The district court judges sitting en banc on their
17 own motion may by majority vote, remove a magistrate
18 for disability or for other cause.

19 Sec. 28. ALLOTMENT. There shall be a combined total
20 of two hundred twenty Iowa judicial magistrates and
21 district court associate judges combined except as
22 provided in section twenty-nine (29) of this Act.
23 During January of 1974 and every two years thereafter,
24 the supreme court administrator shall apportion the
25 number of district magistrates among the counties in

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1 accordance with the following criteria:

2 1. The number and type of proceedings contained
3 in the administrative reports required by section thirty-
4 five (35) of this Act.

5 2. The existence of either permanent, temporary
6 or seasonal populations not included in the current
7 census figures.

8 3. The geographical area to be served.

9 4. An inordinate number of pending cases over which
10 magistrates have jurisdiction in the preceding year.

11 5. The number and types of juvenile proceedings
12 handled by district associate judges.

13 Provided, however, that each county shall be allotted
14 no less than one resident judicial magistrate.

15 During February of 1974 and during February of every
16 two years thereafter, the supreme court administrator shall
17 notify the clerk of the district court of each county and
18 the chief judge of the appropriate judicial district, of
19 the number of magistrates to which the county is
20 entitled.

21 Sec. 29. ADDITIONAL JUDICIAL MAGISTRATE ALLOWED. In
22 those counties which are allotted one judicial magistrate under
23 section twenty-eight (28) or thirty (30) of this Act, the
24 county judicial magistrate appointing commission may,
25 by majority vote, decide to appoint one additional

Page 17

1 judicial magistrate. In those counties appointing an
2 additional magistrate under this section, each magistrate
3 shall receive a salary of two thousand four hundred
4 dollars per year.

5 Sec. 30. INITIAL ALLOTMENT. The allotment of the
6 judicial magistrates to be appointed in 1973 shall be
7 as follows:

8 1. One magistrate for each of the following counties:
9 Adams, Allamakee, Audubon, Calhoun, Cherokee, Davis,
10 Decatur, Emmet, Franklin, Fremont, Greene, Guthrie,
11 Hancock, Howard, Humboldt, Ida, Jefferson, Keokuk,
12 Louisa, Lucas, Lyon, Madison, Mitchell, Monroe,
13 Montgomery, O'Brien, Osceola, Palo Alto, Pocahontas,
14 Ringgold, Shelby, Taylor, Union, Van Buren, Wayne,
15 Winnebago, and Worth.

16 2. Two magistrates for each of the following

17 counties: Adair, Appanoose, Boone, Buchanan, Buena
 18 Vista, Butler, Carroll, Cass, Chickasaw, Clarke, Clay,
 19 Clayton, Crawford, Dallas, Delaware, Dickinson, Fayette,
 20 Grundy, Hamilton, Hardin, Henry, Iowa, Jackson, Jasper,
 21 Jones, Kossuth, Mahaska, Marion, Marshall, Mills, Monona,
 22 Page, Poweshiek, Sac, Sioux, Tama, Washington,
 23 Winneshiek, and Wright.
 24 3. Three magistrates for each of the following
 25 counties: Benton, Bremer, Des Moines, Floyd, Harrison,

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1 Muscatine, Plymouth, Wapello, Warren, and Webster.
 2 4. Four magistrates for each of the following
 3 counties: Cedar, Cerro Gordo, Clinton, Dubuque, Johnson,
 4 Lee, and Story.
 5 5. Six magistrates for Black Hawk county.
 6 6. Seven magistrates for Linn county.
 7 7. Eight magistrates for each of the following
 8 counties: Pottawattamie, Scott, and Woodbury.
 9 8. Ten magistrates for Polk county.
 10 Sec. 31. JURISDICTION, VENUE. Judicial magistrates
 11 shall have jurisdiction of nonindictable misdemeanors,
 12 including traffic and ordinance violations, preliminary
 13 hearings, search warrant proceedings, forcible entry
 14 and detainer actions, and small claims. They shall
 15 also have the powers specified in section seven hun-
 16 dred forty-eight point two (748.2) of the Code. They
 17 shall have power to act any place within the district
 18 as directed, and venue shall be the same as in other
 19 district court proceedings. Judicial magistrates serving
 20 on a full-time basis and district associate judges shall
 21 have jurisdiction of indictable misdemeanors. While
 22 exercising that jurisdiction they shall employ district
 23 judges' practice and procedure.
 24 Sec. 32. TIMES AND PLACES OF HOLDING COURT. Judicial
 25 magistrates shall hold court at the times and places

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1 designated by the chief judge of the district. The
 2 chief judge may assign a magistrate to hold court at
 3 other designated places within the district outside
 4 of the county of the magistrate's residence only if
 5 it is necessary for the orderly administration of
 6 justice. The boards of supervisors shall provide
 7 facilities for the holding of court at the county seats.
 8 If court is held in a city or town, outside the county
 9 seat, such city or town shall furnish suitable facili-
 10 ties and equipment. The schedule of places and times
 11 of availability of magistrates and of any changes therein
 12 shall be disseminated by the chief judge of the judicial
 13 district to the peace officers within the district.
 14 Sec. 33. PROCEDURE. The criminal procedure before
 15 judicial magistrates shall be as provided in chapters
 16 seven hundred fifty-one (751), seven hundred fifty-four
 17 (754) through seven hundred sixty-three (763), inclusive,
 18 seven hundred sixty-five (765), seven hundred sixty-

19 six (766), and seven hundred sixty-eight (768) of the
 20 Code. The civil procedure before judicial magistrates
 21 shall be as provided in this Act and chapter six hundred
 22 forty-eight (648) of the Code.

23 Sec. 34. DOCKETS, JUDGMENTS, COSTS. The clerk of
 24 the district court of the county in which a judicial
 25 magistrate resides shall furnish the judicial magistrate,

Page 20

1 district associate judge, or district judge acting as
 2 judicial magistrate, a docket in which shall be entered
 3 all proceedings except small claims. Such docket shall
 4 be indexed and shall contain in each case the title
 5 and nature of the action; place of hearing; appearances;
 6 and notations of the documents filed with the judicial
 7 magistrate, of the proceedings in the case and orders
 8 made, of the verdict and judgment including costs, of
 9 any satisfaction of the judgment, of whether the judgment
 10 was certified to the clerk of the district court, of
 11 whether an appeal was taken, and of the amount of the
 12 appeal bond. The defendant charged with a nonindictable
 13 misdemeanor who is found guilty or forfeits bail shall
 14 be assessed as costs five dollars for the filing and
 15 docketing of the complaint or information which shall
 16 be distributed pursuant to section twenty-six (26)
 17 of this Act. All other costs in criminal actions shall
 18 be assessed and distributed as in chapter six hundred
 19 six (606) of the Code. If the judgment and costs are
 20 not fully and immediately satisfied in criminal cases,
 21 the judicial magistrate shall promptly certify a copy
 22 of the judgment to the clerk of the district court
 23 indicating thereon the portion unsatisfied; and the
 24 clerk shall index and file the judgment, whereupon it
 25 shall be a judgment of the district court without

Page 21

1 recording.
 2 Sec. 35. ADMINISTRATIVE REPORTS. Each month the
 3 magistrate shall report to the clerk of the district
 4 court of each county, the board of supervisors and the
 5 chief judge of the appropriate judicial district in
 6 which he held court, the following:
 7 1. The number of small claims tried to the court
 8 and those pending.
 9 2. The number of state misdemeanor cases tried to
 10 the court and those pending.
 11 3. The number of state misdemeanor cases tried to
 12 a jury and those pending.
 13 4. The number of city ordinance violations tried
 14 to the court and those pending.
 15 5. The number of city ordinance violations tried
 16 to a jury and those pending.
 17 6. The number of preliminary hearings held and
 18 pending.
 19 7. The number of forcible entry and detainer actions
 20 filed.

- 21 8. The number of search warrants applied for.
22 The clerk of the district court shall quarterly
23 consolidate the reports and forward them to the supreme
24 court administrator.
25 Sec. 36. MAGISTRATES NOT HOLDING OFFICE. When a

Page 22

- 1 district magistrate ceases to hold office, his docket
2 and all records relating to his office shall be promptly
3 deposited with the clerk of the district court who
4 issued the docket.
5 DISTRICT ASSOCIATE JUDGES AND THEIR REPORTERS
6 AND DEPUTY CLERKS AND SHERIFFS
7 Sec. 37. DISTRICT ASSOCIATE JUDGES. The regular
8 judges of the municipal courts of Iowa who are in office
9 on June 30, 1973, and who are less than seventy-two
10 years of age on July 1, 1973 and who have not been
11 appointed district court judges shall become district
12 associate judges on the latter date.
13 Sec. 38. TERM, RETENTION. District associate judges
14 shall stand for retention in office within the county
15 of his residence at the judicial election in 1974, under
16 sections forty-six point seventeen (46.17) through
17 forty-six point twenty-four (46.24), inclusive, of the
18 Code. The term of office of the judges who are retained
19 in office at the judicial election shall extend for
20 four years after January first next following the
21 election, and the term of office of the judges who are
22 not retained in office at such a judicial election shall
23 extend until January first next following such election.
24 District court associate judges shall be subject to
25 the same removal procedures as that of judicial

Page 23

- 1 magistrates. District associate judges shall cease
2 to hold office upon attaining age seventy-two.
3 Sec. 39. VACANCIES. A vacancy in the office of
4 district associate judge after June 30, 1973, shall
5 not be filled.
6 Sec. 40. SALARY, EXPENSES, RETIREMENT. The annual
7 salary of each district associate judge, payable
8 from the general fund of the state of Iowa, shall be
9 the sum of seventeen thousand two hundred dollars.
10 District associate judges shall also receive from the
11 state their actual and necessary expenses in the
12 performance of their duties away from the city of their
13 residence, in accordance with section six hundred five
14 point two (605.2) of the Code. District associate
15 judges who are members of the judicial retirement system
16 under chapter six hundred five A (605A) of the Code
17 shall remain members thereof; but the state of Iowa,
18 instead of the city and county, shall deduct four percent
19 from their salaries for the judicial retirement fund
20 and shall contribute the public's portion to the judicial
21 retirement fund.
22 Sec. 41. JURISDICTION, PROCEDURE, APPEALS. District

23 associate judges shall serve as full-time magistrates
 24 and have the jurisdiction possessed by judicial
 25 magistrates and, in addition, the jurisdiction provided

Page 24

1 for in section two hundred thirty-one point three (231.3)
 2 of the Code. District associate judges shall hold court
 3 as directed at any place within the judicial district
 4 that a judicial magistrate may do so, and shall employ
 5 judicial magistrates' practice and procedure. When
 6 a district court judge is unable to serve as a result
 7 of temporary incapacity, a district associate judge
 8 may, by order of the chief judge of the district enrolled
 9 in the records of the clerk of the district court,
 10 temporarily exercise any of the jurisdiction of a
 11 district judge during the time of incapacity and as
 12 to the specific matters or classes of matters specified
 13 in that order. While exercising jurisdiction other
 14 than that of a judicial magistrate, district associate
 15 judges shall employ district judges' practice and
 16 procedure. District associate judges shall have power
 17 to act at any place within their respective judicial
 18 districts, and venue shall be the same as in other
 19 district court proceedings.

20 Appeals from judgments or orders of district associate
 21 judges while exercising the jurisdiction possessed by
 22 judicial magistrates shall be governed by the laws
 23 relating to appeals and orders from judicial magistrates.
 24 Appeals from judgments or orders of district associate
 25 judges while exercising any other jurisdiction conferred

Page 25

1 upon them shall be governed by the laws relating to
 2 appeals and orders from district judges.
 3 For purposes of administration district associate
 4 judges shall be under the jurisdiction of the chief
 5 judge of the judicial district. District associate
 6 judges shall be subject to the same rules and laws that
 7 apply to district judges.

8 Sec. 42. REPORTERS. After July 1, 1972, no shorthand
 9 reporter shall be appointed by a municipal court judge.
 10 Any shorthand reporter serving a municipal court judge
 11 on June 30, 1973, shall become a reporter for the
 12 judicial district to be assigned by the chief judge
 13 as needed. Their compensation shall be in accordance
 14 with section six hundred five point eight (605.8) of
 15 the Code.

16 Sec. 43. CLERKS AND BAILIFFS. Elective clerks and
 17 elective bailiffs of municipal courts who are in office
 18 on June 30, 1973, and municipal court deputy clerks
 19 and deputy bailiffs who are in office on that date,
 20 shall on July 1, 1973, become deputies of the district
 21 court clerks and sheriffs respectively, in the counties
 22 of their residence. The boards of supervisors may
 23 enlarge the district court clerks' and sheriffs'
 24 facilities accordingly, and shall have authority to
 25 build, remodel, purchase, and lease real and personal

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1 property and equipment for such purpose, subject to
2 chapter seventy-five (75) and sections three hundred
3 thirty-two point seven (332.7) and three hundred thirty-
4 two point eight (332.8) of the Code, where applicable.
5 The compensation and other benefits received on January
6 1, 1972 by the individuals who so become deputies shall
7 not be reduced after June 30, 1973, from the amount
8 on that date, unless all the deputies of the office are
9 similarly reduced, but shall be paid by the counties
10 of their residence; provided, that if the salary of
11 any deputy equals or exceeds the salary of the district
12 court clerk or sheriff of whom he is deputy, then the
13 salary of the particular district court clerk or sheriff
14 shall be increased so as to exceed the salary of the
15 deputy by the sum of two hundred dollars per year.
16 The individuals who were elective municipal court
17 clerks and bailiffs on June 30, 1973, and who were
18 municipal court deputy clerks and deputy bailiffs on
19 that date, may as deputies of the district court clerks
20 and sheriffs be suspended, demoted, or discharged by
21 the district court clerks and sheriffs only for ne-
22 glect of duty, disobedience of orders, misconduct, or
23 failure to properly perform duties, by pursuing the
24 procedure provided by sections three hundred sixty-five
25 point nineteen (365.19) through three hundred sixty-

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1 five point twenty-six (365.26), inclusive, of the Code;
2 and in these cases the district court clerk or sheriff
3 shall be deemed to be the person having the appoint-
4 ing power, the county auditor shall perform the func-
5 tions of the mayor or city manager, the board of
6 supervisors shall perform the functions of the civil
7 service commission, and the county attorney shall perform
8 the functions of the city attorney or solicitor.
9 As vacancies occur after June 30, 1973, in the num-
10 ber of any deputy district court clerks or deputy
11 sheriffs in counties having a municipal court on De-
12 cember 31, 1972, as a result of resignations, retire-
13 ments, deaths, or discharges for cause, the boards of
14 supervisors may adjust the number of deputies if so
15 indicated by work load, pursuant to section three hundred
16 forty-one point one (341.1) of the Code; but the total
17 number of district court deputy clerks or deputy sheriffs
18 in such counties shall not otherwise be reduced
19 notwithstanding section three hundred sixty-five point
20 twenty-eight (365.28) of the Code, until the district
21 court deputy clerks or deputy sheriffs brought into
22 the offices from the municipal courts cease to hold
23 office in the particular county.
24 A municipal court bailiff or deputy sheriff who on
25 June 30, 1973, is a member of the retirement system

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1 provided by chapter four hundred eleven (411) of the
2 Code shall continue to be such a member thereafter;

3 and that chapter shall continue to apply to them
 4 notwithstanding this Act, with the appropriate county
 5 deducting from his compensation his contributions to
 6 the retirement fund and the county contributing the
 7 public's portion to such fund.

8 Sec. 44. After July 1, 1972, no new municipal courts
 9 shall be established, no new municipal court judgeships
 10 shall come into existence, and no elections of municipal
 11 court judges, clerks, or bailiffs shall be held,
 12 notwithstanding sections six hundred two point one
 13 (602.1) through six hundred two point five (602.5),
 14 inclusive, and six hundred two point ten (602.10) through
 15 six hundred two point twelve (602.12), inclusive, of
 16 the Code. This section shall become effective July
 17 1, 1972.

18 Sec. 45. COURTS ABOLISHED, TRANSITION. All ma-
 19 yors' courts, justice of the peace courts, police courts,
 20 superior courts, and municipal courts and offices
 21 connected therewith, are abolished as of July 1, 1973.
 22 Promptly after July 1, 1973, the officials of these
 23 courts shall file all documents and books pertaining
 24 to their offices with the clerk of the district court
 25 of their counties. District judges shall assign to

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1 judicial magistrates the pending cases within judicial
 2 magistrates' jurisdiction, and such cases shall then
 3 be pending before those judicial magistrates. All other
 4 pending cases shall be pending in the district court
 5 of the county, and the clerk of that court shall within
 6 thirty days give written notice of that fact by ordinary
 7 mail to the parties or their attorneys of record at
 8 their last known addresses. All municipal court judges,
 9 clerks of the municipal court and their deputies,
 10 bailiffs of municipal court and their deputies, police
 11 court judges, justices of the peace and constables
 12 holding office on July 1, 1972 shall continue in office
 13 through June 30, 1973.

POLICE CITATIONS

15 Sec. 46. CONDITIONS. Whenever it would be lawful
 16 for a peace officer to arrest a person without a warrant,
 17 he may issue a citation instead of making the arrest
 18 and taking the person before a magistrate.

19 Sec. 47. FORM. The citation shall include the name
 20 and address of the person, the nature of the offense,
 21 the time and place at which the person is to appear
 22 in court, and the penalty for nonappearance.

23 Sec. 48. PROCEDURE. Before he is released, the
 24 cited person shall sign the citation as a written promise
 25 to appear in court at the time and place specified.

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1 A copy of the citation shall be given to the person.

2 Sec. 49. COMPLAINT. The law enforcement officer
 3 issuing the citation shall cause to be filed a complaint
 4 in the court in which the cited person is required to

5 appear, as soon as practicable, charging the crime
6 stated in said notice.

7 Sec. 50. FAILURE TO APPEAR. Any person who willfully
8 fails to appear in court as specified by the citation
9 shall be guilty of a misdemeanor and upon conviction
10 shall be punished by a fine of not more than five hundred
11 dollars or by imprisonment in the county jail not
12 exceeding three months, or by both such fine and
13 imprisonment.

14 TRAFFIC VIOLATIONS

15 Sec. 51. UNIFORM CITATION AND COMPLAINT. The commis-
16 sioner of public safety shall adopt a uniform, combined
17 traffic citation and complaint, which shall be used
18 for charging all traffic violations in Iowa under state
19 law or municipal ordinance, unless the defendant is
20 charged by information or section fifty-eight (58) of
21 this Act is applicable. Each citation and complaint
22 shall be serially numbered and shall be in quadruplicate,
23 and the officer shall deliver the original and a copy
24 to the court where the defendant is to appear, a copy
25 to the defendant, and a copy to the law enforcement

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1 agency of the officer. The court shall forward the
2 copy of the citation and complaint in accordance with
3 section three hundred twenty-one point two hundred seven
4 (321.207) of the Code. The citation and complaint shall
5 contain, among other things, spaces for the parties'
6 names and for the information required by section three
7 hundred twenty-one point four hundred eighty-five
8 (321.485), subsection two (2), of the Code; a place
9 where the defendant may sign the promise to appear
10 referred to in section three hundred twenty-one point
11 four hundred (321.400); a list of the minimum fines
12 prescribed by section fifty-three (53) of this Act,
13 either separately or by groups; a brief explanation
14 of sections fifty-four (54) and fifty-five (55) of this
15 Act; and a space where the defendant may sign an
16 admission of the violation when such section fifty-four
17 (54) of this Act is applicable. Every citation and
18 complaint shall require the defendant to appear before
19 a court at a specified time and place. Notwithstanding
20 section three hundred twenty-one point four hundred
21 eighty-five (321.485), subsection two (2) of the Code,
22 the officer may arrest the defendant although a citation
23 and complaint is used to charge the violation, if
24 authorized by section seven hundred fifty-five point
25 four (755.4) of the Code.

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1 Sec. 52. TRAFFIC VIOLATIONS OFFICES. Each district
2 court clerk's office shall constitute a traffic
3 violations office of the district court. Additional
4 traffic violations offices may be established at other
5 locations, as needed, if authorized by the chief judge
6 of the district.

- 7 Sec. 53. SCHEDULED VIOLATIONS. The minimum fine
 8 for all convictions of the following violators, whether
 9 of state law or municipal ordinance, shall be:
- 10 1. Illegal parking, except under section fifty-eight
 - 11 (58) hereof, two dollars.
 - 12 2. Registration card or plate violation, five
 - 13 dollars.
 - 14 3. Improper lights, ten dollars.
 - 15 4. Improper muffler, ten dollars.
 - 16 5. Other defective equipment, ten dollars.
 - 17 6. Excess speed up to ten miles per hour over the
 - 18 legal limit, twenty dollars.
 - 19 7. Motor running unattended, ten dollars.
 - 20 8. Failure to dim lights, ten dollars.
 - 21 9. Violation of restricted license, twenty dollars.
 - 22 10. Stopping on traveled portion, twenty dollars.
 - 23 11. Violation of height, length, or width, twenty-
 - 24 five dollars.
 - 25 Violations of the schedule of axle and tandem axle

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1 and gross or group of axle weight violations in section
 2 three hundred twenty-one point four hundred sixty-three
 3 (321.463) of the Code, shall be scheduled violations
 4 subject to the provisions, procedures, and exceptions
 5 contained in sections fifty-eight (58), fifty-nine (59),
 6 sixty-one (61), sixty-two (62), sixty-three (63), and
 7 sixty-four (64) of this Act, irrespective of the amount
 8 of the fine under such schedule. Violations of the
 9 schedule of weight violations shall be chargeable, where
 10 the fine charged does not exceed one hundred dollars,
 11 only by uniform citation and complaint. Violations
 12 of the schedule of weight violations, where the fine
 13 charged exceeds one hundred dollars: (1) shall, when
 14 the violation is admitted and section fifty-four (54)
 15 of this Act applies, be chargeable upon uniform citation
 16 and complaint, indictment, or county attorney's
 17 information, (2) but otherwise, shall be chargeable
 18 only upon indictment or county attorney's information.
 19 In all cases of charges under the schedule of weight
 20 violations, the charge shall specify the amount of fine
 21 charged under the schedule. Where a defendant is
 22 convicted and the fine under the foregoing schedule
 23 of weight violations exceeds one hundred dollars, the
 24 conviction shall be of an indictable offense although
 25 section fifty-four (54) of this Act is employed and

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- 1 whether the violation is charged upon uniform citation
 2 and complaint, indictment, or county attorney's
 3 information.
 4 Such violations shall be called scheduled violations.
 5 Sec. 54. ADMISSION OF SCHEDULED VIOLATIONS.
 6 1. In cases of scheduled violations, the defendant,
 7 before the time specified in the citation and complaint
 8 for appearance before the court, may sign the admission

9 of violation on the citation and complaint and deliver
10 or mail the citation and complaint, together with the
11 minimum fine for the violation, plus five dollars costs,
12 to a traffic violations office in the county. The
13 office shall, if the offense is a moving violation,
14 forward a copy of the citation and complaint and
15 admission to the commissioner of public safety as
16 required by section three hundred twenty-one point two
17 hundred seven (312.207) of the Code. Thereupon the
18 defendant shall not be required to appear before the
19 court. The admission shall constitute a conviction.

20 2. A defendant charged with a schedule violation
21 by information may obtain two copies of the information
22 from the court and, before the time he is required to
23 appear before the court, deliver or mail such copies,
24 together with his admission, fine, and five dollars
25 costs, to the traffic violations office in the county.

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1 The procedure, fine, and costs shall be the same as
2 when the charge is by citation and complaint, with the
3 admission and the number of the defendant's operator's
4 or chauffeur's license placed upon the information.

5 3. When sections fifty-three (53) and fifty-four
6 (54) of this Act are applicable but the officer does
7 not deem it advisable to release the defendant and no
8 court in the county is in session:

9 a. If the defendant wishes to admit the violation,
10 the officer may release the defendant upon observing
11 him mail the citation and complaint, admission, and
12 minimum fine, together with five dollars costs, to a
13 traffic violations office in the county, in an envelope
14 furnished by the officer. The officer may allow the
15 defendant to mail a check in the proper amount in lieu
16 of cash. If the check is not paid by the drawee for
17 any reason, the defendant may be held in contempt of
18 court. The officer shall advise the defendant of the
19 penalty for nonpayment of the check.

20 b. If the defendant does not comply with paragraph
21 a of this subsection, the officer may release the
22 defendant upon observing him mail to a court in the
23 county the citation and complaint and twice the minimum
24 fine together with five dollars costs, or in lieu of
25 twice the fine and the costs, a guaranteed arrest bond

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1 certificate as provided in subsection seventy (70) of
2 section three hundred twenty-one point one (321.1) of
3 the Code, together with the following statement signed
4 by the defendant:

5 "I agree that either (1) I will appear pursuant to
6 this citation or (2) if I do not so appear that I hereby
7 admit the violation charged in the citation and complaint
8 and consent to entry of judgment of conviction for twice
9 the minimum fine together with five dollars costs and
10 to application of the enclosed funds or bail in

11 satisfaction of such fine and costs.”

12 c. If the defendant does not comply with paragraph
13 a or b, or in any event when section seven hundred
14 fifty-five point four (755.4) of the Code is applicable,
15 the officer may arrest and confine the defendant if
16 authorized by the latter section, and proceed with him
17 according to chapter seven hundred fifty-seven (757)
18 or seven hundred fifty-eight (758) of the Code.

19 4. Any defendant who admits a scheduled violation
20 may nevertheless appear before court. The procedure,
21 costs, and fine, without suspension of the fine, after
22 the hearing shall be the same as in the traffic
23 violations office.

24 5. A defendant charged with a scheduled violation
25 who does not fully comply with subsection one (1), two

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1 (2), three (3), or four (4) of this section before the
2 time required to appear before the court must, at that
3 time, appear before the court. If such defendant admits
4 the violation, the procedure and fine, without
5 suspension, after the hearing shall be the same before
6 the court as before the traffic violations office with
7 five dollars court costs, without prejudice, when
8 applicable, to proceedings under section three hundred
9 twenty-one point four hundred eighty-seven (321.487)
10 of the Code.

11 Sec. 55. REQUIRED COURT APPEARANCE. Section fifty-
12 four (54) of this Act shall not apply to a scheduled
13 violation:

14 1. When the violation charged resulted in an accident
15 or injury.

16 2. When the officer determines that the defendant
17 does not have in force a valid operator's or chauffeur's
18 license or permit.

19 3. When the officer determines that the violation
20 was hazardous or aggravated because of highway
21 conditions, visibility, traffic, repetition, or other
22 circumstances.

23 In such cases, the defendant shall appear before
24 the court and regular procedure shall apply. If an
25 information is used the officer shall endorse thereon,

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1 “Not for traffic violations office.” If a citation
2 and complaint is used, the officer shall strike out
3 the space in which the defendant may admit the violation
4 before a traffic violations office. A citation and
5 complaint or information containing a charge under
6 subsections one (1) and two (2) of this section shall
7 not itself constitute substantive proof of the charge.
8 A defendant shall appear before the court for any
9 nonscheduled violation.

10 Sec. 56. OTHER PENALTIES. When section fifty-four
11 (54) of this Act does not apply to a scheduled violation
12 or when the defendant denies a scheduled violation,

13 if the defendant is found guilty the penalty shall be
14 the scheduled fine, without suspension of the fine
15 prescribed in section fifty-three (53) of this Act
16 together with five dollars court costs, unless it appears
17 that the violation was hazardous or aggravated, in which
18 event the punishment shall be increased accordingly
19 within the limits of law.

20 Sec. 57. DISPOSITION OF TRAFFIC FINES AND COSTS.

21 Fines, forfeiture of bail, fees, and costs collected
22 for all traffic violations shall be remitted in
23 accordance with section twenty-six (26) of this Act.

24 Sec. 58. PARKING METER VIOLATIONS. Section three
25 hundred twenty-one point two hundred thirty-six

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1 (321.236), subsection one (1), Code 1971, is amended
2 by adding thereto the following:

3 "Parking meter violations which are denied shall
4 be charged and proceed before a court the same as other
5 traffic violations. Parking violations which are
6 admitted:

7 a. May be charged upon a simple notice of a fine
8 not exceeding ten dollars payable to the city or town
9 clerk, if authorized by ordinance.

10 b. Notwithstanding any such ordinance, may be charged
11 and proceed before a traffic violations office or a
12 court, as the case may be, the same as other traffic
13 violations."

14 Sec. 59. VENUE.

15 1. Traffic violations committed by a defendant while
16 a peace officer is in fresh pursuit may be prosecuted
17 in any county through which pursuit is made, irrespective
18 of where committed.

19 2. Upon written consent of the defendant and the
20 officer who apprehended him, traffic violations may
21 be prosecuted in any county in the state irrespective
22 of where committed, and in such event the documents
23 in the case shall be sent to the court or traffic
24 violations office designated by the defendant and the
25 officer.

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SMALL CLAIMS

2 Sec. 60. SMALL CLAIMS. A small claim is a civil
3 action for money damages where the amount in controversy
4 in money is one thousand dollars or less, exclusive
5 of interests and costs, and actions for forcible entry
6 and detainer.

7 Sec. 61. TRIAL OF SMALL CLAIMS. Small claims shall
8 be tried only by judicial magistrates and district
9 associate judges, except when tried by regular procedure
10 under section sixty-seven (67) of this Act when they
11 shall be tried by a district judge. Small claims shall
12 be commenced, heard, and determined in accordance with
13 sections sixty-one (61) through seventy-one (71) of
14 this Act, inclusive. Other statutes and rules relat-

15 ing to civil proceedings shall apply, but only insofar
 16 as not inconsistent with this Act. Small claims on
 17 file for ninety days and not determined shall be
 18 dismissed by the clerk without prejudice unless prior
 19 thereto a party secures an order of continuance to a
 20 date certain after notice and hearing, upon a ground
 21 stated in rule two hundred fifteen point one (215.1)
 22 of the rules of civil procedure. Contested claims in
 23 an amount of a small claim may be heard and determined
 24 under this Act and actions therefor may be commenced
 25 hereunder; if commenced as a regular civil action or

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1 under the statutes relating to probate proceedings,
 2 they shall be transferred to the small claims docket
 3 and proceed accordingly. Small claims coming within
 4 this Act but commenced as a regular action shall not
 5 be dismissed but shall be transferred to the small
 6 claims docket. Civil and probate actions not small
 7 claims but commenced hereunder shall be dismissed without
 8 prejudice except for defendants who have appeared, as
 9 to whom such actions shall be transferred to the com-
 10 bination or probate docket, as appropriate.

11 Sec. 62. COMMENCEMENT OF ACTIONS. All actions shall
 12 be commenced by the filing of an original notice with
 13 the clerk. The clerk shall mail a copy of the original
 14 notice to each defendant at his last known address,
 15 as stated in the original notice, by restricted certified
 16 mail, return receipt to the clerk requested. Instead
 17 of the mailing, the plaintiff may, after filing the
 18 original notice with the clerk, cause a copy of same
 19 to be served on all or some defendants in the manner
 20 provided in the rules of civil procedure pertaining
 21 to the commencement of actions. The clerk shall maintain
 22 a book known as the small claims docket, which shall
 23 contain as to small claims the matters contained in
 24 the combination docket as to the regular civil actions.

25 Sec. 63. ORIGINAL NOTICE—FORM. The original notice

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1 must be mailed or otherwise served not less than ten
 2 nor more than twenty days prior to the hearing date.
 3 The original notice and copies shall be signed by the
 4 plaintiff, either in person or by attorney, and shall
 5 be in substantially the following form:

8 the rules of civil procedure pertaining to commencement
9 of actions.

10 Sec. 65. FEES AND COSTS. Fees and costs shall be
11 one-half of fees and costs in regular civil actions
12 in district court. All fees and costs collected for
13 small claims shall be remitted to county treasurers
14 as provided in section six hundred six point sixteen
15 (606.16) of the Code.

16 Sec. 66. PLEADINGS AND MOTIONS. Except as provided
17 in section sixty-three (63) and section sixty-seven
18 (67) of this Act, there shall be no written pleadings
19 or motions unless the court in the interests of justice
20 requires them, in which event they shall be similar
21 in form to the original notice.

22 Sec. 67. PROCEDURE.

23 1. The rules of civil procedure pertaining to action,
24 joinder of actions and parties and rule seventy-five
25 (75) of the rules of civil procedure shall be applicable

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1 to small claims actions, except that rule twenty-nine
2 (29) shall not apply to actions originating as small
3 claims actions.

4 2. In small claims actions, if a party joins a small
5 claim with one which is not a small claim, the court
6 shall:

7 a. Order the small claim to be heard under this
8 division and dismiss the other claim without prejudice,
9 or

10 b. As to parties who have appeared or are existing
11 parties, either (1) order the small claim to be heard
12 under the procedures specified in this Act and the other
13 claim to be tried by regular procedure or (2) order
14 both claims to be tried by regular procedure.

15 3. In small claims actions, a counterclaim, cross
16 claim, or intervention in the amount of a small claim
17 shall be in writing and similar in form to the original
18 notice, and shall be entitled original notice of
19 counterclaim, of cross claim, or of intervention, as
20 the case may be. A copy shall be filed for each existing
21 party. New parties may be brought in without order
22 and shall be served with notice as provided in section
23 sixty-two (62) and section sixty-three (63) of this
24 Act; and if notice is to be served by mail the clerk
25 shall collect the costs of mailing before filing the

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1 pleading. The clerk shall furnish forms of such
2 pleadings. No counterclaim is necessary to assert an
3 offset arising out of the subject to the plaintiff's
4 claim.

5 4. In small claims actions, a counterclaim, cross
6 claim, or intervention in a greater amount than that
7 of a small claim shall be in the form of a regular
8 pleading. A copy shall be filed for each existing
9 party. New parties, when permitted by order, may be

10 brought in under rule thirty-four (34) of the rules
11 of civil procedure and shall be given notice under the
12 rules of civil procedure pertaining to announcement
13 of actions. The court shall either order such
14 counterclaim, cross claim, or intervention to be tried
15 by regular procedure and the other claim to be heard
16 under this division, or order the entire action to be
17 tried by regular procedure.

18 5. In regular action, when a party joins a small
19 claim with one which is not a small claim, regular
20 procedure shall apply to both unless the court transfers
21 the small claim to the small claims docket for hearing
22 under this division.

23 6. In regular actions, a counterclaim, cross claim,
24 or intervention in the amount of a small claim shall
25 be pleaded, tried, and determined by regular procedure,

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1 unless the court transfers the small claim to the small
2 claims docket for hearing under this division.

3 7. Pleadings which are not in correct form under
4 this section shall be ordered amended so as to be in
5 correct form; but a small claim which is proceeding
6 under this Act need not be amended although in the form
7 of a regular pleading.

8 8. Copies of any papers filed by the parties which
9 are not required to be served, shall be mailed or
10 delivered by the clerk as provided in rule eighty-two
11 (82) of the rules of civil procedure.

12 Sec. 68. PROPER NOTICE DETERMINED. At the time
13 for hearing the court or clerk shall first determine
14 that proper notice has been given a party before
15 proceeding further as to him, unless he has appeared
16 or is an existing party, and also that the action is
17 properly brought as a small claim.

18 Sec. 69. FAILURE TO APPEAR—EFFECT. Unless good
19 cause to the contrary is shown, if the parties fail
20 to appear at the time of hearing the claim shall be
21 dismissed without prejudice by the court or clerk; if
22 the plaintiff fails to appear but the defendant appears,
23 the claim shall be dismissed with prejudice by the court
24 or clerk; and if the plaintiff appears but the defendant
25 fails to appear, judgment shall be rendered against

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1 the defendant by the court, or by the clerk if the
2 relief to be granted is readily ascertainable. The
3 filing by the plaintiff of a verified account, or an
4 instrument in writing for the payment of money with
5 an affidavit the same is genuine, shall constitute an
6 appearance by plaintiff for the purpose of this rule.
7 At the request of either party, the court shall grant
8 such party one continuance to a day certain.

9 Sec. 70. HEARING. The time for appearance shall
10 be the time for hearing, unless a continuance has been
11 granted under section sixty-nine (69) of this Act.

12 The hearing shall be to the court, shall be simple and
13 informal, and shall be conducted by the court itself,
14 without regard to technicalities of procedure; but the
15 decision must be based on substantial evidence. The
16 court shall swear the parties and their witnesses, and
17 examine them in such way as to bring out the truth.
18 The parties may participate, either personally or by
19 attorney. The court may continue the hearing from time
20 to time if justice requires. The proceedings shall
21 not be reported unless a party provides a reporter at
22 his own expense or the parties by agreement cause the
23 proceedings to be electronically reported, but there
24 shall be no delay for such purpose.

25 Sec. 71. ENTRY OF JUDGMENT.

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1 1. The judgment shall be entered in a space on the
2 original notice first filed, and the clerk shall
3 immediately enter the judgment in the small claims
4 docket and district court lien book, without recording.
5 Such relief shall be granted as is appropriate. The
6 court may enter judgment for installment payments to
7 be made directly by the party obligated to the party
8 entitled thereto; and in such event execution shall
9 not issue as long as such payments are made but execu-
10 tion shall issue for the full unpaid balance of the
11 judgment upon the filing of an affidavit of default.
12 When entered on the small claims docket and district
13 court lien book, a small claims judgment shall constitute
14 a lien to the same extent as regular judgments entered
15 on the district court judgment docket and lien book;
16 but if a small claims judgment requires installment
17 payments, it shall not be enforceable until an affidavit
18 of default is filed, whereupon it shall constitute a
19 lien for the full unpaid balance of the judgment.

20 2. Unless the hearing is reported, minutes of the
21 testimony of each witness and of any stipulations of
22 the parties shall likewise be entered on the original
23 notice first filed and the exhibits or copies thereof
24 shall be attached to the original notice or be filed,
25 until released by the court.

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1 Sec. 72. CIVIL APPEALS. Civil appeals from judgments
2 of judicial magistrates and district associate judges
3 may be taken orally at the conclusion of the trial or
4 hearing or by filing with the judicial magistrate or
5 district associate judge a written notice of appeal
6 within twenty days after the judgment is rendered.
7 An appeal may be taken by any party. The magistrate
8 or judge shall note the notice of appeal on the original
9 notice first filed, or if the notice of appeal is in
10 writing promptly file it with the clerk. Within twenty
11 days after an appeal is taken, unless extended by order
12 of a district judge or by stipulation of the parties,
13 any party may file with the clerk as part of the record

14 a transcript of the official report, if any, and in
15 the event the report was made electronically, the tape
16 or other medium on which the proceedings were preserved.
17 A district judge shall promptly hear the appeal upon
18 the record thus filed without further evidence; and
19 the judge shall decide the appeal without regard to
20 technicalities or defects which have not prejudiced
21 the substantial rights of the parties, and may affirm,
22 reverse, or modify the judgment or render judgment as
23 the magistrate should have rendered. Execution of a
24 judgment of a judicial magistrate or district associate
25 judge shall be stayed upon the filing with the clerk

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1 of the district court an appeal bond with surety approved
2 by the clerk, in the sum specified in the judgment.
3 Sec. 73. DISCRETIONARY REVIEW BY SUPREME COURT.
4 1. No judgment of conviction of a nonindictable
5 misdemeanor or civil actions tried as small claims shall
6 be appealed to the supreme court except by discretionary
7 review as provided herein. No judgment of acquittal
8 of a nonindictable misdemeanor may be reviewed.
9 2. "Discretionary review" is the process by which
10 the supreme court may exercise its discretion, in like
11 manner as under the rules pertaining to interlocutory
12 appeals and certiorari in civil cases, to review
13 specified matters not subject to appeal as a matter
14 of right. The supreme court may adopt additional rules
15 to control access to discretionary review.
16 3. The party seeking review shall be known as the
17 appellant and the adverse party as the appellee, but
18 the title of the action shall not be changed from that
19 in the court below.
20 4. When defendants are tried jointly, they may seek
21 discretionary review separately or they may join. The
22 supreme court may, in the interest of justice,
23 consolidate applications for discretionary review.
24 5. A petition for review shall be filed in writing
25 with the clerk of the court within ten days after

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1 judgment.
2 6. When an application is made for discretionary
3 review, it is the duty of the applicant to serve on
4 the attorney for the adverse party, and if the state
5 is the adverse party, upon the attorney general, a copy
6 of the application within ten days after judgment.
7 7. When an application for discretionary review
8 is filed, the clerk of the court in which the judgment
9 or order was rendered shall:
10 a. Immediately prepare and transmit to the adverse
11 party and his attorney of record a true copy of the
12 application, together with the date of filing.
13 b. Immediately prepare and transmit to the clerk
14 of the supreme court a transcript of all record entries
15 relevant to the application, together with copies of

16 all papers in the case on file in his office, a
17 transcript of the official report, if any, and in the
18 event the report was made electronically, the tape or
19 other medium on which the proceedings were preserved,
20 all duly certified under seal of his court.

21 Failure of the clerk of the district court to transmit
22 all the papers as required by this subsection shall
23 not prejudice the rights of the parties.

24 8. The record and case shall be presented to the
25 supreme court as provided by its rules; and the

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1 provisions of law in civil procedure relating to the
2 filing of decisions and opinions of the supreme court
3 shall apply in such cases.

4 9. An application shall not be dismissed for an
5 informality or defect in taking it if corrected as
6 directed by the supreme court. The supreme court, after
7 an examination of the entire record, may dispose of
8 the case by affirmation, reversal or modification of
9 the lower court judgment. It may also dismiss the
10 application if it (a) determines that there has been
11 no substantial miscarriage of justice, and (b) no
12 violation of the rights of an accused, and that (c)
13 the arguments do not present definite grounds for a
14 hearing. The supreme court may also order a new trial,
15 or modify the judgment; provided, however, in criminal
16 cases the punishment may not be increased.

17 10. In all criminal actions:

18 a. When an application has been filed by an adverse
19 party, the county attorney shall immediately furnish
20 the attorney general with a copy of said application.

21 b. An application for discretionary review taken
22 by the defendant does not stay the execution of the
23 judgment unless the defendant is released on bail or
24 otherwise as provided by law.

25 c. The personal appearance of the defendant in the

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1 supreme court upon the hearing of a matter of
2 discretionary review, is in no case necessary.

3 d. If a judgment against the defendant is reversed,
4 such reversal shall be deemed an order for a new trial,
5 unless the supreme court shall direct a different
6 disposition. In reversing the case, the supreme court
7 may direct that the defendant be discharged and his
8 bail exonerated, or if money is deposited instead, that
9 it be returned to him.

10 e. On a judgment of affirmance against the defendant,
11 the original judgment shall be carried into execution
12 as the supreme court shall direct.

13 f. Unless some proceeding in the district court
14 is directed, a copy of the judgment of the trial court
15 and decision on review, or of the judgment and decision
16 on review certified by the clerk of the trial court
17 shall be delivered to the sheriff or proper officer

18 as an execution. He shall be authorized to execute
 19 the judgment of the court, or take any legal measures
 20 required to bring the action to a conclusion.

21 g. A defendant, imprisoned during the pendency of
 22 an unsuccessful review, or convicted at a new trial
 23 ordered by the supreme court, shall have the period
 24 of his former imprisonment deducted from the period
 25 of imprisonment fixed on the last verdict of conviction

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1 by the district court.

2 11. The decision of the supreme court with any
 3 opinion filed or judgment rendered must be recorded
 4 by its clerk. After the expiration of the period allowed
 5 for a rehearing, or as ordered by the court or provided
 6 by its rules, a certified copy of the decision and
 7 opinion shall be transmitted to the clerk of the trial
 8 court, filed and entered of record by him.

9 12. The jurisdiction of the supreme court shall
 10 cease after the certified copy of the decision and
 11 opinion is transmitted to the clerk of the trial court.
 12 All proceedings for executing the judgment shall be
 13 had in the trial court or by its clerk.

14 **JURISDICTION OF PUBLIC OFFENSES AND PLACE OF TRIAL**

15 **Sec. 74. STATE CRIMINAL JURISDICTION.**

16 1. A person is subject to prosecution in this state
 17 for an offense which he commits within or outside this
 18 state, by his own conduct or that of another for which
 19 he is legally accountable, if:

20 a. The offense is committed either wholly or partly
 21 within this state.

22 b. Conduct of the person outside the state
 23 constitutes an attempt to commit an offense within this
 24 state.

25 c. Conduct of the person outside the state

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1 constitutes a conspiracy to commit an offense within
 2 this state.

3 d. Conduct of the person within this state
 4 constitutes an attempt, solicitation or conspiracy to
 5 commit an offense in another jurisdiction, which conduct
 6 is punishable under the laws of both this state and
 7 such other jurisdiction.

8 2. An offense may be committed partly within this
 9 state if conduct which is an element of the offense,
 10 or a result which constitutes an element of the offense,
 11 occurs within this state. If the body of a homicide
 12 victim is found within the state, the death is presumed
 13 to have occurred within the state.

14 3. An offense which is based on an omission to
 15 perform a duty imposed upon a person by the law of this
 16 state is committed within the state, regardless of the
 17 location of the person at the time of the omission.

18 **Sec. 75. PLACE OF TRIAL—GENERAL.** Criminal actions
 19 shall be tried in the county in which the crime is

20 committed, except as otherwise provided by law. All
 21 objections to place of trial are waived by a defendant
 22 unless he objects thereto prior to trial.
 23 Sec. 76. PLACE OF TRIAL—SPECIAL PROVISIONS. The
 24 following special provisions apply:
 25 1. If conduct or results which constitute elements

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1 of an offense occur in two or more counties, prosecution
 2 of the offense may be had in any of such counties.
 3 In such cases, where a dominant number of elements occur
 4 in one county, that county shall have the primary right
 5 to proceed with prosecution of the offender.
 6 2. If an offense commenced outside the state is
 7 consummated within this state, trial of the offense
 8 shall be held in the county or counties in which the
 9 offense is consummated or the interest protected by
 10 the involved penal statute is impaired.
 11 3. If an offense is committed in or upon any
 12 conveyance in transit, and it cannot readily be
 13 determined in which county the offense was committed,
 14 trial of the offense may be held in any county through
 15 or over which the conveyance passed in the course of
 16 its journey.
 17 4. If an offense is committed on the boundary of
 18 two or more counties, and it cannot readily be determined
 19 within which county the commission took place, trial
 20 of the offense may be held in any of the counties
 21 concerned.
 22 5. If the offense is a traffic offense, section
 23 fifty-nine (59) of this Act shall be applicable.
 24 Sec. 77. BAR TO ACTION. A conviction or acquittal
 25 of an offense in a court having jurisdiction thereof

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1 is a bar to a prosecution of the offense in another
 2 court.

COORDINATING AMENDMENTS

4 Sec. 78. Section fourteen point ten (14.10),
 5 subsection three (3), Code 1971, is amended to read
 6 as follows:

7 3. The secretary of state shall prepare and deliver
 8 to the Code editor for insertion in the session laws
 9 a correct list of state officers and deputies, judges
 10 of the supreme[, district, superior, and municipal courts]
 11 *and district courts including district associate judges,*
 12 *and judicial magistrates,* and members of the general
 13 assembly.

14 Sec. 79. Section sixteen point twenty-four (16.24),
 15 subsections five (5) and sixteen (16), Code 1971, are
 16 amended to read as follows:

17 5. [To each judge of the supreme, district,
 18 superior, and municipal courts of Iowa] *To*
 19 *each judge of the supreme and district court*
 20 *including each district associate judge*
 21 *and each judicial magistrate.....1 copy*

22 16. To the clerk of the district court, the county
23 attorney, the county auditor, the county recorder,
24 county assessor, the county treasurer, the sheriff,
25 and the county superintendent of each county in the

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1 state, [to the clerk of each superior or municipal court
2 in the state, and also for use in each court room of
3 the district, superior, or municipal court] *and also*
4 *for use in each courtroom of the district*
5 *court*1 copy

6 Sec. 80. Section sixteen point twenty-five (16.25),
7 subsections five (5), six (6), and twelve (12), Code
8 1971, are amended to read as follows:

9 5. To the office of each judge of the
10 supreme[, district, superior, and municipal
11 courts, and of the federal] *and district*
12 *courts, including district associate judges*
13 *and judicial magistrates, and to each*
14 *judge of the federal courts in Iowa*1 copy

15 6. To the office of each clerk of the
16 federal courts in this state, and of the
17 supreme[, district, superior and municipal
18 courts of this state] *and district courts*
19 *of this state*1 copy

20 12. To each court room of the district[,
21 superior, and municipal] courts1 copy

22 Sec. 81. Section thirty-nine point twenty-one
23 (39.21), Code 1971, is repealed. This section shall
24 take effect July 1, 1972.

25 Sec. 82. Section forty-three point three (43.3),

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1 Code 1971, is amended to read as follows:
2 43.3 OFFICES AFFECTED BY PRIMARY. Candidates of
3 all political parties for all offices which are filled
4 at a regular biennial election by direct vote of the
5 people[, except the office of judge of the supreme and
6 district courts,] shall be nominated at a primary election
7 at the time and in the manner hereinafter directed.

8 Sec. 83. Section forty-six point twenty (46.20),
9 Code 1971, is amended to read as follows:

10 46.20 DECLARATION OF CANDIDACY. At least ninety
11 days prior to the judicial election preceding expiration
12 of his initial or regular term of office, a judge of
13 the supreme court or district court *including district*
14 *associate judges* may file a declaration of candidacy
15 with the secretary of state, whereupon such judge shall
16 stand for retention or rejection at that election.
17 If a judge fails to file such declaration, his office
18 shall be vacant at the end of his term. *District*
19 *associate judges filing such a declaration shall stand*
20 *for retention in the county of their residence.*

21 Sec. 84. Section forty-six point twenty-one (46.21),
22 Code 1971, is amended to read as follows:

23 46.21 CONDUCT OF ELECTIONS. At least fifty-five

24 days prior to each judicial election, the secretary
25 of state shall certify to the county auditor of each

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1 county a list of the judges of the supreme court and
2 district court *including district associate judges* to
3 be voted on in such county at that election. The auditor
4 shall place the names upon the ballot in the order in
5 which they appear in the certificate, unless only one
6 county is voting thereon. The secretary of state shall
7 rotate the names in the certificate by county, or the
8 auditor shall rotate them upon the ballot by precinct
9 if only one county is voting thereon. The names of

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1 all judges to be voted on shall be placed upon one
2 ballot, which shall be in substantially the following
3 form:

4 STATE OF IOWA
5 JUDICIAL BALLOT

6 (Date)

7 VOTE ON ALL NAMES BY PLACING AN X IN THE APPRO-
8 PRIATE BOX

8 AFTER EACH NAME.

9 SUPREME COURT

10 Shall the following judges of the Supreme Court be retained
11 in office?

12 JOHN DOE YES..... NO.....
13 RICHARD ROE YES..... NO.....

14 DISTRICT COURT

15 Shall the following judge *or associate judge* of the Dis-
16 trict Court be retained in office?

17 JOHN SMITH YES..... NO.....

18 Sec. 85. Section forty-six point twenty-four (46.24),
19 Code 1971, is amended to read as follows:

20 46.24 RESULTS OF ELECTION. A judge of the supreme
21 court or district court *including district associate*
22 *judge* must receive more affirmative than negative votes
23 to be retained in office. When the poll is closed,
24 the election judges shall publicly canvass the vote
25 forthwith. The board of supervisors shall canvass the

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1 returns at its meeting on Monday after the election,
2 and shall promptly certify the number of affirmative
3 and negative votes on each judge to the secretary of
4 state.

5 The state board of canvassers shall, at the time
6 of canvassing the vote cast at a general election, open
7 and canvass all of the returns for the judicial election.
8 Each judge of the supreme court or district court
9 *including district associate judge* who has received
10 more affirmative than negative votes shall receive from
11 the state board of canvassers an appropriate certificate
12 so stating.

13 Sec. 86. Section forty-nine point one hundred six
14 (49.106), Code 1971, is amended to read as follows:

15 49.106 MAY COMMIT DISORDERLY PERSON. Any [constable
16 or special] policeman may forthwith arrest such person
17 and bring him before the judges of election, and they,
18 by a warrant under their hands, may commit him to the
19 jail of the county for a term not exceeding twenty-four
20 hours, but they shall permit him to vote.

21 Sec. 87. Section forty-nine point one hundred sixteen
22 (49.116), Code 1971, is amended to read as follows:

23 49.116 PRESERVING ORDER. All special policemen
24 [and constables] are authorized and required to preserve
25 order and peace at all places of election, and such

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1 special policemen[, constables,] and all other persons
2 are authorized and required to obey the lawful orders
3 and commands of said judges of election given to prevent
4 violations of this chapter.

5 Sec. 88. Section fifty point twenty-one (50.21),
6 Code 1971, is amended to read as follows:

7 50.21 ABSTRACTS OF VOTES—CERTIFICATES OF ELECTION.

8 The tally lists shall be opened in the presence of all
9 the canvassers, and an abstract of votes made and signed
10 by them, and the result declared, and a certificate
11 of election signed by them giving the candidates elected.

12 If the mayor shall have been a candidate at such
13 election, [a justice of the peace] *a qualified elector*
14 *of the city not a candidate* of the county, selected
15 by the clerk, shall act with him in making the canvass.

16 Sec. 89. Section fifty point twenty-five (50.25),
17 Code 1971, is amended by striking subsection seven (7).

18 Sec. 90. Section sixty-two point four (62.4), Code
19 1971, is amended to read as follows:

20 62.4 SHERIFF TO ATTEND. The court or presiding
21 judge may direct the attendance of the sheriff or a
22 [constable] *deputy* when necessary.

23 Sec. 91. Section sixty-two point twenty-five (62.25),
24 Code 1971, is amended by striking the section and
25 inserting in lieu thereof the following:

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1 "A transcript of the judgment may be filed and
2 recorded in the office of the clerk of the district
3 court and shall have the effect of a judgment of that
4 court and execution may issue thereon."

5 Sec. 92. Section sixty-four point one (64.1), Code
6 1971, is amended by striking subsection four (4) and
7 inserting in lieu thereof the following:

8 "Judges of the supreme and district courts, district
9 associate judges, and judicial magistrates."

10 Sec. 93. Section sixty-four point six (64.6), Code
11 1971, is amended by adding the following new subsection:

12 "Judicial magistrates, five thousand dollars."

13 Sec. 94. Section sixty-four point eight (64.8),
14 Code 1971, is amended to read as follows:

15 64.8 COUNTY OFFICERS. The bonds of the following
16 county officers, viz.: Clerks of the district courts,

17 county attorneys, recorders, auditors, superintendents
18 of schools, sheriffs, [justices of the peace, and
19 constables,] and assessors shall each be in a penal sum
20 to be fixed by the board of supervisors.

21 Sec. 95. Section sixty-four point nine (64.9), Code
22 1971, is amended to read as follows:

23 64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of
24 members of the board of supervisors, clerks of the
25 district courts, county auditors, sheriffs, and county

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1 attorneys shall not be in less sum than five thousand
2 dollars each[, and those of justices and constables,
3 not less than five hundred dollars each].

4 Sec. 96. Section sixty-four point twenty-three
5 (64.23), subsection five (5), Code 1971, is amended
6 to read as follows:

7 5. For members of the board of supervisors, [and
8 for justices of the peace,] with the clerk of the district
9 court.

10 Sec. 97. Section sixty-four point twenty-four
11 (64.24), subsection two (2), Code 1971, is amended to
12 read as follows:

13 2. In the record kept by the county auditor, the
14 official bonds of all county officers, elective or
15 appointive, [justices of the peace,] and township clerks[,
16 and constables].

17 Sec. 98. Section sixty-eight point one (68.1), Code
18 1971, is amended to read as follows:

19 68.1 IMPEACHMENT DEFINED. An impeachment is a
20 written accusation against the governor, or a judge
21 of the supreme[, or district[, or superior] court, or other
22 state officer, by the house of representatives before
23 the senate, of a misdemeanor or malfeasance in office.

24 Sec. 99. Section sixty-nine point eight (69.8),
25 subsection four (4), Code 1971, is amended to read as

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1 follows:

2 4. COUNTY OFFICES. In county offices, [including
3 justices of the peace and constables,] by the board of
4 supervisors.

5 Sec. 100. Section seventy-eight point one (78.1),
6 Code 1971, is amended to read as follows:

7 78.1 GENERAL AUTHORITY. The following officers
8 are empowered to administer oaths and to take
9 affirmations:

10 1. [Judges of the supreme, district, superior,
11 municipal, and police courts.] *Judges of the supreme
12 and district courts, including district associate judges
13 and judicial magistrates.*

14 2. Official court reporters of district[, superior,
15 and municipal] courts in taking depositions under
16 appointment or by agreement of counsel.

17 3. Clerks and deputy clerks of the supreme[, and
18 district[, superior, police, and municipal] courts.

19 [4. Justices of the peace within the county of their
20 residence.]

21 4. [5.] Notaries public within the county of their
22 appointment, and within any county in which they have
23 filed with the clerk of the district court of said
24 county a certified copy of their certificate of
25 appointment.

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1 5. [6.] Examiners appointed by the state commerce
2 commission under the provisions of section 474.19.

3 6. [7.] Certified shorthand reporters.

4 Sec. 101. Section seventy-nine point thirteen
5 (79.13), Code 1971, is amended to read as follows:

6 79.13 PARTICULARS REQUIRED. The board of supervisors
7 shall not approve any claim for mileage or other
8 traveling expenses presented by any peace officer
9 including the sheriff and his deputies [and municipal
10 court bailiffs and deputy bailiffs,] unless the
11 destinations, and number of miles covered in each trip
12 are given, or, in the case of extended trips, unless
13 railroad, hotel, and other traveling expenses, excepting
14 meals, are verified by receipts.

15 Sec. 102. Section eighty-five point sixty-two
16 (85.62), unnumbered paragraph one (1), Code 1971, is
17 amended to read as follows:

18 85.62 PEACE OFFICERS. Any policeman (except those
19 pensioned under the policemen's pension fund created
20 by law), any sheriff, marshal, [constable,] state highway
21 patrolman, conservation officer, and any and all of
22 their deputies and any and all other legally appointed
23 or elected law-enforcing officers, who shall sustain
24 an injury while performing the duties of a law-enforcing
25 officer and from causes arising out of and in the course

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1 of his official duty, or employment as a law-enforcing
2 officer, become temporarily or permanently physically
3 disabled or if said injury results in death shall be
4 entitled to compensation for all such injuries or
5 disability together with statutory medical, nursing,
6 hospital, surgery and funeral expenses, and where the
7 officer is paid from public funds said compensation
8 shall be paid out of the general fund of the state.

9 Sec. 103. Section ninety-eight point five (98.5),
10 Code 1971, is amended to read as follows:

11 98.5 VIOLATION. Any minor under eighteen years
12 of age refusing to give information as required by
13 section 98.4 shall be guilty of a misdemeanor. Said
14 minor shall be certified by the magistrate [or justice
15 of the peace] before whom the case is tried, to the
16 juvenile court of the county for such action as said
17 court shall deem proper.

18 If any minor having been convicted of violating
19 section 98.4 shall give information which shall lead
20 to the arrest of the person or persons having violated

21 any of the provisions of section 98.2 and shall give
 22 evidence as a witness in any proceedings that may be
 23 prosecuted against said person or persons, the court
 24 in its discretion may suspend sentence against the
 25 offending minor.

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1 Sec. 104. Section one hundred fifteen point four
 2 (115.4), Code 1971, is amended to read as follows:
 3 115.4 WHO ELIGIBLE. No person shall be appointed
 4 to the position of shorthand reporter of any district[,
 5 superior, or municipal] court in this state, unless he
 6 be a certified shorthand reporter who has been found
 7 competent to report court proceedings, references, or
 8 proceedings of like character, by the board of examiners
 9 provided for in this chapter.

10 Sec. 105. Section one hundred twenty-three point
 11 fifty-three (123.53), unnumbered paragraph two (2),
 12 Code 1971, is amended to read as follows:

13 In order that the said commission may be provided
 14 with the necessary information to make out the report
 15 required by this chapter, it shall be the duty of every
 16 [justice of the peace, police court, mayor's court and
 17 every] clerk of a court of record in this state to forward
 18 to said commission during the month of July of each
 19 year a full and complete report of each case commenced
 20 in [the court of such justice, police court, mayor's
 21 court, or] any court of record, in which a violation
 22 of this chapter or any other law of this state per-
 23 taining to alcoholic liquors or beer was charged, and
 24 the disposition of the same.

25 Sec. 106. Section one hundred thirty point twenty-

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1 six (130.26), Code 1971, is amended to read as follows:

2 130.26 PRESERVATION AND INSPECTION. The permit
 3 holder shall preserve the stubs in book form and shall
 4 keep them at all times, subject to the inspection of
 5 the pharmacy examiners, the county attorney, any grand
 6 jury, or peace officer[, or justice of the peace] in the
 7 county in which the permit is in force.

8 Sec. 107. Section one hundred eighty-eight point
 9 twenty-eight (188.28), Code 1971, is amended to read
 10 as follows:

11 188.28 PROOF OF SERVICE. Immediately after the
 12 expiration of said ten days of posting, the person
 13 taking up the estray shall, unless such estray has been
 14 previously claimed by the owner, file with [a justice
 15 of the peace in the township in which the estray was
 16 taken up, or, in case there is no justice in the
 17 township, then with the next nearest justice in the
 18 county] *the county auditor* his affidavit which shall
 19 show:

- 20 1. The time and place of taking up such estray.
- 21 2. The time and places of posting said notice,
- 22 together with a copy of said notice.

- 23 3. That said animal remains unclaimed.
24 4. Whether the marks or brands of said animal have
25 been altered to his knowledge, either before or after

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- 1 the same was taken up.
2 Sec. 108. Section one hundred eighty-eight point
3 thirty-two (188.32), Code 1971, is amended to read as
4 follows:
5 188.32 FEES AND EXPENSES. The person taking up
6 an estray shall pay [to the justice of the peace, with
7 whom the affidavit is filed, the legal fees due the
8 said justice, and] the legal fees due to the county
9 auditor for entering said affidavit in the estray book,
10 and posting and publishing the same, which amounts,
11 together with the compensation provided by law, shall
12 be refunded to the person taking up such estray by the
13 owner thereof in case the animal is restored to the
14 owner.
15 Sec. 109. Section one hundred eighty-eight point
16 forty-seven (188.47), Code 1971, is amended to read
17 as follows:
18 188.47 BOND TO RELEASE. Before any property held
19 under this chapter is sold under distraint, or before
20 the title to an estray vests in the taker-up, it may
21 be released at once upon the owner giving to the
22 distrainer or taker-up a bond, with sureties, to be
23 approved by the township clerk[, justice of the peace]
24 or county auditor, before whom the matter is then
25 pending, conditioned to pay to the holder of the

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- 1 property, within twenty days after such approval, all
2 costs, damages, and compensation to which he is entitled.
3 In case the obligee in said bond is compelled to begin
4 action on such bond, the court may tax a reasonable
5 attorney's fee in favor of such obligee.
6 Sec. 110. Section one hundred eighty-eight point
7 forty-eight (188.48), Code 1971, is amended by striking
8 subsection seven (7).
9 Sec. 111. Section one hundred eighty-nine point
10 eight (189.8), Code 1971, is amended to read as follows:
11 189.8 WITNESSES. In the enforcement of the
12 provisions of this title the department shall have power
13 to issue subpoenas for witnesses, enforce their
14 attendance, and examine them under oath. Such witnesses
15 shall be allowed the same fees as witnesses in [justice
16 of the peace courts] *district court*. Said fees shall
17 be paid out of the contingent fund of the department.
18 Sec. 112. Section two hundred one point eleven
19 (201.11), unnumbered paragraph two (2), Code 1971, is
20 amended to read as follows:
21 In all litigation arising from the purchase, sale,
22 or disposal of any agricultural lime, limestone, or
23 aglime, in which the composition of the same may be

24 involved, a certified copy of the official analysis
 25 shall be accepted as prima-facie evidence of the

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1 composition of such agricultural lime, limestone, or
 2 aglime. The possession of agricultural lime, limestone,
 3 or aglime, in any building, room, railroad equipment,
 4 store, storeroom, warehouse, truck, or other place
 5 within this state, except by a person who has the same
 6 for his private use, without complying with the
 7 provisions of this chapter relative to agricultural
 8 lime, shall be prima-facie evidence of keeping the same
 9 for the purpose of selling or disposal. [In all
 10 prosecutions under this chapter, a justice of the peace,
 11 police judge, or mayor shall have jurisdiction with
 12 the right of appeal to the district court by certiorari.]

13 Sec. 113. Section two hundred three A point six
 14 (203A.6), subsection two (2), Code 1971, is amended
 15 to read as follows:

16 2. When an article detained or embargoed under
 17 subsection 1 has been found by such agent to be
 18 adulterated or misbranded, he shall petition the judge
 19 of the [municipal, or] district court in whose jurisdiction
 20 the article is detained or embargoed for a libel for
 21 condemnation of such article. When such agent has found
 22 that an article so detained or embargoed is not
 23 adulterated or misbranded, he shall remove the tag or
 24 other marking.

25 Sec. 114. Section two hundred twenty-two point

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1 sixteen (222.16), Code 1971, is amended to read as
 2 follows:

3 **222.16 PETITION FOR ADJUDICATION OF RETARDATION.**

4 A petition for the adjudication of the mental retardation
 5 of a person within the meaning of this chapter may,
 6 with the permission of the court be filed without fee
 7 against such person with the clerk of the district[,
 8 superior, or municipal] court of the county or city in
 9 which such alleged mentally retarded person resides
 10 or is found. The petition may be filed by any relative
 11 of such person, by a guardian, or by any reputable
 12 citizen of the county of such residence or of such place
 13 of finding.

14 Sec. 115. Section two hundred twenty-two point
 15 fifty-three (222.53), Code 1971, is amended to read
 16 as follows:

17 **222.53 CONVICTION—SUSPENSION.** If on the conviction
 18 in the district[, superior, or municipal] court of any
 19 person for any crime or for any violation of any
 20 municipal ordinance, or if on the determination in said
 21 courts that a child is dependent, neglected, or
 22 delinquent and it appears from any evidence presented
 23 to the court before sentence, that such person is
 24 mentally retarded within the meaning of this chapter,
 25 the court may suspend sentence or order, and may order

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1 any officer of the court or some other proper person
2 to file a petition permitted under the provisions of
3 this chapter against said person. Pending hearing of
4 the petition, the court shall provide for the custody
5 of said person as directed in section 222.52.

6 Sec. 116. Section two hundred twenty-five point
7 ten (225.10), Code 1971, is amended to read as follows:

8 225.10 APPLICATION FOR ADMISSION. Persons suffering
9 from mental diseases may be admitted as committed public
10 patients as follows: Any physician authorized to
11 practice his profession in the state of Iowa or any
12 citizen of the state may file information with any
13 district [or superior] court of the state or with any
14 judge thereof, alleging that the person named therein
15 is suffering from some abnormal mental condition that
16 can probably be remedied by observation, treatment,
17 and hospital care; and that he is, of himself or through
18 those legally responsible for him, unable to provide
19 the means for such observation and hospital care.

20 Sec. 117. Section two hundred twenty-five point
21 eleven (225.11), Code 1971, is amended to read as
22 follows:

23 225.11 MEDICAL EXAMINER. Said judge of the district
24 [or superior] court or the clerk of such court may, upon
25 his own motion or upon the information contained in

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1 such report filed as aforesaid, appoint some physician
2 who shall personally examine said person with respect
3 to his mental condition.

4 Sec. 118. Section two hundred twenty-five point
5 fourteen (225.14), Code 1971, is amended to read as
6 follows:

7 225.14 NOTICE—TRIAL AND ORDER. Upon the filing
8 of such report or reports, said judge of the district
9 [or superior] court as aforesaid shall fix a day for the
10 hearing upon the complaint and shall cause the person
11 or those legally responsible for him to be served with
12 a notice of the hearing; and he shall also notify the
13 county attorney, who shall appear and conduct the
14 proceedings, and upon such complaint evidence may be
15 introduced. Upon such hearing the person against whom
16 the complaint is made shall be entitled to a trial by
17 jury. If the judge or jury finds that the said person
18 is suffering from an abnormal mental condition which
19 can probably be remedied by observation, medical or
20 surgical treatment, and hospital care, and that he,
21 or those legally responsible for him, are unable to
22 pay the expenses thereof, said judge shall enter an
23 order directing that the said person shall be sent to
24 the state psychopathic hospital at the state University
25 of Iowa for observation, treatment, and hospital care

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1 as a committed public patient.

2 Sec. 119. Section two hundred twenty-five point

3 sixteen (225.16), unnumbered paragraph one (1), Code
 4 1971, is amended to read as follows:
 5 225.16 VOLUNTARY PUBLIC PATIENTS—COMMITMENT. If
 6 the said judge of the district [or superior] court or
 7 the clerk of the court, as aforesaid, finds from the
 8 physician's report which was filed under the provisions
 9 of section 225.12, that the said person is suffering
 10 from an abnormal mental condition which can probably
 11 be remedied by observation, medical or surgical
 12 treatment, and hospital care, and the report of the
 13 county attorney shows that he, or those legally
 14 responsible for him, are unable to pay the expenses
 15 thereof, said judge or clerk shall enter an order
 16 directing that the said person shall be sent to the
 17 state psychopathic hospital at the state University
 18 of Iowa for observation, treatment, and hospital care
 19 as a voluntary public patient; provided that the said
 20 person, or those legally responsible for him, request
 21 the said court or judge to commit said person without
 22 the hearing which is required under the provisions of
 23 section 225.14.
 24 Sec. 120. Section two hundred twenty-five point
 25 seventeen (225.17), unnumbered paragraph one (1), Code

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1 1971, is amended to read as follows:
 2 225.17 COMMITTED PRIVATE PATIENTS—TREATMENT. If
 3 the said judge of the district [or superior] court, as
 4 aforesaid, finds in the hearing as provided for under
 5 the provisions of section 225.14 that the said person
 6 is suffering from an abnormal mental condition which
 7 can probably be remedied by observation, medical or
 8 surgical treatment, and hospital care, and that he,
 9 or those legally responsible for him, are able to pay
 10 the expenses thereof, said judge shall enter an order
 11 directing that said person shall be sent to the
 12 state psychopathic hospital at the state University
 13 of Iowa for observation, treatment, and hospital care
 14 as a committed private patient.
 15 Sec. 121. Section two hundred twenty-five point
 16 eighteen (225.18), Code 1971, is amended to read as
 17 follows:
 18 225.18 ATTENDANTS. The court or clerk may, in his
 19 discretion, appoint some person to accompany said
 20 committed public patient or said voluntary public patient
 21 or said committed private patient from the place where
 22 he may be to the state psychopathic hospital of the
 23 state University at Iowa City, or to accompany such
 24 patient from the said hospital to such place as may
 25 be designated by the court or clerk. If the patient

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1 be a female, the person appointed to accompany her must
 2 be a woman.
 3 Sec. 122. Section two hundred twenty-five point
 4 nineteen (225.19), Code 1971, is amended to read as

5 follows:

6 225.19 COMPENSATION FOR ATTENDANT. Any person
7 appointed by the court or judge *or clerk* to accompany
8 said person to or from the hospital or to make an
9 investigation and report on any question involved in
10 the complaint, other than the physician making the
11 examination, shall receive the sum of three dollars
12 per day for the time actually spent in making such
13 investigation (except in cases where the person appointed
14 therefor receives a fixed salary or compensation) and
15 his actual necessary expenses incurred in making such
16 investigation or trip.

17 Sec. 123. Section two hundred twenty-five point
18 twenty-one (225.21), Code 1971, is amended to read as
19 follows:

20 225.21 VOUCHERS. The person making claim to such
21 compensation shall present to the court or judge an
22 itemized sworn statement thereof, and when such claim
23 for compensation has been approved by the court or
24 judge, *or clerk* the same shall be filed in the office
25 of the county auditor and shall be allowed by the board

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1 of supervisors and paid from the state institution fund.

2 Sec. 124. Section two hundred twenty-five point
3 twenty-five (225.25), Code 1971, is amended to read
4 as follows:

5 225.25 COMMITMENT OF PRIVATE PATIENT AS PUBLIC.
6 If any patient be admitted to the state psychopathic
7 hospital and thereafter an order of commitment of said
8 patient as a public patient be made by the court or
9 judge *or clerk* having jurisdiction thereof, the expense
10 of keeping and maintaining said patient from the date
11 of the filing of the information upon which said order
12 is made shall be paid by the state.

13 Sec. 125. Section two hundred twenty-five point
14 thirty (225.30), Code 1971, is amended to read as
15 follows:

16 225.30 BLANKS—AUDIT. The medical faculty of the
17 hospital of the college of medicine of the state
18 University of Iowa shall prepare blanks containing such
19 questions and requiring such information as may be
20 necessary and proper to be obtained by the physician
21 who examines the patient under order of court; and such
22 blanks shall be printed by the state and a supply thereof
23 shall be sent to the clerk of each district [and superior]
24 court of the state. The state comptroller shall audit,
25 allow, and pay the cost of the blanks as other bills

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1 for public printing are allowed and paid.

2 Sec. 126. Section two hundred thirty-one point one
3 (231.1), Code 1971, is amended to read as follows:

4 231.1 JURISDICTION. There is hereby established
5 in each county a juvenile court *within the district*
6 *court*, which, [and the judges thereof,] shall have and

7 exercise the jurisdiction and powers provided by law.
 8 Sec. 127. Section two hundred thirty-one point two
 9 (231.2), Code 1971, is amended by striking subsection
 10 two (2) and inserting in lieu thereof the following:
 11 "Of the district associate judges if and as long
 12 as so designated by the chief judge of the district."
 13 Sec. 128. Section two hundred thirty-one point three
 14 (231.3), Code 1971, is amended by striking unnumbered
 15 paragraph one (1) and inserting in lieu thereof the
 16 following:
 17 "The chief judge of the district shall designate
 18 one or more of the district judges or district associate
 19 judges, or both, to act as judge or judges of the
 20 juvenile court in any county or counties."
 21 Sec. 129. Section two hundred thirty-one point three
 22 (231.3), unnumbered paragraph one (1), Code 1971, is
 23 amended to read as follows:
 24 "The judges of the district court may designate one
 25 of their number to act as judge of the juvenile court

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1 in any county or counties, and may designate a [superior
 2 or municipal court] *district associate* judge to act as
 3 judge of the juvenile court [in cases arising in any
 4 city in which any such court is organized and] in cases
 5 arising in any part of any county convenient thereto.
 6 [In counties having a population of one hundred thousand
 7 or over, unless said district judges designate a superior
 8 or municipal court judge to act as juvenile judge, they
 9 shall after each election, designate one of their number
 10 to act as juvenile judge for the ensuing four years.]"
 11 Sec. 130. Section two hundred thirty-one point eight
 12 (231.8), unnumbered paragraph two (2), Code 1971, is
 13 amended to read as follows:
 14 Probation officers may be appointed to serve two
 15 or more counties. The salaries of such officers and
 16 their deputies, if any, shall be fixed by the judges
 17 of the judicial district [containing] *who are designated*
 18 *juvenile court judges* for such counties and such salaries
 19 and the expenses of the probation offices shall be
 20 prorated among the counties served in such proportion
 21 as may be determined by said judges who shall in making
 22 such determination, consider the volume of work in the
 23 several counties. Such officers may be paid not to
 24 exceed sixty percent of the salary of a district court
 25 judge.

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1 Sec. 131. Section two hundred forty-six point forty-
 2 six (246.46), Code 1971, is amended to read as follows:
 3 246.46 WHO MAY VISIT. The following persons are
 4 authorized to visit said institutions at pleasure:
 5 The governor, secretary of state, auditor of state,
 6 treasurer of state, secretary of agriculture, members
 7 of the general assembly, judges of the supreme[,] and
 8 district[, superior, and municipal] courts *including*
 9 *district associate judges and judicial magistrates,*

10 county attorneys, and all regular officiating ministers
11 of the gospel. No other person shall be granted
12 admission except by permission of the warden.

13 Sec. 132. Section two hundred forty-seven point
14 thirty (247.30), Code 1971, is amended by striking
15 subsection sixteen (16) and inserting in lieu thereof
16 the following:

17 16. All jurors' fees, jurors' meals, and witness
18 fees paid by the county in all criminal cases before
19 a judicial magistrate.

20 Sec. 133. Section two hundred fifty-two A point
21 two (252A.2), subsection two (2), Code 1971, is amended
22 to read as follows:

23 2. "Court" shall mean and include [a family court,
24 domestic relations court, children's court, municipal
25 court and] any [other] court, by whatever name known, in

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1 any state having reciprocal laws or laws substantially
2 similar to this chapter upon which jurisdiction has
3 been conferred to determine the liability of persons
4 for the support of dependents within and without such
5 state.

6 Sec. 134. Section two hundred fifty-five point eight
7 (255.8), Code 1971, is amended to read as follows:

8 255.8 HEARING—ORDER—EMERGENCY CASES—CANCELLA-
TION

9 OF COMMITMENTS. The attorney and the overseer of the
10 poor, or other agent of the board of supervisors of
11 the county where the hearing is held, shall appear
12 thereat. The complainant, the county attorney, the
13 overseer of the poor or other agent of the board of
14 supervisors, and the patient, or any person representing
15 him, or her, may introduce evidence and be heard. If
16 the court finds that said patient is a legal resident
17 of Iowa and is pregnant or is suffering from a malady
18 or deformity which can probably be improved or cured
19 or advantageously treated by medical or surgical
20 treatment or hospital care, and that neither the patient
21 nor any person legally chargeable with his or her support
22 is able to pay the expenses thereof, then the clerk
23 of court, except in obstetrical cases and cases of
24 crippled children, shall immediately ascertain from
25 the admitting physician at the university hospital

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1 whether such person can be received as a patient within
2 a period of thirty days, and if the patient can be so
3 received, the court, or *in the event of no actual*
4 *contest, the clerk of the court*, shall then enter an
5 order directing that said patient be sent to the
6 university hospital for proper medical and surgical
7 treatment and hospital care. If the court ascertain,
8 excepting in obstetrical cases and orthopedic cases,
9 that a person of the age or sex of the patient, or
10 afflicted by the complaint, disease or deformity with

11 which such person is affected cannot be received as
 12 a patient at the said university hospital within the
 13 period of thirty days, then he *or the clerk* shall enter
 14 an order directing the board of supervisors of the
 15 county to provide adequate treatment at county expense
 16 for said patient at home or in a hospital. Obstetrical
 17 cases and orthopedic cases may be committed to the
 18 university hospital without regard to the limiting
 19 period of thirty days hereinbefore stated.

20 In any case of emergency the court *or the clerk* with-
 21 out previous inquiry may at its discretion order the
 22 patient to be immediately taken to and accepted by the
 23 university hospital for the necessary care as provided
 24 in section 255.11, but if such a patient cannot be
 25 immediately accepted at the university hospital as

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1 ascertained by telephone if necessary, the court *or*
 2 *the clerk* may enter an order as in certain cases above
 3 set forth directing the board of supervisors to provide
 4 adequate treatment at county expense for the said patient
 5 at home or in a hospital.

6 Sec. 135. Section two hundred fifty-five point
 7 thirteen (255.13), Code 1971, is amended to read as
 8 follows:

9 255.13 ATTENDANT—PHYSICIAN—COMPENSATION. If the
 10 physician appointed to examine the patient shall certify
 11 that an attendant to accompany the patient to the said
 12 hospital is necessary, and the university hospital
 13 attendant and ambulance service is not available, then
 14 the court or judge *or clerk of the court* may appoint
 15 an attendant who shall receive not exceeding two dollars
 16 per day for the time thus necessarily employed and
 17 actual necessary traveling expenses by the most feasible
 18 route to said hospital whether by ambulance, train or
 19 automobile; but if such appointee is a relative of the
 20 patient or a member of his immediate family, or receives
 21 a salary or other compensation from the public for his
 22 services, no such per diem compensation shall be paid
 23 him. The physician appointed by the court *or clerk*
 24 to make the examination and report shall receive therefor
 25 three dollars for each examination and report so made

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1 and his actual necessary expenses incurred in making
 2 such examination, but if said physician receives a
 3 salary or other compensation from the public for his
 4 full-time services, then no such examination fee shall
 5 be paid. The actual, necessary expenses of transporting
 6 and caring for the patient shall be paid as hereinafter
 7 provided.

8 Sec. 136. Section two hundred fifty-five point
 9 fourteen (255.14), Code 1971, is amended to read as
 10 follows:

11 255.14 EXPENSES—HOW PAID. An itemized, verified
 12 statement of all charges provided for in sections 255.8

13 and 255.13, in cases where the patient is admitted or
14 accepted for treatment at the university hospital shall
15 be filed with the superintendent of the university
16 hospital, and upon his recommendation when approved
17 by the judge or clerk of the court under whose order
18 the same were incurred, they shall be charged on the
19 regular bill for the maintenance, transportation and
20 treatment of the patient, and be audited and paid in
21 the manner as hereinafter provided.

22 Sec. 137. Section three hundred twenty-one point
23 one hundred ninety-three (321.193), unnumbered paragraph
24 one (1), Code 1971, is amended to read as follows:

25 [The] *When provided in rules and regulations adopted*

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1 *pursuant to chapter 17A, the department upon issuing*
2 *an operator's or chauffeur's license shall have authority*
3 *whenever good cause appears to impose restrictions suit-*
4 *able to the licensee's driving ability with respect*
5 *to the type of vehicle or special mechanical control*
6 *devices required on a motor vehicle which the licensee*
7 *may operate or such other restrictions applicable to*
8 *the licensee, including licenses issued under section*
9 *321.194, as the department may determine to be*
10 *appropriate to assure the safe operation of a motor*
11 *vehicle by the licensee.*

12 Sec. 138. Section three hundred twenty-one point
13 two hundred (321.210), unnumbered paragraph one
14 (1), Code 1971, is amended to read as follows:

15 The department is hereby authorized to [suspend]
16 *establish rules and regulations under the provisions*
17 *of chapter 17A providing for the suspension of the*
18 *license of an operator or chauffeur without preliminary*
19 *hearing upon a showing by its records or other sufficient*
20 *evidence that under the rules and regulations adopted*
21 *by the department the licensee:*

22 Sec. 139. Section three hundred twenty-one point
23 four hundred eighty-five (321.485), subsection one (1),
24 Code 1971, is amended to read as follows:

25 1. Immediately arrest such person and take him

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1 before a magistrate [of the county in which the apparent
2 violation occurred]; or

3 Sec. 140. Section three hundred twenty-one point
4 four hundred eighty-five (321.485), subsection two (2),
5 paragraph "a", Code 1971, is amended to read as follows:

6 a. Prepare in triplicate a written [summons] *citation to appear*
7 *in court containing the name and address of such person,*
8 *the operator or chauffeur license number if any, the*
9 *registration number if any of his vehicle, the offense*
10 *charged, and the time when and place where such person*
11 *shall appear in court[, which shall be within the county*
12 *in which the offense charged is alleged to have been*
13 *committed]; or*

14 Sec. 141. Section three hundred twenty-one point

15 four hundred eighty-seven (321.487), unnumbered paragraph
 16 one (1), Code 1971, is amended to read as follows:
 17 321.487 VIOLATION OF PROMISE TO APPEAR. Any person
 18 willfully violating a [summons] *citation* to appear in
 19 court given as provided in this chapter, is guilty of
 20 a misdemeanor, punishable as provided in section 321.482
 21 regardless of the disposition of the charge upon which
 22 he was [summoned] *cited*. *Venue shall be in the county*
 23 *where the defendant was to appear or in the county where*
 24 *he resides*.
 25 Sec. 142. Section three hundred twenty-one point

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1 four hundred ninety-one (321.491), unnumbered paragraph
 2 one (1), Code 1971, is amended to read as follows:
 3 321.491 CONVICTIONS TO BE REPORTED. Every [magistrate
 4 or judge of a court not of record and every] *judicial*
 5 *magistrate* and clerk of a court of record shall keep
 6 a full record of every case in which a person is charged
 7 with any violation of this chapter or of any other law
 8 regulating the operation of vehicles on highways.
 9 Sec. 143. Section three hundred thirty-three point
 10 eleven (333.11), Code 1971, is amended by striking
 11 subsection six (6).
 12 Sec. 144. Section three hundred thirty-three point
 13 eleven (333.11), subsection fourteen (14), Code 1971
 14 is amended to read as follows:
 15 14. The amounts paid for the condemning of
 16 intoxicating liquors during the preceding year, also
 17 cost of convictions[, both in justice courts and] in the
 18 district court, for the violation of the laws relating
 19 to the sale of intoxicating liquors, together with the
 20 amount of fines collected for such violation and the
 21 amounts received as mulct tax, if any.
 22 Sec. 145. Section three hundred thirty-seven point
 23 seven (337.7), Code 1971, is amended to read as follows:
 24 337.7 BAILIFFS—APPOINTMENT—DUTIES. The sheriff
 25 shall attend upon the district court *judges, district*

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1 *associate judges, and judicial magistrates* of his county,
 2 and while [it remains] *they remain* in session he shall
 3 be allowed the assistance of such number of bailiffs
 4 as the judge *or magistrate* may direct. They shall be ap-
 5 pointed by the sheriff and shall be regarded as deputy
 6 sheriffs, for whose acts the sheriff shall be responsible.
 7 Sec. 146. Section three hundred forty-three point
 8 three (343.3), Code 1971, is amended to read as follows:
 9 343.3 ACTING AS COUNSEL. No sheriff[, or deputy
 10 sheriff[, or constable] shall appear in any court as
 11 attorney or counsel for any party, nor make any writing
 12 or process to commence any action or proceeding, or
 13 to be in any manner used in the same; and such writing
 14 or process made by any of them shall be rejected.
 15 Sec. 147. Section three hundred forty-three point
 16 four (343.4), Code 1971, is amended to read as follows:

17 343.4 PURCHASE OF PROPERTY. No sheriff [,] or deputy
 18 sheriff[, or constable] shall become the purchaser, either
 19 directly or indirectly, of any property by him exposed
 20 to sale under any process of law; and every such purchase
 21 shall be void.

22 Sec. 148. Section three hundred forty-nine point
 23 sixteen (349.16), subsection one (1), Code 1971, is
 24 amended to read as follows:

25 1. The proceedings of the board of supervisors,

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1 excluding from the publication of said proceedings,
 2 its canvass of the various elections, as provided by
 3 law; witness fees of witnesses before the grand jury
 4 and in the district court in criminal cases; [the
 5 transcripts of justices of the peace, including their
 6 proceedings and cost,] the county superintendent's report.

7 Sec. 149. Section three hundred fifty-six point
 8 twenty (356.20), Code 1971, is amended to read as
 9 follows:

10 356.20 VIOLATION OF CITY ORDINANCE. When the
 11 imprisonment is under the judgment of any court, [police
 12 court, police magistrate, mayor, or other tribunal of
 13 a city or town,] for the violation of any ordinance,
 14 bylaw, or other regulation thereof, the marshal shall
 15 superintend the labor, and furnish the tools and
 16 materials, if necessary, at the expense of the city
 17 or town requiring the labor, and such city or town shall
 18 be entitled to the earnings of its convicts.

19 Sec. 150. Section three hundred fifty-six point
 20 thirty-three (356.33), Code 1971, is amended by striking
 21 unnumbered paragraph one (1) and inserting in lieu
 22 thereof the following:

23 "District judges, district associate judges, and
 24 judicial magistrates, within their respective
 25 jurisdictional authority, may make all determinations

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1 and orders under these sections."

2 Sec. 151. Section three hundred fifty-nine point
 3 thirty-eight (359.38), Code 1971, is amended to read
 4 as follows:

5 359.38 WATCHMEN APPOINTED. Such trustees, directors,
 6 or other officers may appoint as many day and night
 7 watchmen of their grounds as they may think expedient,
 8 and such watchmen, and also all their sextons,
 9 superintendents, gardeners, and agents, stationed upon
 10 or near said grounds are hereby authorized to take and
 11 subscribe[, before any mayor of a city or justice of
 12 the peace of the township where such cemetery is
 13 situated, an oath of office, similar to that required
 14 by law of constables] to an oath of office as provided
 15 in section 63.10 of the Code.

16 Sec. 152. Section three hundred fifty-nine point
 17 thirty-nine (359.39), Code 1971, is amended to read
 18 as follows:

19 359.39 EX OFFICIO POLICE OFFICERS. Upon the taking
 20 of such oath, such watchmen, sextons, superintendents,
 21 gardeners, and agents shall have and exercise all powers
 22 of police officers within and adjacent to the cemetery
 23 grounds and each shall have power to arrest any and
 24 all persons engaged in violating the laws of this state,
 25 and to bring such person so offending before any [justice

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1 of the peace within such township] *judicial magistrate*,
 2 to be dealt with according to law.

3 Sec. 153. Section three hundred sixty-five point
 4 six (365.6), subsection one (1), Code 1971, is amended
 5 to read as follows:

6 365.6 APPLICABILITY—EXCEPTIONS.

7 1. The provisions of this chapter shall apply to
 8 all appointive officers and employees, including *former*
 9 deputy clerks and deputy bailiffs of the municipal
 10 court *who became deputies of the district*
 11 *court clerks and sheriffs*, in cities under any form
 12 of government having a population of more than fifteen
 13 thousand except:

14 a. City clerk, deputy city clerk, city solicitor,
 15 assistant solicitor, assessor, treasurer, auditor, civil
 16 engineer, health physician, chief of police, assistant
 17 chief of police in departments numbering more than two
 18 hundred fifty members, market master, city manager and
 19 administrative assistants to the manager.

20 b. Laborers whose occupation requires no special
 21 skill or fitness.

22 c. Election officials.

23 d. Secretary to the mayor or to any commissioner.

24 e. Commissioners of any kind.

25 f. Casual employees.

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1 Sec. 154. Section three hundred sixty-five point
 2 fifteen (365.15), unnumbered paragraph two (2), Code
 3 1971, is amended to read as follows:

4 In cities under the commission form of government,
 5 by the superintendents of the respective departments,
 6 with the approval of the city council; in cities under
 7 the city manager plan, by the city manager; in all other
 8 cities with the approval of the city council, and in
 9 the police and fire departments by the chiefs of the
 10 respective departments[; and in the case of deputy clerks
 11 or deputy bailiffs of the municipal court, such
 12 appointments shall be made by the clerk or bailiff
 13 thereof, respectively].

14 Sec. 155. Section three hundred sixty-eight point
 15 six (368.6), subsection five (5), Code 1971, is amended
 16 to read as follows:

17 5. SALES. Sales of auctioneers, bankrupt and dollar
 18 stores, and the like, and those of transient merchants,
 19 and to define by ordinance who shall be considered
 20 transient merchants; but the exercise of such power

21 shall not interfere with sales made by sheriffs,
22 [constables,] marshals, executors, guardians, assignees
23 of insolvent debtors or bankrupts, or any other per-
24 son required by law to sell real or personal property.
25 Sec. 156. Section three hundred sixty-eight A point

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1 two (368A.2), subsections one (1) and seven (7), Code
2 1971, are amended to read as follows:
3 1. EXECUTIVE OFFICER—[MAGISTRATE]. He [shall be a
4 conservator of the peace, and], within the limits of
5 the corporation, shall have all the powers conferred
6 upon sheriffs to suppress disorders. He shall be the
7 chief executive officer thereof, and it shall be his
8 duty to enforce all regulations and ordinances; [he may,
9 upon view, arrest anyone guilty of a violation thereof,
10 or of any crime under the laws of the state, and shall,
11 upon information supported by affidavit, issue process
12 for the arrest of any person charged with violating
13 any ordinance of the corporation;] shall supervise the
14 conduct of all corporate officers, examine into the
15 grounds of complaint made against them, and cause all
16 neglect or violation of duty to be corrected, or report
17 the same to the proper tribunal, that they may be dealt
18 with as provided by law.
19 7. MAYOR PRO TEM. He shall designate one member
20 of the council as mayor pro tempore subject to the
21 approval of a majority of the council. Said mayor pro
22 tempore shall be vice-president of the council and give
23 bond in the sum of five hundred dollars. In case of
24 absence or inability of the mayor to act he shall perform
25 all of the duties of the mayor except as otherwise

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1 herein provided. [In case of the absence or inability
2 of the mayor to act, the mayor pro tempore may hold
3 mayor's court in cases of ordinance violations.] If,
4 at any meeting of the council, the mayor is not present,
5 the mayor pro tempore shall act as presiding officer
6 pro tempore and his acts as presiding officer pro tempore
7 shall have the same force and legality as though
8 performed by the duly elected mayor and he shall have
9 the power to sign all resolutions and ordinances and
10 execute all contracts or other documents finally adopted
11 or approved at such meeting. The mayor pro tempore
12 shall have no power to employ or discharge any officer
13 or employee that the mayor has power to appoint or
14 employ but said mayor pro tempore shall have the right
15 to cast a vote as member of the council.
16 Sec. 157. Section three hundred sixty-eight A point
17 seventeen (368A.17), Code 1971, is amended to read as
18 follows:
19 368A.17 THE MARSHAL. The marshal shall be ex officio
20 chief of police and may appoint one or more deputy
21 marshals, who may perform his duties, and who, in cities
22 of fifteen thousand or more population shall be members

23 of the police force. He shall have the supervision
 24 and general direction of the police force, and shall
 25 be the ministerial officer of the corporation. He shall

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1 suppress all riots, disturbances, and breaches of the
 2 peace, arrest all disorderly persons in the city or
 3 town and all persons committing any offense against
 4 the ordinance thereof, and forthwith bring such persons
 5 before the proper court for examination or trial. He
 6 shall pursue and arrest any person fleeing from justice,
 7 and shall diligently enforce all laws, ordinances, and
 8 regulations for the preservation of the public welfare
 9 and good order, and shall have the same powers and
 10 duties as [constables] *the sheriff* in similar cases.
 11 He shall [attend upon the sittings of the mayor's and
 12 police court, and] execute within the county and return
 13 all writs and other processes directed to him therefrom.

14 Sec. 158. Section four hundred four point eight
 15 (404.8), Code 1971, is amended by striking subsection
 16 four (4).

17 Sec. 159. Section four hundred eleven point three
 18 (411.3), subsection three (3), Code 1971, is amended
 19 by striking the subsection.

20 Sec. 160. Section four hundred thirteen point one
 21 hundred fourteen (413.114), Code 1971, is amended to
 22 read as follows:

23 413.114 INJUNCTION. In any such action or proceeding
 24 said health officer may by petition duly verified,
 25 setting forth the facts, apply to the district[, superior,

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1 or municipal] court for an order granting the relief
 2 for which said action or proceeding is brought, or for
 3 an order enjoining all persons from doing or permitting
 4 to be done any work in or about such dwelling, building,
 5 structure, or lot, or from occupying or using the same
 6 for any purpose until the entry of final judgment or
 7 order.

8 Sec. 161. Section four hundred thirteen point one
 9 hundred fifteen (413.115), Code 1971, is amended to
 10 read as follows:

11 413.115 AUTHORITY TO EXECUTE. In case any notice
 12 or order issued by said health officer is not complied
 13 with, said health officer may apply to the district[,
 14 superior, or municipal] court for an order authorizing
 15 him to execute and carry out the provisions of said
 16 notice or order, to correct any violation specified
 17 in said notice or order, or to abate any nuisance in
 18 or about such dwelling, building, or structure or the
 19 lot upon which it is situated.

20 Sec. 162. Section four hundred fifteen point three
 21 (415.3), Code 1971, is amended to read as follows:

22 415.3 ORDINANCE—VIOLATIONS. Any building or
 23 structure erected, altered, repaired, or used in

24 violation of any ordinance passed under the authority
25 of sections 415.1 and 415.2, shall be deemed a nuisance,

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1 and every such city or town is hereby empowered to
2 provide by ordinance for the abatement of such nuisance,
3 either by fine or imprisonment, or by action in the
4 district [or municipal] court of the county in which such
5 city or town is located, or by both; such action to
6 be prosecuted in the name of the city or town.

7 Sec. 163. Section four hundred twenty point fifteen
8 (420.15), Code 1971, is amended to read as follows:

9 420.15 COMPENSATION OF MAYOR. The mayor shall
10 receive such salary as may be provided by ordinance[,
11 and in addition he shall receive for holding a mayor's
12 or police court, or discharging the duties of a justice
13 of the peace, the compensation allowed by law for similar
14 services by such officers, to be paid in the same manner,
15 which amount shall be in full compensation of all such
16 services].

17 Sec. 164. Section four hundred twenty point thirty-
18 eight (420.38), Code 1971, is amended to read as follows:

19 420.38 ACTION TO RECOVER. Fines and penalties may
20 in all cases be recovered by action before a [justice
21 of the peace or other] court of competent jurisdiction,
22 and in the name of the proper municipal corporation.
23 In any such action, where pleading is necessary, it
24 shall be sufficient to declare generally for the amount
25 claimed to be due in respect to the violation of the

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1 ordinance, referring to its title and the date of its
2 adoption or passage, and showing, as near as may be,
3 the facts of the alleged violation.

4 Sec. 165. Section four hundred twenty point one
5 hundred eighty-two (420.182), Code 1971, is amended
6 to read as follows:

7 420.182 WARRANT. Whenever the board of health shall
8 think it necessary for the preservation of the lives
9 or the health of the inhabitants to enter a place,
10 building, or vessel within its jurisdiction, for the
11 purpose of examining into and destroying, removing,
12 or preventing any nuisance, source of filth, or cause
13 of sickness, and shall be refused such entry, any member
14 of the board may make complaint, under oath, before
15 any [justice of the peace, or other] judicial officer
16 having jurisdiction to enforce the ordinances of such
17 city, stating the facts of the case so far as he has
18 knowledge thereof. Such officer shall thereupon issue
19 a warrant, directed to the sheriff [or any constable
20 of the county], marshal or public officer, commanding
21 him to take sufficient aid and, being accompanied by
22 two or more members of said board, between the hours
23 of sunrise and sunset, repair to the place where such
24 nuisance, source of filth, or cause of sickness may
25 be, and destroy, remove, or prevent the same under the

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1 direction of such members of the board.

2 Sec. 166. Section four hundred twenty point one
3 hundred eighty-five (420.185), Code 1971, is amended
4 to read as follows:

5 420.185 WARRANT. Any [justice of the peace, or]
6 tribunal having jurisdiction to enforce the ordinances
7 of such city, on application under oath, showing cause
8 therefor, by any member of said board, shall issue his
9 warrant, directed to the sheriff [or constable] of the
10 county or marshal or police officer, commanding him,
11 under the directions of the board, to remove any person
12 infected with contagious disease, or to take possession
13 of condemned houses and lodgings, and to provide nurses
14 and attendants and other necessaries for the care,
15 safety, and relief of the sick.

16 Sec. 167. Section four hundred forty-five point
17 forty-nine (445.49), Code 1971, is amended to read as
18 follows:

19 445.49 SHERIFF [OR CONSTABLE] AS COLLECTOR. In the
20 discharge of his duties as collector, should it become
21 necessary to make the delinquent taxes by distress and
22 sale, or should no collector be appointed, or should
23 the collector fail to institute proceedings to collect
24 said delinquent taxes, the treasurer shall place the
25 same in the hands of the sheriff[, or a constable,] who

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1 shall proceed to collect the same[, and either shall
2 be entitled to receive the same compensation, in addi-
3 tion to the five percent, as constables are entitled
4 to receive for the sale of property on execution].

5 Sec. 168. Section four hundred fifty point forty-
6 one (450.41), Code 1971, is amended to read as follows:

7 450.41 PROCEDURE FOR RELIEF. In the event that
8 the estate has been duly appraised under the ordinary
9 statutes of inheritance or the property has been sold
10 and such appraisement or selling price is accepted by
11 the director of revenue as satisfactory for inheritance
12 tax purposes, the court *or the clerk of court* may, upon
13 proper application, relieve the estate from the appraise-
14 ment by the inheritance tax appraisers; but in order
15 to obtain such relief, the administrator, executor,
16 trustee, or other party interested must file an
17 application for relief with the consent of the director
18 of revenue thereto in the office of the clerk of the
19 court before said clerk issues a commission to the
20 inheritance tax appraisers.

21 Sec. 169. Section four hundred fifty-three point
22 one (453.1), Code 1971, is amended to read as follows:

23 453.1 DEPOSITS IN GENERAL. The treasurer of state,
24 and of each county, city, town, county public hospital,
25 merged area hospital, memorial hospital and school

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1 corporation, and each township clerk and each county

2 recorder, auditor, sheriff, [each clerk and bailiff of
3 the municipal court,] and clerk of the district court,
4 and each secretary of a school board shall deposit all
5 funds in their hands in such banks as are first approved
6 by the executive council, board of supervisors, city
7 or town council, board of hospital trustees, memorial
8 hospital commission, board of school directors,
9 respectively; provided, however, that the treasurer
10 of state and the treasurer of each political subdivision
11 shall invest all funds not needed for current operating
12 expenses in time certificates of deposit in banks listed
13 as approved depositories pursuant to this chapter or
14 in investments permitted by section 452.10. The list
15 of public depositories and the amounts severally
16 deposited therein shall be a matter of public record.
17 The term "bank" means a bank or a private bank, as
18 defined in section 524.103.

19 Sec. 170. Section five hundred seventy point five
20 (570.5), Code 1971, is amended to read as follows:

21 570.5 ENFORCEMENT—PROCEEDING BY ATTACHMENT. The
22 lien may be enforced by the commencement of an action,
23 within the period above prescribed, for the rent alone,
24 in which action the landlord shall be entitled to a
25 writ of attachment, upon filing with the clerk [or justice]

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1 a verified petition, stating that the action is commenced
2 to recover rent accrued within one year previous thereto
3 upon premises described in the petition; and the
4 procedure thereunder shall be the same, as nearly as
5 may be, as in other cases of attachment, except no bond
6 shall be required.

7 Sec. 171. Section five hundred seventy-two point
8 twenty-four (572.24), Code 1971, is amended to read
9 as follows:

10 572.24 TIME OF BRINGING ACTION—COURT. An action
11 to enforce a mechanic's lien, or an action brought upon
12 any bond given in lieu thereof, may be commenced in
13 the district [or superior] court after said lien is
14 perfected.

15 Sec. 172. Section five hundred eighty point four
16 (580.4), Code 1971, is amended to read as follows:

17 580.4 AFFIDAVIT OF FORECLOSURE. Liens may be
18 enforced by the holder filing with [any constable] *the*
19 *sheriff* of the county in which the progeny is kept[,
20 or with the sheriff of such county,] an affidavit which
21 shall, in addition to a demand for foreclosure, contain:

- 22 1. A description of the stallion, bull or jack,
- 23 when used and of the dam and its progeny.
- 24 2. The time and terms of said service.
- 25 3. A statement of the amount due for said service.

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1 Sec. 173. Section five hundred eighty point five
2 (580.5), Code 1971, is amended to read as follows:

3 580.5 POSSESSION AND NOTICE. The [constable or]

4 sheriff shall, under said affidavit, take immediate
 5 possession of said progeny, and give written notice
 6 of the sale thereof, which notice shall contain:
 7 1. A copy of the said affidavit.
 8 2. The date and hour when, and the particular place
 9 at which, said property will be sold.

10 Sec. 174. Section five hundred eighty point eight
 11 (580.8), Code 1971, is amended to read as follows:
 12 580.8 SALE—APPLICATION OF PROCEEDS. If payment
 13 of the service fee, and [constable] costs, be not made
 14 prior to the time of sale, as fixed in such notice,
 15 the [constable] *sheriff* may sell property so held by him,
 16 or so much thereof as may be necessary, at public auction
 17 to the highest bidder, and the proceeds shall be applied,
 18 first, to the payment of the costs, and second, in
 19 payment of amount due for service fee. Any surplus
 20 arising from such sale shall be forthwith paid to the
 21 owner of the property sold.

22 Sec. 175. Section five hundred ninety-five point
 23 ten (595.10), Code 1971, is amended by striking
 24 subsections one (1) and two (2) and inserting in lieu
 25 thereof the following:

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1 "A judge of the supreme or district court, including
 2 a district associate judge, or a judicial magistrate."
 3 Sec. 176. Section six hundred point one (600.1),
 4 unnumbered paragraph one (1), Code 1971, is amended
 5 to read as follows:
 6 600.1 WHO MAY ADOPT—PETITION. Any person of lawful
 7 age may petition the district court of the county in
 8 which he or the child resides for permission to adopt
 9 any child not his own, but no person other than the
 10 parent of a child may assume the permanent care and
 11 custody of a child under fourteen years of age except
 12 in accordance with the provisions of this chapter or
 13 chapter 238. If the petitioner be married, the spouse
 14 shall join in the petition unless such spouse is a
 15 natural parent of the child. An adult may be adopted,
 16 and only such provisions of this chapter shall apply
 17 thereto as the court may order. [The judges of the
 18 district court may designate a municipal court judge
 19 to act as judge in adoption matters with jurisdiction
 20 in cases arising in the county in which such municipal
 21 court is organized.]

22 Sec. 177. Section six hundred four point two (604.2),
 23 Code 1971, is amended to read as follows:
 24 604.2 APPEALS AND WRITS OF ERROR. It shall also
 25 possess and exercise jurisdiction in all appeals and

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1 writs of errors taken in civil and criminal actions and
 2 special proceedings authorized to be taken from all
 3 [inferior courts,] tribunals, boards, or officers, under
 4 any provisions of the laws of this state, and shall
 5 have a general supervision thereof, in all matters,

6 to prevent and correct abuses, where no other remedy
7 is provided.

8 Sec. 178. Section six hundred four point eleven
9 (604.11), Code 1971, is amended to read as follows:

10 604.11 CITY OR TOWN TO PROVIDE COURTROOM. Where
11 court is held in any city or town not the county seat,
12 such city or town shall provide and furnish the necessary
13 rooms and places therefor free of charge to the county.
14 [Any necessary alterations, repairs, or additions to
15 said rooms and places shall be provided at the expense
16 of the county, and the board of supervisors is authorized
17 and empowered to make such alterations, improvements,
18 or additions, the cost thereof not to be in excess of
19 the limitations imposed by section 345.1.]

20 Sec. 179. This section shall take effect July 1,
21 1971. Section six hundred five point two (605.2), Code
22 1971, is amended to read as follows:

23 605.2 EXPENSES. Where a judge of the district or
24 supreme court is required, in the discharge of his
25 official duties, to leave the county of his residence

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1 or leave the city or town of his residence to perform
2 such duties, he shall be paid such actual and necessary
3 [hotel] *expenses for living quarters* and living expenses
4 not to exceed the sum of fifteen dollars per day and
5 transportation expenses as shall be incurred.

6 Sec. 180. Section six hundred five point fourteen
7 (605.14), Code 1971, is amended to read as follows:

8 605.14 JUDGE TO BE ATTORNEY. No person shall be
9 eligible to the office of judge of a court of record,
10 [except of police courts] *except judicial magistrate*,
11 who is not, at the time of his election, an attorney
12 at law, duly admitted to practice under the laws of
13 this state.

14 Sec. 181. Section six hundred five point fifteen
15 (605.15), Code 1971, is amended to read as follows:

16 605.15 PRACTICE PROHIBITED. During the time that
17 he is holding such office he shall not practice as an
18 attorney or counselor or give advice in relation to
19 any action pending or about to be brought in any of
20 the courts of the state. [Nothing contained in this
21 section shall be construed to prohibit police court
22 judges from practicing as attorneys and counselors in
23 civil matters.] *Judicial magistrates who are members*
24 *of the bar of Iowa may practice as attorneys and*
25 *counselors, except they may not practice as attorneys*

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1 *and counselors, or give advice, in relation to any*
2 *matter within the purview of the jurisdiction of judicial*
3 *magistrates as defined in section twenty-five (25) of*
4 *this Act.*

5 Sec. 182. Section six hundred five A point three
6 (605A.3), Code 1971, is amended to read as follows:

7 605A.3 NOTICE BY JUDGE IN WRITING. This chapter

8 shall not apply to any judge of the municipal, superior,
 9 district or supreme court, *including district associate*
 10 *judges*, until he gives notice in writing, while serving
 11 as a judge, to the state comptroller and treasurer of
 12 state, of his purpose to come within its purview.

13 Judges of the municipal and superior courts shall at
 14 the same time give a copy of such notice to the city
 15 treasurer and county auditor within the district of
 16 such court. Such notice shall be given within one year
 17 after the effective date hereof or within one year after
 18 any date on which he takes oath of office as such judge.

19 Sec. 183. Section six hundred five A point four
 20 (605A.4), unnumbered paragraph one (1), Code 1971, is
 21 amended to read as follows:

22 605A.4 DEPOSIT BY JUDGE—DEDUCTIONS—CONTRIBUTIONS
 23 BY GOVERNING BODY. Each judge coming within the purview
 24 of this chapter shall, on or before retirement, pay
 25 to the state comptroller for deposit with the state

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1 treasurer to the credit of a fund to be known as the
 2 "judicial retirement fund", hereinafter called the
 3 "fund", a sum equal to four percent of his basic salary
 4 for services as such judge for the total period of ser-
 5 vice as a judge of a municipal, superior, district or
 6 supreme court, *including district associate judges*,
 7 before the date of said notice, and after the date of
 8 the notice there shall be deducted and withheld from
 9 the basic salary of each judge coming within the purview
 10 of this chapter a sum equal to four percent of such
 11 basic salary. Provided that the maximum amount which
 12 any judge shall be required to contribute for past ser-
 13 vice shall not exceed for municipal or superior *or*
 14 *district associate judges* thirty-five hundred dollars,
 15 for district judges four thousand dollars and for supreme
 16 court judges five thousand dollars. The amounts so
 17 deducted and withheld from the basic salary of each
 18 said judge shall be paid to the state comptroller for
 19 deposit with the treasurer of state to the credit of
 20 the judicial retirement fund, and said fund is hereby
 21 appropriated for the payment of annuities, refunds,
 22 and allowances herein provided, except that the amount
 23 of such appropriations affecting payment of annuities,
 24 refunds, and allowances to judges of the municipal and
 25 superior court shall be limited to that part of said

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1 fund accumulated for their benefit as hereinafter
 2 provided. The judges of the municipal, superior,
 3 district and supreme court, *including district associate*
 4 *judges*, coming within the provisions of this chapter
 5 shall be deemed to consent and agree to the deductions
 6 from basic salary as provided herein, and payment less
 7 such deductions shall be a full and complete discharge
 8 and acquittance of all claims and demands whatsoever
 9 for all regular services rendered by such judges during

10 the period covered by such payment, except the right
 11 to the benefits to which they shall be entitled under
 12 the provisions of this chapter. The state shall
 13 contribute a sum not exceeding three percent of the
 14 basic salary of all judges of the district and supreme
 15 court for the years 1949 and 1950 and thereafter such
 16 sums as may be necessary over the amount contributed
 17 by the district and supreme court judges to finance
 18 the system, but only to the extent that the system
 19 applies to them. *After July 1, 1973, the state shall*
 20 *contribute such sums as may be necessary over the amount*
 21 *contributed by district associate judges to finance*
 22 *the system as to them for the portion of their tenure*
 23 *prior to July 1, 1973; and the respective cities and*
 24 *counties within each municipal and superior court*
 25 *district shall contribute the additional amount necessary*

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1 *pursuant to the next paragraph of this section, for*
 2 *the portion of the tenure of such district associate*
 3 *judges prior to July 1, 1973.*

4 Sec. 184. Section six hundred five A point eight
 5 (605A.8), Code 1971, is amended to read as follows:
 6 605A.8 INDIVIDUAL ACCOUNTS—REFUNDING. The amounts
 7 deducted and withheld from the basic salary of each
 8 judge of the municipal, superior, district or supreme
 9 court, *including district associate judges*, for the
 10 credit of the judicial retirement fund and all amounts
 11 paid into such fund by each judge shall be credited
 12 to the individual account of such judge. In the event
 13 a judge of the municipal, superior, district or supreme
 14 court, *including district associate judges*, becomes
 15 separated from service as such judge before he completes
 16 an aggregate of six years of service as a judge of one
 17 or more of such courts, the total amount of his
 18 contribution to the fund shall be returned to said judge
 19 or his legal representatives, and in the event a judge
 20 who has completed an aggregate of six years or more
 21 of service as a judge of one or more of such courts,
 22 dies before retirement, the total amount of his
 23 contribution to the fund shall be paid in one sum to
 24 his legal representatives, and in the event an annuitant
 25 under this section dies, without having received in

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1 annuities an amount equal to the total amount remaining
 2 to his credit at the time of his separation from service
 3 the amount remaining to his credit shall be paid in
 4 one sum to his legal representatives.

5 Sec. 185. Section six hundred six point thirteen
 6 (606.13), Code 1971, is amended to read as follows:
 7 606.13 NOT TO BE [JUSTICE OR] ATTORNEY. The clerk,
 8 or deputy clerk of the district court is prohibited
 9 from [holding the office of justice of the peace, or]
 10 practicing, directly or indirectly, as an attorney or
 11 solicitor in any of the courts of this state.

12 Sec. 186. Section six hundred six point fifteen
13 (606.15), subsection fourteen (14), Code 1971, is amended
14 to read as follows:

15 14. For filing and docketing transcript of judgment
16 from another county [or a justice of the peace or
17 municipal court], one dollar.

18 Sec. 187. Section six hundred seven point five
19 (607.5), Code 1971, is amended by striking subsections
20 two (2) and three (3).

21 Sec. 188. Section six hundred eighteen point thirteen
22 (618.13), Code 1971, is amended by striking unnumbered
23 paragraph two (2).

24 Sec. 189. Section six hundred twenty-one point nine
25 (621.9), Code 1971, is amended to read as follows:

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1 621.9 CASH IN LIEU OF BOND. In all cases in which
2 a bond for security for costs is required, the party
3 required to give such security may deposit in cash the
4 amount fixed in said bond with the clerk of the district
5 court [or justice of the peace] in lieu of said bond.

6 Sec. 190. Section six hundred twenty-two point
7 sixty-three (622.63), Code 1971, is amended to read
8 as follows:

9 622.63 SUBPOENAS. The clerks of the several courts
10 shall, on application of any person having a cause or
11 matter pending in court, issue a subpoena for witnesses
12 under the seal of the court, inserting all the names
13 required by the applicant in one subpoena, if
14 practicable, which may be served by the sheriff [or any
15 constable] of the county, or by the party or any other
16 person.

17 Sec. 191. Section six hundred twenty-two point
18 sixty-nine (622.69), Code 1971, is amended by striking
19 the section and inserting in lieu thereof the following:
20 "Witnesses shall receive three dollars for each day's
21 attendance and ten cents per mile for each mile actually
22 traveled."

23 Sec. 192. Section six hundred twenty-two point
24 seventy-three (622.73), Code 1971, is amended to read
25 as follows:

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1 622.73 FEES PAYABLE BY COUNTY. For attending before
2 the trial jury or court in criminal cases where the
3 defendant is adjudged not guilty, the fees above provided
4 for attending [the district or justice's] court shall
5 be paid by the county, upon a certificate of the clerk
6 or [justice] *judicial magistrate* showing the amount of
7 the services to which they are entitled.

8 Sec. 193. Section six hundred twenty-two point
9 seventy-five (622.75), Code 1971, is amended to read
10 as follows:

11 622.75 REIMBURSEMENT TO PARTY OR COUNTY. When the
12 county or any party has paid the fees of any witness,
13 and the same is afterward collected from the adverse

14 party, the county or person so paying the same shall,
15 upon the production of the receipt of such witness or
16 other satisfactory evidence, be entitled to such fee[,
17 whether it be in the hands of the justice or clerk,
18 or has been paid into the county treasury].

19 Sec. 194. Section six hundred twenty-two point
20 seventy-eight (622.78), Code 1971, is amended to read
21 as follows:

22 622.78 SERVING SUBPOENA. If a witness conceals
23 himself, or in any manner attempts to avoid being
24 personally served with a subpoena, any sheriff [or
25 constable] having the subpoena may use all necessary

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1 and proper means to serve the same, and may for that
2 purpose break into any building or other place where
3 the witness is to be found, having first made known
4 his business and demanded admission.

5 Sec. 195. Section six hundred twenty-two point
6 eighty-four (622.84), Code 1971, is amended to read
7 as follows:

8 622.84 SUBPOENAS—ENFORCING OBEDIENCE. When, by
9 the laws of this or any other state or country, testimony
10 may be taken in the form of depositions to be used in
11 any of the courts thereof, the person authorized to
12 take such depositions may issue subpoenas for witnesses,
13 which must be served by the same officers and returned
14 in the same manner as is required in [a justice's court]
15 *district court*, and obedience thereto may be enforced
16 in the same way and to the same extent [a justice of
17 the peace might do,] or he may report the matter to the
18 district court who may enforce obedience as though the
19 action was pending in said court.

20 Sec. 196. Section six hundred twenty-two point
21 ninety-three (622.93), Code 1971, is amended by striking
22 unnumbered paragraph two (2).

23 Sec. 197. Section six hundred twenty-five point
24 thirteen (625.13), Code 1971, is amended to read as
25 follows:

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1 625.13 DISMISSAL FOR WANT OF JURISDICTION. Where
2 an action is dismissed from any court for want of
3 jurisdiction[, or because it has not been regularly
4 transferred from an inferior to a superior court,] the
5 costs shall be adjudged against the party attempting
6 to institute or bring up the same.

7 Sec. 198. Section six hundred twenty-six point
8 ninety-four (626.94), Code 1971, is amended to read
9 as follows:

10 626.94 PROPERTY UNSOLD—OPTIONAL PROCEDURE. Subject
11 to the provisions of section 626.93, when property is
12 unsold for want of bidders, the levy still holds good;
13 and, if there be sufficient time, it may again be
14 advertised, or the execution returned and one issued
15 commanding the officer to sell the property, describing

16 it, previously levied on, to which a clause may be added
 17 that, if such property does not produce a sum sufficient
 18 to satisfy such execution, the officer shall proceed
 19 to make an additional levy, on which he shall proceed
 20 as on other executions; or the plaintiff may, in writing
 21 filed with the clerk [or justice], abandon such levy,
 22 upon paying the costs thereof; in which case execution
 23 may issue with the same effect as if none had ever been
 24 issued.

25 Sec. 199. Section six hundred twenty-six point one

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1 hundred eight (626.108), Code 1971, is amended to read
 2 as follows:
 3 626.108 FEE BILL EXECUTION. After the expiration
 4 of sixty days from the rendition of a final judgment
 5 not appealed, removed, or reversed, the clerk of the
 6 court[, or a justice of the peace in whose office the
 7 judgment is entered,] may, and, upon demand of any party
 8 entitled to any part thereof, shall, issue a fee bill
 9 for all costs of such judgment, which shall have the
 10 same force and effect as an execution issued by such
 11 officer; and shall be served and executed in the same
 12 manner.

13 Sec. 200. Section six hundred thirty point one
 14 (630.1), Code 1971, is amended to read as follows:
 15 630.1 DEBTOR EXAMINED. When execution against the
 16 property of a judgment debtor, or one of several debtors
 17 in the same judgment, has been issued from the [superior,
 18 municipal,] district[,] or supreme court to the sheriff
 19 of the county where such debtor resides, or if he [do]
 20 does not reside in the state, to the sheriff of the
 21 county where the judgment was rendered, or a transcript
 22 of a justice's judgment has been filed, and execution
 23 issued thereon is returned unsatisfied in whole or in
 24 part, the owner of the judgment is entitled to an order
 25 for the appearance and examination of such debtor.

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1 Sec. 201. Section six hundred thirty point three
 2 (630.3), Code 1971, is amended to read as follows:
 3 630.3 BY WHOM ORDER GRANTED. Such order may be
 4 made by the [superior or] district court in which the
 5 judgment was rendered, or by the district court of the
 6 county to which execution has been issued. The debtor
 7 may be required to appear and answer before either of
 8 such courts, or before a referee appointed for that
 9 purpose by the court who issued the order, to report
 10 either the evidence or the facts.

11 Sec. 202. Section six hundred thirty-nine point
 12 eleven (639.11), Code 1971, is amended to read as
 13 follows:

14 639.11 BOND. In all cases before it can be issued,
 15 the plaintiff must file with the clerk a bond for the
 16 use of the defendant, with sureties to be approved by
 17 such clerk, in a penalty at least double the value of

18 the property sought to be attached, and in no case[,
19 except in a class B case in municipal court,] less than
20 two hundred fifty dollars [in a court of record, on less
21 than fifty dollars if in a justice court or a class
22 B case in municipal court,] conditioned that the plaintiff
23 will pay all damages which the defendant may sustain
24 by reason of the wrongful suing out of the attachment.
25 Sec. 203. Section six hundred thirty-nine point

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1 sixty-eight (639.68), Code 1971, is amended to read
2 as follows:
3 639.68 SHERIFF—CONSTABLES. The word "sheriff",
4 or "officer", as used in this chapter is meant to apply
5 to [constables when the proceedings are in a justice's
6 court, or] the like officer of any other court.
7 Sec. 204. Section six hundred forty-two point one
8 (642.1), Code 1971, is amended to read as follows:
9 642.1 WHO MAY BE GARNISHED. A sheriff [or constable]
10 may be garnished for money of the defendant in his
11 hands; a judgment debtor of the defendant, when the
12 judgment has not been assigned on the record, or by
13 writing filed in the office of the clerk and by him
14 minuted as an assignment on the margin of the judgment
15 docket; and an executor, for money due from decedent.
16 Sec. 205. Section six hundred forty-three point
17 five (643.5), Code 1971, is amended to read as follows:
18 643.5 BOND. When the plaintiff desires the immediate
19 delivery of the property, he shall execute a bond to
20 the defendant, with sureties to be approved by the clerk
21 [or justice], in a penalty at least equal to twice the
22 value of the property sought to be taken, conditioned
23 that he will appear in court on or before the day fixed
24 in the original notice, and prosecute his action to
25 judgment, and return the property, if a return is

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1 awarded, and pay all costs and damages that may be
2 adjudged against him.
3 Sec. 206. Section six hundred forty-three point
4 six (643.6), Code 1971, is amended to read as follows:
5 643.6 FILING—PURPOSE OF BOND. Said bond shall
6 be filed with the clerk [or justice], and be for the use
7 of any person injured by the proceeding.
8 Sec. 207. Section six hundred forty-three point
9 seven (643.7), Code 1971, is amended to read as follows:
10 643.7 WRIT ISSUED. The clerk [or justice] shall
11 thereupon issue a writ under his hand, and the seal
12 of the court [if a court of record], directed to the
13 proper officer, requiring him to take the property
14 therein described and deliver it to the plaintiff.
15 Sec. 208. Section six hundred forty-four point one
16 (644.1), Code 1971, is amended to read as follows:
17 644.1 TAKING UP VESSELS, RAFTS, LOGS AND LUMBER.
18 If any person shall stop or take up any vessel or
19 watercraft, or any raft of logs, or part thereof, or

20 any logs suitable for making lumber or hewn timber,
 21 or sawed lumber, found adrift within the limits or upon
 22 the boundaries of this state, of the value of five
 23 dollars or upwards, including the cargo, tackle, rigging,
 24 and other appendages of such vessel or watercraft,
 25 such person, within five days thereafter, provided the

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1 same shall not have been previously proved and restored
 2 to the owner, shall go before some [justice of the peace
 3 in the township] *district judge, district associate*
 4 *judge, judicial magistrate, or district court clerk*
 5 where such property is found, and make affidavit setting
 6 forth the exact description of such property; where
 7 and when the same was found; whether any, and if so
 8 what cargo, tackle, rigging, or other appendages were
 9 found on board or attached thereto; and that the same
 10 has not been altered or defaced, either in whole or
 11 in part, since the taking up, either by him or by any
 12 other person to his knowledge.

13 Sec. 209. Section six hundred forty-four point two
 14 (644.2), Code 1971, is amended to read as follows:

15 644.2 WARRANT—APPRAISAL—RETURN—RECORDS. The said
 16 [justice] *district judge, district associate judge,*
 17 *judicial magistrate, or district court clerk* shall
 18 thereupon issue his warrant, directed to some [constable
 19 of his township] *peace officer*, commanding him to summon
 20 three respectable householders of the neighborhood,
 21 who shall proceed without delay to examine and appraise
 22 such property, including cargo, tackle, rigging, and
 23 other appendages if any there be, and to make report
 24 thereof under their hands to the [justice] *magistrate, judge or clerk*
 25 issuing such warrant, who shall [enter the same, together

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1 with the affidavit of the taker-up, at large in his
 2 estray book, and within five days shall transmit a
 3 certified copy thereof to the county auditor of the
 4 proper county, to be by him recorded in his estray book
 5 and filed in his office] *transmit a certified copy thereof*
 6 *to the county auditor to be recorded in the estray book*
 7 *in his office.*

8 Sec. 210. Section six hundred forty-four point four
 9 (644.4), Code 1971, is amended to read as follows:

10 644.4 VALUE EXCEEDING TWENTY DOLLARS. If the value
 11 thereof shall exceed the sum of twenty dollars, the
 12 county auditor, within five days from the time of the
 13 reception of the [justice's] *magistrate, judge or clerk's* certificate
 14 at his office, shall cause an advertisement to be posted
 15 on the door of the courthouse, and at three other of
 16 the most public places in the county, and also a notice
 17 to be published once each week for three weeks
 18 successively, in some newspaper printed in this state;
 19 and if such property be not claimed or proven within
 20 ninety days after the advertisement of the same, as
 21 aforesaid, the finder shall deliver the same to the

22 sheriff of the county wherein it was taken up, who shall
 23 thereupon proceed to sell it at public auction to the
 24 highest bidder for cash, having first given ten days'
 25 notice of the time and place of sale, and the proceeds

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1 of all such sales, after deducting the costs and other
 2 necessary expenses, shall be paid into the county
 3 treasury.

4 Sec. 211. Section six hundred forty-four point
 5 twelve (644.12), Code 1971, is amended to read as
 6 follows:

7 644.12 OWNERSHIP SETTLED. In any case where a claim
 8 is made to property found or taken up, and the ownership
 9 of the property cannot be agreed upon by the finder
 10 and claimant, they may make a case before any [justice
 11 of the peace] *district judge, associate district judge,*
 12 *or judicial magistrate* in the county, who may hear and
 13 adjudicate it, and if either of them refuses to make
 14 such case the other may make an affidavit of the facts
 15 which have previously occurred, and the claimant shall
 16 also verify his claim by his affidavit, and the [justice]
 17 *district judge, associate district judge, or judicial*
 18 *magistrate* may take cognizance of and try the matter
 19 on the other party having one day's notice, but there
 20 shall be no appeal from the decision. This section
 21 does not bar any other remedy given by law.

22 Sec. 212. Section six hundred forty-four point
 23 fourteen (644.14), Code 1971, is amended to read as
 24 follows:

25 644.14 COSTS, CHARGES AND CARE—ASSESSMENT. The

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1 owner shall also be required to pay the finder all such
 2 costs and charges as may have been paid by him for
 3 services rendered as aforesaid, including the cost of
 4 publication, together with reasonable charges for keeping
 5 and taking care of such property, which last mentioned
 6 charge, in case the finder and the owner cannot agree,
 7 shall be assessed by two disinterested householders
 8 of the neighborhood, to be appointed by some [justice
 9 of the peace] *magistrate judge* of the proper county,
 10 whose decision, when made, shall be binding and con-
 11 clusive on all parties.

12 Sec. 213. Section six hundred forty-eight point
 13 five (648.5), Code 1971, is amended to read as follows:

14 648.5 JURISDICTION—TRANSFER—APPEAL. [The district,
 15 municipal, and superior courts within the county, and
 16 justices of the peace within the township where the
 17 subject matter of the action is situated,] *The district*
 18 *court within the county* shall have [concurrent]
 19 jurisdiction of actions for the forcible entry or
 20 detention of real property[, and the court first acquiring
 21 jurisdiction of an action therefor shall retain the
 22 same until judgment, unless it is transferred as
 23 hereinafter provided]. Where an action is brought in

24 the district[, superior, or municipal] court it shall
 25 be tried as an equitable action, and upon presentation

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1 of the petition to the [court or] *associate district judge*
 2 or *judicial magistrate* after the same has been filed,
 3 the court [or judge] shall make an order fixing the time
 4 and place for hearing upon said petition and shall
 5 prescribe that notice of the hearing be personally
 6 served upon the defendant or defendants, which service
 7 shall be at least five days prior to the date set for
 8 hearing. [By agreement of the parties, it may be
 9 transferred from a justice's court to a municipal,
 10 superior, or the district court, or from a superior
 11 or a municipal to the district court, and all such
 12 actions in which judgment is rendered in a justice's
 13 court may be appealed to the district or superior court,
 14 as provided by law.]

15 Sec. 214. Section six hundred forty-eight point
 16 ten (648.10), Code 1971, is amended to read as follows:

17 648.10 SERVICE BY PUBLICATION. Where it is made
 18 to appear by affidavit that personal service of the
 19 original notice in such action cannot be made upon the
 20 defendant within the state, the same may be made by
 21 publication[, if in a court of record, or by posting,
 22 if in a justice's court, in the same manner and for
 23 the same length of time as is required in other cases
 24 where such substituted service may be made.

25 Sec. 215. Section six hundred forty-eight point

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1 thirteen (648.13), Code 1971, is amended to read as
 2 follows:

3 648.13 TITLE IN ISSUE. The question of title can
 4 only be investigated [in the] *by a* district [court] *judge*[,
 5 and can be pleaded in a municipal court or a justice's
 6 court only as provided in subsection 4 of section 648.1].

7 Sec. 216. Section six hundred fifty-seven point
 8 six (657.6), Code 1971, is amended to read as follows:

9 657.6 STAY OF EXECUTION. Instead of issuing such
 10 warrant, the court [or justice] may order the same to
 11 be stayed upon motion of the defendant, and upon his
 12 entering into an undertaking to the state, in such sum
 13 and with such surety as the court [or justice] may direct,
 14 conditioned either that the defendant will discontinue
 15 said nuisance, or that, within a time limited by the
 16 court, and not exceeding six months, he will cause the
 17 same to be abated and removed, as either is directed
 18 by the court; upon his failure to perform the
 19 condition of his undertaking, the same shall be
 20 forfeited, and the court [or justice of the peace, as
 21 the case may be], upon being satisfied of such default,
 22 may order such warrant forthwith to issue, and action
 23 may be brought on such undertaking.

24 Sec. 217. Section six hundred sixty-one point four
 25 (661.4), Code 1971, is amended to read as follows:

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1 661.4 ORDER ISSUED. The order may be issued by
2 the district [or superior] court to any inferior tribunal,
3 or to any corporation, officer, or person; and by the
4 supreme court to any district [or superior] court, if
5 necessary, and in any other case where it is found
6 necessary for that court to exercise its legitimate
7 power.

8 Sec. 218. Section six hundred sixty-three point
9 three (663.3), Code 1971, is amended to read as follows:

10 663.3 WRIT ALLOWED—SERVICE. The writ may be allowed
11 by the supreme[,] or district[, municipal, or superior]
12 court, or by [any] a *supreme court judge or district judge*
13 [of either of those courts], and may be served in any
14 part of the state.

15 Sec. 219. Section six hundred sixty-five point four
16 (665.4), Code 1971, is amended by striking subsections
17 two (2) and three (3) and inserting in lieu thereof
18 the following:

19 2. By district judges and district associate judges,
20 by a fine not exceeding five hundred dollars or imprison-
21 ment in a county jail not exceeding six months or by
22 both such fine and imprisonment.

23 3. By judicial magistrates, by a fine not exceeding
24 one hundred dollars or imprisonment in a county jail
25 not exceeding thirty days.

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1 Sec. 220. Section six hundred sixty-six point six
2 (666.6), unnumbered paragraph one (1), Code 1971, is
3 amended to read as follows:

4 666.6 REPORT OF FORFEITED BONDS. Clerks of district[,
5 municipal, superior, and police courts, mayors of cities
6 and towns, and justices of the peace] court shall, on
7 the first Monday in January in each year, make report
8 in writing to the board of supervisors for their
9 respective counties of all forfeited recognizances in
10 their offices; of all fines, penalties, and forfeitures
11 imposed in their respective courts, which by law go
12 into the county treasury for the benefit of the school
13 fund; in what cause or proceeding, when and for what
14 purpose, against whom and for what amount, rendered;
15 whether said fines, penalties, forfeitures, and
16 recognizances have been paid, remitted, canceled, or
17 otherwise satisfied; if so, when, how, and in what
18 manner, and if not paid, remitted, canceled, or other-
19 wise satisfied, what steps have been taken to enforce
20 the collection thereof.

21 Sec. 221. Section six hundred sixty-seven point
22 two (667.2), Code 1971, is amended to read as follows:

23 667.2 PETITION AND WARRANT. The petition must be
24 in writing, sworn to, and filed with the clerk [or a
25 justice of the peace,] who shall thereupon issue a warrant

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1 to the proper officer, commanding him to seize the boat

2 or raft, its apparel, tackle, furniture, and appendages,
3 and detain the same until released by due course of
4 law.

5 Sec. 222. Section six hundred sixty-seven point
6 five (667.5), Code 1971, is amended to read as follows:
7 667.5 SERVICE OF WARRANT. Any [constable or] marshal
8 of any city or town may execute the warrant[, whether
9 it issues from the office of the clerk of the district
10 or superior court, or of a justice].

11 Sec. 223. Section six hundred sixty-seven point
12 seven (667.7), Code 1971, is amended to read as follows:
13 667.7 BOND TO DISCHARGE. The property seized may
14 be discharged at any time before final judgment, by
15 giving a bond with sureties, to be approved by the
16 officer executing the warrant, or by the clerk [or justice]
17 who issued it, in a penalty double the plaintiff's
18 demand, conditioned that the obligors therein will pay
19 the amount which may be found due to the plaintiff,
20 together with the costs.

21 Sec. 224. Section six hundred eighty-five point
22 eight (685.8), subsection three (3), Code 1971, is
23 amended to read as follows:

24 3. Obtain reports from clerks of court, judges,
25 [justices of the peace, mayors,] and magistrates, in

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1 accordance with law, or rules prescribed by the supreme
2 court as to cases and other judicial business in which
3 action has been delayed beyond periods of time specified
4 by law or such rules, and make report thereof;

5 Sec. 225. Section six hundred eighty-five point
6 nine (685.9), Code 1971, is amended to read as follows:
7 685.9 CO-OPERATION OF COURT OFFICERS. The judges,
8 [justices of the peace, mayors,] *district associate judges,*
9 *judicial magistrates,* reporters, clerks of court,
10 probation officers, sheriffs, and all other officers,
11 state and local, shall comply with all requirements
12 made by the [statistician] *court administrator* or his
13 assistants for information and statistical data bearing
14 on the state of the dockets of the courts, the progress
15 of court business, and such other information as may
16 reflect the business transacted by them and the
17 expenditure of moneys for the maintenance and operation
18 of the judicial system.

19 Sec. 226. Section six hundred eighty-five point
20 ten (685.10), Code 1971, is amended by striking the
21 section and inserting in lieu thereof the following:
22 "Sections six hundred eighty-five point six (685.6)
23 through six hundred eighty-five point nine (685.9),
24 inclusive, apply to the supreme court and the district
25 court."

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1 Sec. 227. Section six hundred eighty-six point two
2 (686.2), Code 1971, is amended to read as follows:
3 686.2 MOTION FOR NEW TRIAL. The supreme court on

4 appeal may review and reverse any judgment or order
5 of the [municipal, superior, or] district court, although
6 no motion for a new trial was made in such court.

7 Sec. 228. Section seven hundred nine point nine
8 (709.9), Code 1971, is amended to read as follows:
9 709.9 TAKING GOODS FROM OFFICER. If any person,
10 knowingly and without authority of law, take, carry
11 away, secrete, or destroy any goods or chattels while
12 the same are lawfully in the custody of any sheriff,
13 county medical examiner, marshal, [constable,] or other
14 officer, and held by such officer by virtue of execution,
15 writ of attachment, or other legal process, he shall
16 be guilty of larceny, and, when the value of the property
17 so taken, carried away, secreted, or destroyed exceeds
18 the sum of twenty dollars, be imprisoned in the
19 penitentiary not more than one year; and when it does
20 not exceed twenty dollars, be fined not exceeding one
21 hundred dollars, or imprisoned in the county jail not
22 more than thirty days.

23 Sec. 229. Section seven hundred twenty-five point
24 nine (725.9), Code 1971, is amended to read as follows:
25 725.9 WARRANTS FOR SEARCH OR SEIZURE. Any magistrate

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1 or [police] judge is authorized, on complaint supported
2 by oath or affirmation of one or more persons, to issue
3 a warrant, directed to the sheriff of the county within
4 which such complaint is made, or to any [constable or]
5 police officer within said county, directing him or
6 them, or any of them, to search for, seize and take
7 possession of such books, papers, pictures, circulars,
8 articles, and things named in this chapter; and said
9 magistrate or [police] judge shall deliver personally
10 or shall transmit, enclosed and under seal, specimens
11 thereof to the county attorney of his county, and shall
12 deposit within the county jail of his county, or other
13 secure place, as to him shall seem meet, enclosed and
14 under seal, the remainder thereof, and shall, upon the
15 conviction of the person or persons offending under
16 the provisions of this chapter, forthwith, in the
17 presence of the person or persons upon whose complaint
18 the seizure or arrest was made, if he or they shall
19 elect to be present, destroy, or cause to be destroyed,
20 the remainder thereof, and shall cause to be entered
21 upon the record of his court the fact of such
22 destruction.

23 Sec. 230. Section seven hundred thirty-one A point
24 four (731A.4), Code 1971, is amended to read as follows:
25 731A.4 JURISDICTION AND APPEAL. Juvenile courts

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1 shall have jurisdiction in the prosecution of the offense
2 set forth herein, though the defendant or defendants
3 in such actions be adults. Said proceedings in juvenile
4 court shall be commenced by filing a sworn complaint
5 or information and the matter shall be tried summarily

6 and without a jury. Provided, however, that prior to
 7 the filing of such complaint or information the probation
 8 officer for the territory in question, or the county
 9 attorney, shall make such investigation as he may deem
 10 necessary, and no such such complaint or information shall
 11 be filed without the approval of such probation officer
 12 or county attorney, except by order of a judge of the
 13 juvenile court. Any defendant convicted upon such trial
 14 shall have the right of appeal and trial de novo
 15 including the right of trial by jury[, in the district
 16 court, the same as in case of appeals thereto from the
 17 justice courts] *before a district judge.*

18 Sec. 231. Section seven hundred thirty-nine point
 19 nine (739.9), Code 1971, is amended to read as follows:
 20 739.9 SHERIFF OR OTHER OFFICERS RECEIVING BRIBES.
 21 If any sheriff, deputy sheriff, [or constable,] or any
 22 marshal, deputy marshal, policeman, or police officer
 23 of any city or town, receive from a defendant, or other
 24 person, any money or other valuable thing as a
 25 consideration or inducement for omitting or delaying

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1 to arrest any defendant or to carry him before a
 2 magistrate or to prison, or for postponing, delaying,
 3 or neglecting the sale of property on execution, or
 4 for omitting or delaying to perform any other duty
 5 pertaining to his office, he shall be fined not exceeding
 6 five hundred dollars, or imprisoned in the county jail
 7 not exceeding six months, or both fined and imprisoned,
 8 at the discretion of the court.

9 Sec. 232. Section seven hundred forty point five
 10 (740.5), Code 1971, is amended to read as follows:
 11 740.5 FALSELY ASSUMING TO BE OFFICER. If a person
 12 falsely assume to be a *district judge*, [justice of the
 13 peace,] *district associate judge, judicial magistrate,*
 14 *sheriff, deputy sheriff, peace officer, special agent*
 15 *of the Iowa department of public safety, or conserva-*
 16 *tion officer* [, or constable], and take upon himself to
 17 act as such, or require anyone to aid or assist him
 18 in any matter pertaining to the duty of any such officer,
 19 he shall be imprisoned in the county jail not more than
 20 one year, or be fined not exceeding three hundred
 21 dollars.

22 Sec. 233. Section seven hundred forty point six
 23 (740.6), Code 1971, is amended to read as follows:
 24 740.6 STIRRING UP QUARRELS AND SUITS. If any judge,
 25 [justice of the peace,] clerk of any court, sheriff,

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1 [constable,] *district associate judge or judicial*
 2 *magistrate*, attorney, or counselor at law, encourage,
 3 excite or stir up any action, quarrel, or controversy
 4 between two or more persons, with intent to injure such
 5 persons, he shall be fined not exceeding five hundred
 6 dollars, and shall be answerable to the party injured
 7 in treble damages.

8 Sec. 234. Section seven hundred forty-two point
 9 seven (742.7), Code 1971, is amended to read as follows:
 10 742.7 ARMED FORCES UNDER COMMAND OF SHERIFF. When
 11 such armed force is called out, it shall obey the
 12 command of the sheriff or other person appointed by
 13 the governor for that purpose, or by a judge of the
 14 supreme[, district or superior court, or other magistrate]
 15 or district court, district associate judge, or judicial
 16 magistrate in the order named, but such officer or
 17 person shall at all times be subject to the direction
 18 of the governor.

19 Sec. 235. Section seven hundred forty-three point
 20 four (743.4), Code 1971, is amended to read as follows:
 21 743.4 UNLAWFUL ASSEMBLAGES—DISPERSION. When persons
 22 to the number of twelve or more, armed with dangerous
 23 weapons, or persons to the number of thirty or more,
 24 whether armed or not, are unlawfully or riotously
 25 assembled in any city or town, any judge, sheriff, and

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1 his deputies if they be present, the mayor, aldermen,
 2 marshal[, constables, and justices of the peace] and
 3 judicial magistrates of such city or town must go among
 4 the persons assembled, or as near them as may be safe,
 5 and command them, in the name of the state, immediately
 6 to disperse.

7 Sec. 236. Section seven hundred forty-six point
 8 seven (746.7), Code 1971, is amended to read as follows:
 9 746.7 TAKING BEFORE MAGISTRATE. If such arrest
 10 is made during the night, the officer may keep the
 11 person arrested in confinement until the next morning,
 12 unless bail be given[, and if made within the jurisdiction
 13 of a police court, he must be taken before such court,
 14 unless the judge is absent].

15 Sec. 237. Section seven hundred forty-eight point
 16 one (748.1), Code 1971, is amended to read as follows:
 17 748.1 "MAGISTRATE" DEFINED. The term "magistrate"
 18 includes[:]
 19 [1. All judges of the supreme, district, superior,
 20 or municipal courts, throughout the state.
 21 2. All justices of the peace, mayors, and judges
 22 of the police court, within their respective counties]
 23 all judges of the supreme and district courts and all
 24 district associate judges and judicial magistrates.

25 Sec. 238. Section seven hundred forty-eight point

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1 three (748.3), Code 1971, is amended by striking
 2 subsection two (2).

3 Sec. 239. Section seven hundred fifty-one point
 4 forty (751.40), Code 1971, is amended to read as follows:
 5 751.40 APPEAL BY CLAIMANT. Any person appearing
 6 as aforesaid may, when the proceedings are not before
 7 a district judge [of the district court], appeal to [the]
 8 a district [court] judge from said judgment or forfeiture,

9 as to the whole or any part of said property, and the
10 procedure on appeal, except as herein modified, shall
11 be as upon other appeals from judicial magistrates'
12 judgments.

13 Sec. 240. Section seven hundred fifty-four point
14 one (754.1), Code 1971, is amended to read as follows:

15 754.1 DEFINITION. A complaint or preliminary
16 information is a statement in writing, under oath or
17 affirmation, made before a magistrate, or in his absence
18 before the district court clerk or his deputy, of the
19 commission or threatened commission of a public offense,
20 and accusing someone thereof. *Provided, however, that*
21 *this section shall not apply to the uniform traffic*
22 *citations and complaints under section fifty-one (51)*
23 *of this Act.*

24 Sec. 241. Section seven hundred fifty-four point
25 three (754.3), Code 1971, is amended to read as follows:

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1 754.3 FILING—ISSUING WARRANT. When a preliminary
2 information is made before a magistrate, or district
3 court clerk or his deputy, charging the commission of
4 some designated public offense triable on indictment
5 in the county in which such magistrate, or district
6 court clerk or his deputy, has local jurisdiction, by
7 some person named therein, he may issue a warrant for
8 the arrest of such person.

9 Whenever the preliminary information or complaint
10 charges a misdemeanor the magistrate, or district court
11 clerk or his deputy, may in his discretion issue a
12 [summons] citation instead of a warrant of arrest. The
13 [summons] citation shall set forth substantially the
14 nature of the offense and shall command the person
15 against whom the complaint was made to appear before
16 the magistrate issuing the [summons] citation at a time
17 and place stated therein.

18 The [summons] citation may be served in the same manner
19 as an original notice in a civil action.

20 If the person named in the [summons] citation is
21 actually served as provided herein and fails without
22 good cause to appear as commanded by the [summons]
23 citation, he shall be considered in contempt of court
24 and may be punished by a fine of not more than twenty
25 dollars. Upon such failure to appear, the magistrate,

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1 or district court clerk or his deputy, shall issue a
2 warrant of arrest for the offense originally charged,
3 and institute proceedings in contempt as provided by
4 chapter 665.

5 If after issuing a [summons] citation the magistrate,
6 or district court clerk or his deputy, becomes satisfied
7 that the person to whom such [summons] citation has been
8 directed will not appear, he may at once issue a warrant
9 of arrest without waiting for the date mentioned in
10 the [summons] citation. A warrant or citation issued

11 *by a clerk or deputy shall be returnable before a*
 12 *magistrate for the county, or in his absence, before*
 13 *the nearest magistrate, whether the warrant is for a*
 14 *felony as under section 757.2 or for a misdemeanor.*

15 Sec. 242. Section seven hundred fifty-four point
 16 five (754.5), Code 1971, is amended to read as follows:

17 754.5 DIRECTED TO PEACE OFFICER—CONTENTS. The
 18 warrant must be directed to any peace officer in the
 19 state; give the name of the defendant, if known to the
 20 magistrate, or *district court clerk or his deputy*; if
 21 unknown, may designate him by any name, and must state
 22 by name or general description an offense which
 23 the county, city, town, village, or township where
 24 issued, and be signed by the magistrate, or *district*

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1 *court clerk or his deputy*, with his name of office.

2 Sec. 243. Section seven hundred fifty-four point
 3 six (754.6), Code 1971, is amended to read as follows:

4 754.6 ORDER FOR BAIL—ENDORSED ON WARRANT. If the
 5 offense stated in the warrant be a misdemeanor, the
 6 magistrate, or *district court clerk or his deputy*,
 7 issuing it must make an endorsement thereon as follows:
 8 "Let the defendant, when arrested, be admitted to bail
 9 in the sum of dollars", stating the
 10 amount in which bail may be taken.

11 Sec. 244. Section seven hundred fifty-eight point
 12 one (758.1), Code 1971, is amended to read as follows:

13 758.1 DISPOSITION OF PRISONER. When an arrest is
 14 made without a warrant, the person arrested shall,
 15 without unnecessary delay, be taken before the nearest
 16 [or most accessible magistrate in the county in which
 17 the arrest is made,] *available magistrate*, and the grounds
 18 on which the arrest was made shall be stated to the
 19 magistrate by affidavit, subscribed and sworn to by
 20 the person making the statement, in the same manner
 21 as upon a preliminary information, as nearly as may
 22 be.

23 Sec. 245. Section seven hundred fifty-eight point
 24 three (758.3), Code 1971, is amended to read as follows:

25 758.3 TRANSFER FOR CONVENIENCE. If the magistrate

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1 finds that it will be more convenient for the witnesses
 2 on the part of the state that such trial or examination
 3 should be had before some other magistrate [in the county],
 4 he shall, by a written order, commit the person arrested
 5 to a peace officer, to be by him taken before the other
 6 magistrate, together with the order of commitment and
 7 affidavits, unless the person arrested give bail, when
 8 authorized, for his appearance, as in case of arrest
 9 under a warrant.

10 Sec. 246. Section seven hundred sixty point four
 11 (760.4), Code 1971, is amended to read as follows:

12 760.4 DISCHARGE ORDERED—COSTS. If it appear that
 13 there is no just reason to fear the commission of the

14 offense alleged to have been threatened, the person
 15 complained of must be discharged, and the complainant
 16 may be ordered to pay the costs of the proceeding if
 17 the magistrate regards the complaint as unfounded and
 18 frivolous, and, [unless when the proceeding is before
 19 a judge of the supreme, district, or superior court,
 20 may issue execution therefor, and when the proceeding
 21 is before a judge of the supreme, district, or superior
 22 court,] he shall transmit the complaint, affidavits,
 23 warrant, and order to the clerk of the district court
 24 of the county, who shall file the same, make a memorandum
 25 thereof in the judgment docket, and issue execution

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1 therefor immediately.

2 Sec. 247. Section seven hundred sixty point seven
 3 (760.7), Code 1971, is amended by striking the section
 4 and inserting in lieu thereof the following:

5 "The undertaking, together with the complaints,
 6 affidavits, if any, and other papers in the proceeding
 7 must be filed by the magistrate with the clerk of
 8 district court of the county to stand trial in the
 9 district court subject to the provisions of sections
 10 seven hundred sixty point ten (760.10) and seven hun-
 11 dred sixty point eleven (760.11)."

12 Sec. 248. Section seven hundred sixty-one point
 13 two (761.2), Code 1971, is amended to read as follows:

14 761.2 CHANGE OF [VENUE—GROUNDS] *MAGISTRATE.*
 Before

15 any evidence is heard, the defendant may have a change
 16 of venue, upon filing an affidavit that the magistrate
 17 is prejudiced against him, or is a material witness
 18 for either party, or that the defendant cannot obtain
 19 justice before him, as affiant verily believes.

20 Sec. 249. Section seven hundred sixty-two point
 21 one (762.1), Code 1971, is amended by striking the
 22 section and inserting in lieu thereof the following:

23 762.1 TO WHOM TRIED. Judicial magistrates and
 24 district associate judges must hear, try and determine
 25 all nonindictable offenses. District judges may transfer

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1 any nonindictable offenses pending before them to the
 2 nearest judicial magistrate or district associate judge.

3 Sec. 250. Section seven hundred sixty-two point
 4 two (762.2), Code 1971, is amended to read as follows:

5 762.2 INFORMATION, *COMPLAINT*. Criminal actions
 6 for the commission of a public offense must be commenced
 7 before a [justice of the peace] *magistrate* by an
 8 information or *complaint*, subscribed and sworn to, and
 9 filed with the [justice] *magistrate*.

10 Sec. 251. Section seven hundred sixty-two point
 11 six (762.6), Code 1971, is amended to read as follows:

12 762.6 WARRANT OF ARREST. Immediately upon the
 13 filing of such information, the [justice] *magistrate*,
 14 or in his absence, the district court clerk or deputy

15 may, in his discretion, issue a warrant for the arrest
16 of the defendant, directed in the same manner as a
17 warrant of arrest upon a preliminary information, which
18 may be served in like manner.

19 Sec. 252. Section seven hundred sixty-two point
20 seven (762.7), Code 1971, is amended to read as follows:

21 762.7 SERVICE OF WARRANT. The officer who receives
22 the warrant must serve the same by arresting the
23 defendant, if in his power, and bringing him without
24 unnecessary delay before the [justice who issued the
25 same] *magistrate*. *The magistrate may fix bail and in*

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1 *his absence the district court clerk or deputy may do*
2 *so.*

3 Sec. 253. Section seven hundred sixty-two point
4 fourteen (762.14), Code 1971, is amended to read as
5 follows:

6 762.14 CHANGE ALLOWED—TRANSMISSION OF PAPERS.

7 If such affidavit be filed, the change of place of trial
8 must be allowed, and the [justice] *magistrate* must
9 immediately transmit all the original papers, and a
10 transcript of all his docket entries in the case, to
11 the next nearest [justice in the township] *magistrate*,
12 unless said [justice] *magistrate* be a party to the action,
13 or is related to either party by consanguinity, or
14 affinity within the fourth degree, or where he has been
15 attorney for either party in the action or proceeding;
16 and in such case the [justice] *magistrate* before whom
17 such action or proceeding is commenced shall transmit
18 all the original papers, together with a transcript
19 of all his docket entries, to the next nearest [justice
20 in the county] *magistrate* against whom none of the above
21 objections exist, who shall proceed with the case as
22 provided in this chapter, but no more than one change
23 of place of trial in the same case shall be allowed.

24 Sec. 254. Section seven hundred sixty-two point
25 fifteen (762.15), Code 1971, is amended by striking

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1 the section and inserting in lieu thereof the following:
2 762.15. JURY TRIAL. Either party in a criminal
3 action shall be entitled to jury trial by filing with
4 the magistrate a written jury demand within ten days
5 after the information or complaint is filed, or at least
6 two days before the trial if the action is tried before
7 ten days elapses. Failure to make a jury demand in
8 the manner prescribed herein constitutes a waiver of
9 jury. If demand is made, the action shall be tried
10 by a jury of six members.

11 Sec. 255. Section seven hundred sixty-two point
12 sixteen (762.16), Code 1971, is amended by striking
13 the section and inserting in lieu thereof the following:

14 762.16 If trial by jury is demanded, the magistrate
15 shall notify the sheriff who shall furnish a bailiff

16 at that time and place to act as officer of the court.
 17 Sec. 256. Section seven hundred sixty-two point
 18 seventeen (762.17), Code 1971, is amended by striking
 19 the section and inserting in lieu thereof the following:
 20 762.17 If a trial by jury is demanded, the magistrate
 21 shall notify the clerk of the time and place of trial.
 22 The clerk shall thereupon select by lot fourteen names
 23 from the district court jury panel selected pursuant
 24 to section six hundred nine point nineteen (609.19)
 25 of the Code. The clerk shall notify the jurors of the

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1 time and place for trial.
 2 Sec. 257. Section seven hundred sixty-two point
 3 eighteen (762.18), Code 1971, is amended by striking
 4 the section and inserting in lieu thereof the following:
 5 762.18 CHALLENGES. The same challenges may be taken
 6 by either party to any individual juror as on the trial
 7 of an indictment for a misdemeanor, but no challenge
 8 to the panel is allowed.
 9 Sec. 258. Section seven hundred sixty-two point
 10 nineteen (762.19), Code 1971, is amended by striking
 11 the section and inserting in lieu thereof the following:
 12 762.19 Sections seven hundred seventy-nine point
 13 four (779.4) through seven hundred seventy-nine point
 14 sixteen (779.16), inclusive, of the Code, relating to
 15 trial juries, shall apply to trials under this chapter.
 16 Sec. 259. Section seven hundred sixty-two point
 17 twenty (762.20), Code 1971, is amended by striking the
 18 section and inserting in lieu thereof the following:
 19 762.20 If for any reason the magistrate's
 20 panel as chosen by the clerk becomes insufficient to
 21 obtain a jury, he may direct the officer of the court
 22 to summon any bystander or others who may be competent,
 23 and against whom no sufficient cause of challenge
 24 appears, to act as jurors.
 25 Sec. 260. Section seven hundred sixty-two point

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1 twenty-seven (762.27), Code 1971, is amended to read
 2 as follows:
 3 762.27 RETIREMENT FOR CONSIDERATION—OATH. If they
 4 do not immediately agree, they must retire with the
 5 officer, who shall take the following oath: "You do
 6 swear that you will keep the jury together in some pri-
 7 vate and convenient place [, without food or drink, water
 8 excepted, unless otherwise ordered by the court]; that
 9 you will not permit any person to speak to them, nor
 10 speak to them yourself, unless it be to ask them if
 11 they have agreed upon a verdict, and that you will
 12 return them into court when they have so agreed."
 13 Sec. 261. Section seven hundred sixty-two point
 14 thirty-one (762.31), Code 1971, is amended to read as
 15 follows:
 16 762.31 JUDGMENT—RULES. When the defendant pleads

17 guilty or is convicted, [either by the justice or by
18 a jury, the justice] *the magistrate* shall render judgment
19 thereon of fine or imprisonment, as the case may require,
20 being governed by the rules prescribed for the district
21 court, as far as the same are applicable, in rendering
22 such judgment.

23 Sec. 262. Section seven hundred sixty-two point
24 thirty-two (762.32), Code 1971, is amended to read as
25 follows:

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1 762.32 IMPRISONMENT FOR NONPAYMENT OF FINE. A
2 judgment that the defendant pay a fine may also direct
3 that he be imprisoned until the fine is satisfied,
4 *pursuant to section 789.17.*

5 Sec. 263. Section seven hundred sixty-two point
6 thirty-three (762.33), Code 1971, is amended to read
7 as follows:

8 762.33 DEFENDANT DISCHARGED. When the defendant
9 is acquitted, [either by the justice or by a jury,] he
10 must be immediately discharged.

11 Sec. 264. Section seven hundred sixty-two point
12 thirty-five (762.35), Code 1971, is amended to read
13 as follows:

14 762.35 APPEAL. In either case the prosecuting
15 witness may appeal from such judgment to [the] a district
16 [court] *judge*, by giving notice thereof as provided [in
17 this chapter] with reference to appeals by defendant,
18 and the fact of the giving of such notice shall be
19 entered [by the justice] *magistrate* on his record. *The*
20 *same procedure shall obtain as upon an appeal by the*
21 *defendant.*

22 Sec. 265. Section seven hundred sixty-two point
23 forty-one (762.41), Code 1971, is amended to read as
24 follows:

25 762.41 PAYMENT TO SHERIFF. If the defendant be

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1 committed for not paying a fine, he may pay it to the
2 sheriff of the county, but to no other person, who must
3 [in like manner], within thirty days after the receipt
4 thereof, pay it into the county treasury.

5 Sec. 266. Section seven hundred sixty-two point
6 forty-two (762.42), Code 1971, is amended to read as
7 follows:

8 762.42 RECEIPT FOR FINE. If the fine, or any part
9 thereof, is paid to the [justice] *magistrate* or sheriff,
10 he must execute duplicate receipts therefor [, one of
11 which he must file without delay with the county auditor].

12 Sec. 267. Section seven hundred sixty-two point
13 forty-three (762.43), Code 1971, is amended by striking
14 the section and inserting in lieu thereof the following:

15 762.43 APPEAL. An appeal may only be taken by the
16 defendant and only upon a judgment of conviction.
17 Execution of the judgment shall be stayed upon the
18 filing with the clerk of the district court an appeal

19 bond with surety approved by the clerk, in the sum
 20 specified in the judgment. The defendant may take an
 21 appeal, by giving notice orally to the magistrate that
 22 he appeals, or by delivering to the magistrate not later
 23 than ten days thereafter, a written notice of his appeal,
 24 and in either case the magistrate must make an entry
 25 on its docket of the giving of such notice. Payment

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1 of fine or service of a sentence of imprisonment does
 2 not waive the right to appeal, nor render the appeal
 3 moot. When an appeal is taken, the magistrate shall
 4 forward to the appropriate district court clerk a copy
 5 of the docket entries in his court, together with copies
 6 of the complaint, warrant, motions, pleadings or other
 7 papers in the case. A district judge shall promptly
 8 hear the appeal upon the record thus filed without
 9 further evidence. If the original action was tried
 10 before a district judge acting as a judicial magistrate,
 11 the appeal shall be to a different district judge.
 12 The judge shall decide the appeal without regard to
 13 technicalities or defects. Judgment shall be rendered
 14 as though the case were being originally tried.

15 Sec. 268. Section seven hundred sixty-two point
 16 forty-four (762.44), Code 1971, is amended by striking
 17 the section and inserting in lieu thereof the following:
 18 762.44 No judgment of conviction of a district court
 19 judge shall be appealed to the supreme court except
 20 by discretionary review as provided in section seventy-
 21 three (73) of this Act.

22 Sec. 269. Section seven hundred sixty-three point
 23 four (763.4), Code 1971, is amended to read as follows:
 24 763.4 FORM OF BAIL BOND. Bail is put in by a written
 25 undertaking, executed by one or more sufficient sureties

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1 (with or without the defendant, in the discretion of
 2 the court, clerk, or magistrate), accepted by the court,
 3 clerk, or magistrate taking the same, and may be
 4 substantially in the following form:
 5 County of

6 An order having been made on the day of,
 7 A.D., by A..... B....., a [justice of the peace (or
 8 other magistrate), of the township of,
 9 (or as the case may be)] (*official title*) that C.....
 10 D..... be held to answer upon a charge of (stating briefly
 11 the nature of the offense), upon which he has been duly
 12 admitted to bail, in the sum of dollars.
 13 We, E..... F..... and G..... H....., hereby undertake
 14 that the said C..... D....., shall appear at the district
 15 court of the county of, on the day of
 16 (month), 19..... (year) (which date shall not be more
 17 than twenty days after perfection of the undertaking), and
 18 answer said charge, and submit to the orders and judgment of
 19 said court, and not depart without leave of the same, or, if
 20 he fail to perform either of these conditions, that we will

21 pay to the state of Iowa the sum of dollars (insert-
22 ing the sum in which the defendant is admitted to bail).

23 E..... F.....
24 G..... H.....

25 Accepted by me as, in the township of,

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1 in the county of, this day of,
2 A.D.

3 I..... J..... (with official title).

4 Sec. 270. Chapter seven hundred sixty-six (766),
5 Code 1971, is amended by adding the following new
6 section:

7 "FORFEITURE—TRAFFIC VIOLATIONS. The provisions
8 of sections seven hundred sixty-six point two (766.2)
9 through seven hundred sixty-six point six (766.6),
10 inclusive, shall not apply to traffic violations."

11 Sec. 271. Section seven hundred sixty-six point
12 two (766.2), Code 1971, is amended by striking the
13 section and inserting in lieu thereof the following:

14 766.2 NOTICE. Where forfeiture is entered the
15 magistrate shall within ten days file all official
16 entries in relation thereto in the office of the clerk;
17 and thereupon, it shall be the duty of the clerk to
18 direct the sheriff to give ten days notice in writing
19 to the defendant and his sureties to show cause, if
20 any, why judgments should not be entered for the amount
21 of such bail or the amount of money deposited instead
22 of bail.

23 Sec. 272. Section seven hundred sixty-nine point
24 two (769.2), Code 1971, is amended by striking the
25 section and inserting in lieu thereof the following:

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1 "The county attorney may file with a magistrate or
2 clerk an information charging a person with an indictable
3 offense."

4 Sec. 273. Chapter seven hundred seventy-four (774),
5 Code 1971, is amended by adding the following new
6 section:

7 TRANSFER OF MISDEMEANORS. District judges may
8 transfer any indictable misdemeanors pending before
9 them to the nearest full-time judicial magistrate or
10 district associate judge.

11 Sec. 274. Section seven hundred seventy-nine point
12 eleven (779.11), Code 1971, is amended to read as
13 follows:

14 779.11 PEREMPTORY CHALLENGES—NUMBER. If the offense
15 charged in the indictment or information is or may be
16 punishable with death or imprisonment for life, the
17 state and defendant shall each have the right to
18 peremptorily challenge eight jurors and shall strike
19 two jurors.

20 If the offense charged be any other felony, [or if
21 it be a misdemeanor involving a violation of the statutes
22 relative to intoxicating liquors,] the state and the

23 defendant shall each have the right to peremptorily
 24 challenge four jurors and shall strike two jurors.
 25 If the offense charged be a misdemeanor [other than

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1 that specified above], the state and the defendant shall
 2 each have the right to peremptory challenge two jurors
 3 and shall strike two jurors.
 4 Sec. 275. Section seven hundred ninety-three point
 5 one (793.1), Code 1971, is amended to read as follows:
 6 793.1 OFFICE OF APPEAL—WHO MAY APPEAL. The mode
 7 of reviewing in the supreme court any judgment, action,
 8 or decision of the district court *by a magistrate* in
 9 a criminal case *which is an indictable offense* is by
 10 appeal. Either the defendant or state may appeal.
 11 Sec. 276. Sections one hundred thirteen point nine
 12 (113.9), one hundred sixty point fourteen (160.14),
 13 three hundred fifty-five-point nine (355.9), six hundred
 14 sixty-five point two (665.2), seven hundred seventeen
 15 point seven (717.7), seven hundred thirty-three point
 16 two (733.2), and seven hundred fifty-four point two
 17 (754.2), Code 1971, are amended by striking from such
 18 sections the words "justice of the peace" or "justices
 19 of the peace" and inserting in lieu thereof the words
 20 "judicial magistrate" or "judicial magistrates" as
 21 indicated.
 22 Sec. 277. Sections three hundred thirty-six point
 23 two (336.2) and three hundred thirty-six point three
 24 (336.3), Code 1971, are amended by striking from such
 25 sections the words "before a justice of the peace" or

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1 "before justices of the peace".
 2 Sec. 278. Sections three hundred twenty-one point
 3 one hundred ninety (321.190) and five hundred fifty-
 4 eight point twenty (558.20), Code 1971, are amended
 5 by striking from such sections the words "justice of
 6 the peace" and inserting in lieu thereof the words
 7 "judicial magistrate or district associate judge".
 8 Sec. 279. Sections seven hundred fifty-one point
 9 twenty (751.20), seven hundred fifty-two point four
 10 (752.4), and seven hundred sixty-two point three (762.3),
 11 Code 1971, are amended by striking from such sections
 12 the words "justice of the peace" or "justices of the
 13 peace" and inserting in lieu thereof the words
 14 "magistrate" or "magistrates" as indicated.
 15 Sec. 280. Sections three hundred thirty-seven point
 16 twelve (337.12) and seven hundred thirty-three point
 17 two (733.2), Code 1971, are amended by striking from
 18 such sections the word "justice" or "justices" and
 19 inserting in lieu thereof the words "judicial magistrate"
 20 or "judicial magistrates" as indicated.
 21 Sec. 281. Sections seven hundred sixty-one point
 22 twenty-nine (761.29), seven hundred sixty-two point
 23 two (762.2), seven hundred sixty-two point three (762.3),

24 seven hundred sixty-two point four (762.4), seven hundred
25 sixty-two point five (762.5) seven hundred sixty-two

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1 point nine (762.9), seven hundred sixty-two point ten
2 (762.10), seven hundred sixty-two point eleven (762.11),
3 seven hundred sixty-two point twelve (762.12), seven
4 hundred sixty-two point thirteen (762.13), seven hundred
5 sixty-two point twenty-five (762.25), seven hundred
6 sixty-two point twenty-eight (762.28), seven hundred
7 sixty-two point twenty-nine (762.29), seven hundred
8 sixty-two point thirty (762.30), seven hundred sixty-
9 two point thirty-four (762.34), seven hundred sixty-
10 two point thirty-eight (762.38), and seven hundred
11 sixty-two point thirty-nine (762.39), Code 1971, are
12 amended by striking from such sections the word "justice"
13 or "justices" and inserting in lieu thereof the words
14 "magistrate" or "magistrates" as indicated.
15 Sec. 282. Sections forty-nine point one hundred
16 fifteen (49.115), sixty-five point nine (65.9), one
17 hundred eighty-eight point twenty-nine (188.29), three
18 hundred thirty-six point four (336.4), four hundred
19 twenty point sixteen (420.16), four hundred twenty point
20 thirty-four (420.34), six hundred four point one (604.1),
21 six hundred five point nineteen (605.19) through six
22 hundred five point twenty-three (605.23), inclusive,
23 six hundred twenty-six point fifty-seven (626.57), six
24 hundred twenty-six point seventy-six (626.76), six
25 hundred twenty-six point one hundred two (626.102),

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1 six hundred forty-eight point six (648.6), six hundred
2 forty-eight point seven (648.7), six hundred forty-eight
3 point eight (648.8), six hundred forty-eight point
4 eleven (648.11), six hundred forty-eight point twelve
5 (648.12), six hundred forty-eight point thirteen
6 (648.13), six hundred forty-eight point fourteen
7 (648.14), six hundred forty-eight point twenty-one
8 (648.21), six hundred fifty-seven point five (657.5),
9 seven hundred eighteen point twenty-three (718.23),
10 seven hundred sixty-one point fifteen (761.15), seven hundred
11 sixty-two point thirty-six (762.36), seven hundred
12 sixty-two point thirty-seven (762.37), seven hundred
13 sixty-two point forty (762.40), seven hundred sixty-
14 two point forty-five (762.45) through seven hundred
15 sixty-two point fifty-two (762.52), inclusive, seven
16 hundred sixty-six point four (766.4), seven hundred
17 sixty-nine point thirty-three (769.33), seven hundred
18 sixty-nine point thirty-four (769.34), and chapters
19 three hundred sixty-seven (367), six hundred one (601),
20 six hundred two (602), six hundred three (603), and
21 seven hundred fifty-three (753), Code 1971, are repealed.
22 Sec. 283. EFFECTIVE DATE. The provisions of this
23 Act shall take effect as provided in this section.
24 1. The provisions of sections twelve (12) through
25 nineteen (19), inclusive, of this Act relating to the

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- 1 powers and duties of county judicial magistrate
 2 appointing commissions shall take effect on July 1,
 3 1972.
 4 2. The provisions of sections six (6) and seven
 5 (7) of this Act relating to the powers and duties of
 6 judicial nominating commissions shall take effect on
 7 July 1, 1972.
 8 3. The remaining sections of this Act, except for
 9 those expressly providing otherwise, shall take effect
 10 on July 1, 1973.
 11 b. Page 1, by amending the title by striking all
 12 of said title after the word "Act" and inserting in
 13 lieu thereof the following:
 14 "to provide a unified trial court having district
 15 court judges, district associate judges, and judicial
 16 magistrates; to discontinue inferior courts; to establish
 17 traffic violations offices within the district court
 18 to receive uniform traffic violation penalties;
 19 to prescribe procedures for district courts, and
 20 providing penalties."

On the part of the Senate:
 TOM RILEY, Chairman
 HAROLD A. THORSEN
 FRANCIS L. MESSERLY

On the part of the House:
 CHARLES H. PELTON, Chairman
 CHARLES E. GRASSLEY
 GEORGE J. KNOKE
 RICHARD M. RADL

POINT OF ORDER

Senator Glenn raised the point of order that pursuant to Joint Rule 12, section 3, of the Joint Rules of the Senate and House, Sixty-fourth General Assembly, the conference committee on Senate File 428 in its report did not limit itself to recommendations regarding the subject matter of the amendment or amendments which were insisted upon by the House requesting the conference committee, and further that the conference committee report is objectionable in form because the committee did not confine itself to the differences of opinion between the House and Senate as required by Mason's Legislative Manual, section 770, paragraph 2.

One specific matter which appears for the first time in the conference committee report, and which was not contained in the subject matter of Senate File 428 as originally passed by the Senate nor contained in House-passed amendments thereto and the House-passed bill, is that of "Sec. 73. DISCRETIONARY REVIEW BY SUPREME COURT," consisting of twelve subsections. This matter is totally new subject matter, and that no differences of opinion arose between the House and Senate in the respective bills passed in both houses in this regard.

The Chair ruled the point not well taken.

Senator Glenn appealed from the ruling of the Chair.

The Chair put the question: "Shall the decision of the President stand as the judgment of the Senate?"

On the question "Shall the decision of the President stand as the judgment of the Senate?" (S.F. 428) the vote was:

Rule 24 was invoked.

Ayes, 44:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Gilley	Milligan	Schaben
Bass	Graham	Mowry	Shaff
Brownlee	Griffin	Nicholson	Shawver
Carlson	Gross	Ollenburg	Smith
Coleman	Keith	Palmer	Stephens
Conklin	Kennedy	Potgeter	Thordsen
Curran	Kyhl	Potter	Van Drie
Davis	Lamborn	Rabedeaux	Van Gilst
DeKoster	Laverty	Rhodes	Walsh

Nays, 3:

Doderer	Glenn	Hill
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Absent or not voting, 3:

Briles	Neu	Tapscott
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The ruling was sustained.

Senator Riley asked and received unanimous consent that John Dwyer of the Legislative Service Bureau be permitted to remain in the Senate chamber as a consultant during consideration of the conference committee report.

Senator Riley stated that during preparation of the report a stenographic error resulted in an omission which should be inserted.

Senator Gaudineer raised a point of order that under the joint rules of the Senate and House additions or corrections could not be made on a conference committee report.

The Chair ruled the point well taken.

(Consideration of the conference committee report on Senate File 428 pending on adjournment.)

MESSAGES FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the House was asked:

Senate File 1213, a bill for an act relating to the appropriation of the office of the geological survey.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1297, a bill for an act relating to continuation of the study of the state mental health institutes.

WILLIAM R. KENDRICK, Chief Clerk

INTRODUCTION OF BILLS

Senate File 1217, by committee on schools, a bill for an act to permit a school corporation to transfer moneys from the general fund to the schoolhouse fund, if the transfer is approved by the voters.

Read first time and placed on calendar.

Senate File 1218, by committee on human and industrial relations, a bill for an act relating to occupational safety and health and providing penalties for violations.

Read first time and referred to committee on appropriations.

HOUSE MESSAGE CONSIDERED

House File 1297, a bill for an act relating to continuation of the study of the state mental health institutes and the existing institutions for juveniles under the department of social services.

Read first time and referred to committee on appropriations.

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1091

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment.
2. That Senate File 1091, page 2, be amended by striking lines 15 through 25, inclusive, and inserting in lieu thereof the following:

"Sec. 4. Section two hundred eighty-three A point two (283A.2), Code 1971, is amended to read as follows:

283A.2 SCHOOL BOARDS. School boards shall have power to operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use therefor funds disbursed to them under the provisions of this

chapter, gifts, funds received from sale of school lunches under such programs, and any other funds legally available.

Beginning with the school year 1973-74, and continuing each school year thereafter, all school districts shall operate or provide for the operation of school lunch programs at all public schools in each district, which programs shall be operated in compliance with the rules of the department of public instruction and pertinent federal rules, for all students in each district who attend public school four or more hours each school day and wish to participate in a school lunch program, and school districts may provide such programs for other students."

On the part of the Senate:

W. CHARLENE CONKLIN,

Chairman

EARL G. BASS

GENE V. KENNEDY

RUDY VAN DRIE

On the part of the House:

ROBERT M. KREAMER,

Chairman

KEITH H. DUNTON

LILLIAN McELROY

RAYMOND J. TAYLOR

CONFERENCE COMMITTEE REPORT
ON HOUSE FILE 734

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 734, a bill for an Act relating to the state's compliance with the federal highway beautification act regarding junkyards and billboard standards, and providing penalties, respectfully submit the following recommendations:

1. That the Senate amendment be amended by striking all of lines 252 through 263 of the printed amendment and inserting in lieu thereof the following:

4. Official directional or other traffic control devices or signs. Advertising devices and notices which shall include, but not be limited to, advertising devices and notices pertaining to natural wonders, scenic and historic attractions, recreational attractions and municipal recognition signs, which shall conform with rules and regulations promulgated by the commission, provided that such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title twenty-three (23), section one hundred thirty-one (131), paragraph c of the United States Code.

2. That the Senate amendment be amended by striking from line 243 the following: ". Neither" and inserting in lieu thereof the following: ", nor".

3. Amend page 4, line 13, of the House amendment to the Senate amendment by inserting after the word "and" the words "three dollars".

4. Amend page 2, line 25, of the House amendment to the Senate amendment by inserting after the

word "Act" the following: "and municipal recognition signs erected by any city or town."

5. That the Senate and House concur in the House and Senate amendments as amended.

On the part of the Senate:

JOHN M. WALSH, Chairman
WAYNE D. KEITH
CHARLES P. MILLER

On the part of the House:

RICHARD W. WELDEN, Chairman
BARTON L. SCHWIEGER
EDGAR H. HOLDEN
VERNON A. EWELL

SENATE CONCURRENT RESOLUTION 129

By Potgeter, Schaben and Walsh

Whereas, the Bureau of the Census of the United States Department of Commerce estimates that the elderly in Iowa (persons over sixty-five years of age) comprise 12.4 percent of the total population of Iowa, or approximately 350,000 persons; and

Whereas, this compares to a national percentage of elderly of 9.6 percent, making Iowa's percentage of elderly the second highest in the nation; and

Whereas, disproportional numbers of elderly in Iowa reside in rural areas as a result of urban trends; and

Whereas, rural sections of the State of Iowa having a high percentage of elderly also have a shortage of medical personnel and health care facilities available to serve the elderly; and

Whereas, twenty-five percent of all Iowans over sixty-five years of age are classified as poor; and

Whereas, sixty-four percent of Iowa farmers between the ages of sixty-five through sixty-nine earn less than four thousand dollars annually and their income continues to decrease with age; and

Whereas, many of the elderly in Iowa are the victims of inflation as a result of an inadequate fixed income; and

Whereas, as a result of a combination of a fixed income and high property taxes, many elderly are forced to give up family residences or no longer maintain their physical property, and others are forced into institutional settings; and

Whereas, many of these institutional facilities for the aging in Iowa are overcrowded and others have long waiting lists; and

Whereas, as a result of this overcrowding, the emotional, spiritual, therapeutic, and rehabilitative needs of many elderly have been neglected; and

Whereas, health care costs are prohibitive for the majority of the elderly on fixed incomes; and

Whereas, long-range projections show that the numbers of elderly in the State of Iowa will continue to increase; and

Whereas, the State of Iowa acknowledges its responsibility to care for its elderly in keeping with the dictates of social justice, *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the legislative council is authorized to create a study committee, as provided by law, which committee shall include members of the General Assembly and non-legislative members knowledgeable of the problems of the elderly in Iowa, to look into the quality of life of Iowa's elderly citizens and to develop, in cooperation with existing governmental agencies, new and more realistic approaches to coping with the problems besetting the elderly in Iowa, and

Be It Further Resolved, That the study committee look into such matters

as developing ways to encourage and make it possible for Iowa's elderly citizens to maintain themselves in their own homes or living quarters, with a minimum of community services, so long as they desire or until such time as it becomes physically or mentally impossible for them to do so; and

Be It Further Resolved, That the study consider the possible need of developing a master plan for the creation and encouragement of more housing and health care facilities for the elderly, including but not limited to, retirement homes, custodial homes, nursing homes, and extended health care facilities and supportive community services; and

Be It Further Resolved, That a report of the study shall be prepared and submitted to the legislative council and the members of the Sixty-fifth General Assembly, First Session, and shall be accompanied by legislative bill drafts to carry out the recommendations of the committee.

SENATE CONCURRENT RESOLUTION 130

By Schaben

Whereas, Iowa has enjoyed a history of balanced and buoyant growth accompanied by shared objectives of individual dignity and a high quality of life; and

Whereas, this nation is approaching its bicentennial observances with a determination to preserve and broaden the liberties and opportunities it has valued; and

Whereas, in the coming years Iowa will face difficult choices in setting priorities which will permit it to sustain the traditions and quality of life it has; and

Whereas, these choices in areas such as transportation, agriculture, education, energy supply, balance between urban and rural communities, health, use of leisure and cultural opportunity will require both citizen initiative and expert advice; and

Whereas, Iowa has made beginnings through such institutions as the Iowa Development Commission and the Governor's Rural Policy Conference which need to be reinforced and integrated in better statewide planning and consultation for a fuller vision of Iowa's future; *Now Therefore*,

Be It Resolved by the Senate, the House Concurring, That the Governor of Iowa proceed forthwith to determine a proper time and place for a statewide comprehensive conference on Iowa's future and that he arrange a sequence of local and preparatory meetings; and

Be It Further Resolved, That in this effort the Governor invite and seek the cooperation and assistance of both citizen and public bodies including the Iowa Board of Regents, private colleges, expert consultative groups, and local professional and community associations.

EXPLANATION OF VOTE

MR. PRESIDENT: At the time of the final roll call on Senate File 1190 I was meeting in conference on Senate File 1091. If I had been present I would have voted "yes".

W. CHARLENE CONKLIN

BILLS ASSIGNED TO COMMITTEE

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

S.C.R. 126	State government
S.C.R. 128	State government
S. F. 1216	Way and means
H.C.R. 126	State government
H. F. 1280	Appropriations
H. F. 1287	Judiciary

REPORT OF COMMITTEE

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **House File 1242**, a bill for an act to establish a commission on compensation, expenses, and salaries for elective state officials, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 1242 as amended and passed by the House,
- 2 page 3, line 4, by inserting after the word "officials,"
- 3 the words "and constitutional judicial officers,".

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend House File 556, page 1, by striking all after
- 2 the period in line 16 and all of lines 17 through 19, in-
- 3 clusive and by inserting in lieu thereof the following:
- 4 *"However, any person or entity that renders such*
- 5 *service warrants only under this section that due care*
- 6 *has been exercised and that acceptable professional*
- 7 *standards of care in providing such service according*
- 8 *to the current state of the medical arts has been*
- 9 *followed. Strict liability, in tort, shall not be*
- 10 *applicable to the rendition of such service."*

LEE H. GAUDINEER, JR.
LUCAS J. DeKOSTER

- 1 Amend House File 711 as amended and passed by the House as
- 2 follows:
- 3 1. Page 4, after line 7, by adding the following new subsec-
- 4 tion and renumbering the subsequent subsection accordingly.
- 5 ".... Railroad right-of-way shall mean the full width of
- 6 property owned, leased or subject to easement for railroad purposes
- 7 and shall not be limited to those areas on which tracks are
- 8 located."
- 9 2. Page 8, after line 13, by adding the following new
- 10 subsection:
- 11 ".... Upon an operating railroad right-of-way. A snowmobile
- 12 may be driven directly across a railroad right-of-way only at an
- 13 established crossing and, notwithstanding any other provisions
- 14 of law, may, where necessary, use the improved portion of such
- 15 established crossing after yielding to all oncoming traffic. The
- 16 provisions of this subsection shall not apply to any law-enforce-
- 17 ment officer or railroad employee in the lawful discharge of his
- 18 duties."

R. DEAN ARBUCKLE

1 Amend House File 711, as amended and passed by the
2 House, as follows:

3 1. Page 12, by striking line 25 and inserting in
4 lieu thereof the following: "7. The state, its
5 political subdivisions, and the owners of property
6 adjoining the right-of-way of a public highway and
7 their agents and employees owe no".

8 2. Page 13, line 8, by striking the words "or
9 any" and inserting in lieu thereof a comma.

10 3. Page 13, line 9, by striking the word "of"
11 and inserting after the word "subdivisions" the
12 following: ", or the owners of property adjoining
13 the right-of-way of a public highway and their agents
14 and employees".

15 4. Page 13, line 13, by striking the word "or"
16 and inserting in lieu thereof a comma and inserting
17 before the word "shall" the words "and the owners of
18 property adjoining the right-of-way of a public
19 highway and their agents and employees".

20 5. Page 1, line 1, amend the title by inserting
21 after the word "relating" the words ", to liability
22 arising out of the use of snowmobiles,".

LEIGH R. CURRAN
ALDEN J. ERSKINE
WAYNE D. KEITH

1 Amend House File 1127, as amended and passed by both the House
2 and the Senate, as follows:

3 Page 1, line 13, by striking the words "*to possess or consume*
4 *alcoholic*" and on line 14 by striking the words "*liquors or beer*".

R. DEAN ARBUCKLE

1 Amend House File 1258 as follows:

2 1. Page 2, by inserting the following after line 28:

3 "*The owner or person having custody of the vehicle*
4 *to which a certificate of rejection has been affixed*
5 *may appeal the rejection to the department of public*
6 *safety. The appeal shall be in writing and shall be*
7 *filed with the department of public safety within ten*
8 *days of the rejection. The department of public safety*
9 *shall hold a hearing on the appeal within ten days of*
10 *receipt of the appeal and shall issue a decision affirm-*
11 *ing the rejection or disallowing the rejection, in whole*
12 *or in part, within seven days of the hearing."*

13 2. Page 1, line 6, by amending the title by insert-
14 ing before the word "and" the following: "to provide
15 for administrative appeal,".

CLIFTON C. LAMBORN

1 Amend House File 1273, as amended and passed by
2 the House, by adding the following new sections:

3 1. "Sec. Section seven hundred thirteen A
4 point one (713A.1), subsection two (2), Code 1971,
5 is amended to read as follows:

6 2. Collect tuition or other charges in excess
7 of one hundred fifty dollars [in advance of the

8 actual attendance of a pupil in the school, or]
 9 in the case of correspondence courses of study,
 10 in advance of the receipt and approval by the
 11 pupil of the first assignment or lesson of such
 12 course. Any contract providing for advance
 13 payment of more than one hundred fifty dollars
 14 shall be voidable on the part of the pupil or any
 15 person liable for the tuition provided for in the
 16 contract.”

17 2. “Sec. Section seven hundred thirteen A
 18 point two (713A.2), subsection one (1), Code 1971,
 19 is amended to read as follows:

20 1. A continuous corporate surety bond to the
 21 state of Iowa in the sum of [ten] *fifty* thousand dol-
 22 lars conditioned for the faithful performance of
 23 all contracts and agreements with students made by
 24 such person, firm, association, or corporation, or
 25 their salesmen; provided, however, that the aggregate

Page 2

1 liability of the surety for all breaches of the
 2 conditions of the bond shall, in no event, exceed
 3 the sum of said bond. The surety on the bond
 4 shall have the right to cancel said bond upon
 5 giving thirty days' written notice to the super-
 6 intendent of public instruction and thereafter
 7 shall be relieved of liability for any breach of
 8 condition occurring after the effective date of
 9 said cancellation.”

10 3. “Sec. Chapter seven hundred thirteen
 11 A (713A), Code 1971, is amended by adding the fol-
 12 lowing new section:

13 TRADE AND VOCATIONAL SCHOOLS—EXEMPTION—
 14 CONDITIONS. The provisions of this chapter shall
 15 not apply to trade or vocational schools if they
 16 meet either of the following conditions:

17 1. File a bond or a bond is filed on their
 18 behalf by a parent corporation with the super-
 19 intendent of public instruction as required by
 20 subsection two (2) of section seven hundred thirteen
 21 A point two (713A.2) of the Code.

22 2. File an annual sworn statement, or such state-
 23 ment is filed on their behalf by a parent corporation,
 24 certified by a certified public accountant, showing
 25 all assets and liabilities of the trade or vocational

Page 3

1 school or the assets of a parent corporation. The
 2 statement shall show the trade or vocational school's
 3 net worth, or the net worth of the parent corporation,
 4 to be not less than five times the amount of the bond

5 required by subsection two (2) of section seven hundred
6 thirteen A point two (713A.2) of the Code."

LUCAS J. DeKOSTER
CLOYD E. ROBINSON

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Thursday, March 16, 1972.

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, MARCH 16, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Donald Wilkowski, pastor of the Lutheran Church, Sloan, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, March 15, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirteen New Horizon students from East High School, Des Moines, Iowa, accompanied by their instructor, David L. Durand. Senator Palmer.

Fifty students from Phoenix Elementary School, West Des Moines, Iowa, accompanied by Gayle Svoboda and Carmel Boyle. Senator Milligan.

Fifty students from Nesco Community School, Zearing, Iowa, including the leading state scorer in girl's basketball, Nina Rasmussen. The group was accompanied by Mr. and Mrs. Sonny Lyons, Jack Roberts and Otto Faaborg. Senator Van Drie.

Fifty-five students from Panora-Linden Community School, Panora, Iowa, accompanied by Mary Jane Carson and Hal Rasow. Senator Arbuckle.

Thirty-one students from Sheffield High School, Sheffield, Iowa, accompanied by their instructor, Steve Spurr. Estela Castro, a foreign exchange student from Argentina, was a member of the group. Senator Curran.

Twenty-four students from Visitation School, Des Moines, Iowa, accompanied by Dennis Hiatt. Senator Palmer.

Sixty students from Interstate 35 High School, Truro, Iowa, accompanied by their principal, John Williams, and Gary Holliday. Senator Laverty.

Twenty-seven students from Stuart-Menlo Community School, Stuart, Iowa, accompanied by Beth Thompson. Senator Arbuckle.

Forty students from Durant High School, Durant, Iowa, accompanied by Mrs. Paul and Mr. Reinert. Senator Rabedeaux.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Don Otilie, Oelwein, Iowa.

RESOLUTIONS ADOPTED

Senate Concurrent Resolution 119

Senator Lamborn called up for consideration Senate Concurrent Resolution 119, a resolution authorizing payment of expenses incurred by members attending interim committee meetings, found on page 703 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 121

Senator Lamborn called up for consideration Senate Concurrent Resolution 121, a resolution relating to the details incident to the closing of the Sixty-fourth General Assembly and the reconvening of the Sixty-fifth General Assembly, found on pages 704 and 705 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 122

Senator Lamborn called up Senate Concurrent Resolution 122, a resolution authorizing the Legislative Council to determine the feasibility of interim studies proposed in resolutions not adopted, found on page 800 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate Resolution 101

Senator Lamborn called up Senate Resolution 101, a resolution authorizing payment of interim expenses, found on page 703 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

Senate Concurrent Resolution 120

Senator Lamborn called up for consideration Senate Concurrent Resolution 120, a resolution authorizing the presentation of desks to the President of the Senate and the Speaker of the House, found on page 704 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

APPOINTMENT OF THIRD CONFERENCE COMMITTEE

The Chair announced the appointment of the following third conference committee on Senate File 85, on the part of the Senate: Senators Potter, chairman; Carlson, DeKoster and Gross.

CONFERENCE COMMITTEE REPORT PENDING**Senate File 428**

The Senate resumed consideration of the conference committee report on Senate File 428, a bill for an act to provide a unified trial court having district court judges and district court magistrates; to discontinue superior, justice of the peace, and police courts; and to establish traffic violations offices within the district court to receive uniform traffic violation penalties.

President Jepsen took the chair at 10:50 a.m.

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

The Senate resumed session, President Jepsen presiding.

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

AFTERNOON SESSION

The Senate reconvened, President Jepsen presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the Senate is asked:

House File 6, a bill for an act to establish a state building code.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1141, a bill for an act relating to unfair trade practices in the business of insurance.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 6

- 1 Amend the Senate amendment to House File 6 as amended and
- 2 passed by the House as follows:
- 3 1. By inserting after line 100 the following:
- 4 20. Page 9, line 13, by striking the numerals "1971" and
- 5 inserting in lieu thereof the numerals "1972".
- 6 2. By renumbering the amendments to conform to this
- 7 amendment.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 428

The Senate resumed consideration of the conference committee report on Senate File 428.

CALL OF THE SENATE

The Chair announced the following Call of the Senate had been filed at the desk and directed the Secretary to call the roll:

MR. PRESIDENT: Pursuant to Rule 19 of the Rules of the Senate of the Sixty-fourth General Assembly, we, the undersigned, do hereby request a Call of the Senate on Senate File 428, the conference committee report, and amendments thereto.

RICHARD L. STEPHENS
JOHN L. MOWRY
J. WESLEY GRAHAM
EUGENE M. HILL
W. CHARLENE CONKLIN
W. R. RABEDAUX
ROGER J. SHAFF
WAYNE D. KEITH
FLOYD GILLEY
CHARLES F. BALLOUN

Roll call revealed all members present with the exception of Senators Carlson, DeKoster, Gross and Potter.

Senator Lamborn asked unanimous consent that the absent Senators serving on the conference committee on Senate File 85 be excused from the Call.

Objection was raised.

The Chair directed the Sergeant-at-arms to call the absent Senators from the conference committee meeting.

Senator Griffin took the chair at 2:42 p.m.

President Jepsen took the chair at 2:47 p.m.

Senator Riley moved the adoption of the conference committee report.

Roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 428) the vote was:

Ayes, 26:

Arbuckle	Keith	Nicholson	Robinson
Brownlee	Kyhl	Ollenburg	Shaff
Carlson	Lamborn	Potgeter	Smith
Curran	Laverty	Potter	Thordsen
Davis	Messerly	Rhodes	Van Gilst
DeKoster	Milligan	Riley	Walsh
Griffin	Neu		

Nays, 24:

Anderson	Doderer	Gross	Rabedeaux
Balloun	Erskine	Hill	Schaben
Bass	Gaudineer	Kennedy	Shawver
Briles	Gilley	Miller	Stephens
Coleman	Glenn	Mowry	Tapscott
Conklin	Graham	Palmer	Van Drie

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 428) the vote was:

Ayes, 26:

Arbuckle	Keith	Nicholson	Robinson
Brownlee	Kyhl	Ollenburg	Shaff
Carlson	Lamborn	Potgeter	Smith
Curran	Laverty	Potter	Thordsen
Davis	Messerly	Rhodes	Van Gilst
DeKoster	Milligan	Riley	Walsh
Griffin	Neu		

Nays, 24:

Anderson	Doderer	Gross	Rabedeaux
Balloun	Erskine	Hill	Schaben
Bass	Gaudineer	Kennedy	Shawver
Briles	Gilley	Miller	Stephens
Coleman	Glenn	Mowry	Tapscott
Conklin	Graham	Palmer	Van Drie

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

Senator Lamborn asked and received unanimous consent that Senate File 428 be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS

House File 1279

On motion of Senator Mowry, House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, was taken up for further consideration.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1279) the vote was:

Ayes, 36:

Anderson	Davis	Messerly	Riley
Arbuckle	DeKoster	Milligan	Robinson
Balloun	Erskine	Mowry	Shaff
Bass	Gilley	Neu	Shawver
Briles	Hill	Nicholson	Smith
Brownlee	Keith	Ollenburg	Stephens
Carlson	Kyhl	Potgeter	Thordsen
Coleman	Lamborn	Potter	Van Drie
Curran	Laverty	Rhodes	Van Gilst

Nays, 7:

Conklin	Gross	Palmer	Walsh
Glenn	Kennedy	Tapscott	

Voting present, 1:

Graham

Absent or not voting, 6:

Doderer	Griffin	Rabedaux	Schaben
Gaudineer	Miller		

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

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

The Senate resumed session, President Jepsen presiding.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be

placed on the steering calendar:

S. F. 1212
H. F. 1143

S. F. 1196
S. F. 288

S. F. 1149

CLIFTON C. LAMBORN, Chairman

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up out of order Senate File 1206.

Senate File 1206

On motion of Senator Arbuckle, Senate File 1206, a bill for an act relating to the method of paying state employees, was taken up and considered.

Senator Arbuckle moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1206) the vote was:

Ayes, 40:

Anderson	Gaudineer	Messerly	Rhodes
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Milligan	Shaff
Bass	Graham	Mowry	Shawver
Brownlee	Hill	Neu	Smith
Conklin	Keith	Nicholson	Stephens
Curran	Kennedy	Ollenburg	Tapscott
Davis	Kyhl	Potgeter	Thordsen
DeKoster	Lamborn	Potter	Van Drie
Doderer	Laverty	Rabedeaux	Van Gilst

Nays, none.

Absent or not voting, 10:

Briles	Erskine	Palmer	Schaben
Carlson	Griffin	Riley	Walsh
Coleman	Gross		

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

Senator Arbuckle asked and received unanimous consent that **Senate File 1206** be **immediately messaged** to the House, which request was complied with.

Senator Lamborn asked and received unanimous consent to take up out of order Senate File 529.

Senate File 529

On motion of Senator Potgeter, Senate File 529, a bill for an act to legalize and validate proceedings for the establishment,

organization, formation, and changes in the boundaries of merged area school systems, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Potgeter asked and received unanimous consent that **House File 1101** be substituted for **Senate File 529**.

House File 1101

On motion of Senator Potgeter, House File 1101, a bill for an act to legalize and validate proceedings for the establishment, organization, formation and changes in the boundaries of merged area school systems, was taken up and considered.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1101) the vote was:

Ayes, 40:

Anderson	Gaudineer	Laverty	Rabedeaux
Arbuckle	Gilley	Messerly	Rhodes
Balloun	Glenn	Miller	Riley
Bass	Graham	Milligan	Shaff
Brownlee	Gross	Mowry	Smith
Conklin	Hill	Neu	Stephens
Curran	Keith	Nicholson	Tapscott
Davis	Kennedy	Ollenburg	Thordsen
DeKoster	Kyhl	Potgeter	Van Drie
Doderer	Lamborn	Potter	Van Gilst

Nays, none.

Absent or not voting, 10:

Briles	Erskine	Robinson	Shawver
Carlson	Griffin	Schaben	Walsh
Coleman	Palmer		

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

SENATE FILE WITHDRAWN

Senator Potgeter asked and received unanimous consent that **Senate File 529** be withdrawn from further consideration of the Senate.

Senator Lamborn asked and received unanimous consent to take up out of order Senate File 1208.

Senate File 1208

On motion of Senator DeKoster, Senate File 1208, a bill for an act to prohibit discrimination by licensing associations, was taken up and considered.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1208) the vote was:

Ayes, 41:

Anderson	Gilley	Messerly	Rhodes
Arbuckle	Glenn	Miller	Riley
Balloun	Graham	Milligan	Shaff
Bass	Gross	Mowry	Shawver
Brownlee	Hill	Neu	Smith
Conklin	Keith	Nicholson	Stephens
Curran	Kennedy	Ollenburg	Tapscott
Davis	Kyhl	Potgeter	Thordsen
DeKoster	Lamborn	Potter	Van Drie
Doderer	Laverty	Rabedeaux	Van Gilst
Gaudineer			

Nays, none.

Absent or not voting, 9:

Briles	Erskine	Palmer	Schaben
Carlson	Griffin	Robinson	Walsh
Coleman			

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

House File 1258

On motion of Senator Kyhl, House File 1258, a bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly, relating to motor vehicle inspection to extend the time within which a vehicle failing inspection must be repaired, to require inspection upon the transfer of a motor vehicle, to lengthen the period within which a motor vehicle must be inspected prior to transfer, and to permit the regrooving of specially designed tires, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lamborn offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 1258 as follows:
- 2 1. Page 2, by inserting the following after line 28:
- 3 *"The owner or person having custody of the vehicle*
- 4 *to which a certificate of rejection has been affixed*
- 5 *may appeal the rejection to the department of public*
- 6 *safety. The appeal shall be in writing and shall be*

7 filed with the department of public safety within ten
 8 days of the rejection. The department of public safety
 9 shall hold a hearing on the appeal within ten days of
 10 receipt of the appeal and shall issue a decision affirm-
 11 ing the rejection or disallowing the rejection, in whole
 12 or in part, within seven days of the hearing."
 13 2. Page 1, line 6, by amending the title by insert-
 14 ing before the word "and" the following: "to provide
 15 for administrative appeal,".

The amendment was adopted.

Senator Kyhl moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1258) the vote was:

Ayes, 37:

Anderson	Gilley	Messerly	Rhodes
Arbuckle	Glenn	Miller	Riley
Balloun	Graham	Milligan	Robinson
Bass	Gross	Mowry	Shawver
Brownlee	Hill	Nicholson	Smith
Conklin	Kennedy	Ollenburg	Stephens
Curran	Kyhl	Potgeter	Tapscott
Davis	Lamborn	Potter	Thordsen
DeKoster	Laverty	Rabedaux	Van Drie
Gaudineer			

Nays, none.

Absent or not voting, 13:

Briles	Erskine	Neu	Shaff
Carlson	Griffin	Palmer	Van Gilst
Coleman	Keith	Schaben	Walsh
Doderer			

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

House File 1259

On motion of Senator Kyhl, House File 1259, a bill for an act relating to the use of motor vehicle "registration applied for" cards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kyhl moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1259) the vote was:

Ayes, 37:

Anderson	Glenn	Miller	Rhodes
Arbuckle	Graham	Milligan	Riley
Balloun	Gross	Mowry	Robinson
Bass	Hill	Neu	Shawver
Conklin	Kennedy	Nicholson	Smith
Curran	Kyhl	Ollenburg	Stephens
Davis	Lamborn	Potgeter	Tapscott
DeKoster	Laverty	Potter	Thordsen
Gaudineer	Messerly	Rabedeaux	Van Drie
Gilley			

Nays, none.

Absent or not voting, 13:

Briles	Doderer	Keith	Shaff
Brownlee	Erskine	Palmer	Van Gilst
Carlson	Griffin	Schaben	Walsh
Coleman			

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

House File 1203

On motion of Senator DeKoster, House File 1203, a bill for an act relating to erroneous and obsolete references in the Code of Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1203) the vote was:

Ayes, 37:

Anderson	Gilley	Messerly	Rabedeaux
Arbuckle	Glenn	Miller	Rhodes
Balloun	Graham	Milligan	Riley
Bass	Gross	Mowry	Robinson
Conklin	Hill	Neu	Smith
Curran	Kennedy	Nicholson	Stephens
Davis	Kyhl	Ollenburg	Tapscott
DeKoster	Lamborn	Potgeter	Thordsen
Doderer	Laverty	Potter	Van Drie
Gaudineer			

Nays, none.

Absent or not voting, 13:

Briles	Erskine	Palmer	Shawver
Brownlee	Griffin	Schaben	Van Gilst
Carlson	Keith	Shaff	Walsh
Coleman			

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

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1143.

House File 1143

On motion of Senator Mowry, House File 1143, a bill for an act relating to installment loans by state banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1143) the vote was:

Ayes, 28:

Anderson	DeKoster	Lamborn	Potter
Arbuckle	Gaudineer	Messery	Rabedeaux
Balloun	Gilley	Mowry	Rhodes
Bass	Graham	Neu	Riley
Conklin	Gross	Nicholson	Shawver
Curran	Kennedy	Ollenburg	Smith
Davis	Kyhl	Potgeter	Thordsen

Nays, 4:

Doderer	Glenn	Hill	Tapscott
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Voting present, 2:

Milligan	Stephens
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Absent or not voting, 16:

Briles	Erskine	Miller	Shaff
Brownlee	Griffin	Palmer	Van Drie
Carlson	Keith	Robinson	Van Gilst
Coleman	Laverty	Schaben	Walsh

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1096, a bill for an act relating to the tax assessment procedures.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 1096

- 1 Amend Senate File 1096, as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 3, by inserting after line 11 the following

4 new sections:
 5 "Sec. Section four hundred twenty-one point seventeen
 6 (421.17), Code 1971, is amended by adding the following
 7 new subsection:
 8 To issue rules and regulations as are necessary, subject
 9 to the provisions of chapter seventeen A (17A) of the Code,
 10 to provide for the uniform application of the exemptions
 11 provided in section four hundred twenty-seven point one
 12 (427.1) of the Code in all assessor jurisdictions in the
 13 state.
 14 Sec. Section four hundred twenty-seven point one
 15 (427.1), Code 1971, as amended by chapter two hundred
 16 fifteen (215), section one (1), Acts of the Sixty-fourth
 17 General Assembly, First Session, is amended by adding the
 18 following new subsection:
 19 Each county and city assessor shall determine the
 20 assessment value that would be assigned to the property if
 21 it were taxable and value all tax exempt property within
 22 his jurisdiction. The list of tax exempt property shall
 23 contain a legal description of the tax exempt property and
 24 the name of the owner of the tax exempt property, the
 25 market value of the tax exempt property, and the assessed

Page 2

1 value of the tax exempt property. The list of tax exempt
 2 property shall be filed with the director of revenue and
 3 the local board of review on or before April sixteen of
 4 each year."
 5 3. By adding the following section after Sec. 2.
 6 "Sec. 3. Section four hundred twenty-eight point
 7 twenty-eight (428.28), Code 1971, is amended by adding
 8 thereto the following:
 9 Every individual, copartnership, corporation,
 10 association, city or town which operates a public utility
 11 on a nonprofit basis, as defined in section four hundred
 12 twenty-eight point twenty-four (428.24) of the Code, shall
 13 annually, on or before the first day of May of each calendar
 14 year, make a report on blanks to be provided by the
 15 department of revenue of all of the property owned by such
 16 individual, copartnership, corporation, association, or city
 17 or town within the incorporated limits of any city or town
 18 in the state, and give such other information as the director
 19 of revenue shall require. Any public utility which reports
 20 according to this paragraph shall not be assessed."
 21 4. Page 10, line 12, by inserting after the word "property"
 22 the following: "under subsections two (2) through nine (9),
 23 inclusive, and subsections eleven (11) and twelve (12) of
 24 section four hundred twenty-seven point one (427.1) of the Code".
 25 5. Renumber sections and correct internal references as

Page 3

1 are necessary in accordance with this amendment.

SENATE CONCURRENT RESOLUTION 131

By Lamborn

Whereas, the pet animal business in the State of Iowa has grown at an extremely rapid rate, and

Whereas, at present there is no adequate statutory departmental regulations governing the operation of this business, and

Whereas, the welfare of these pets which include protecting their health and securing proper environmental settings is in the public interest, and

Whereas, there has been an alarming increase in the number of exotic animals raised within and imported into the State of Iowa without any existing provisions governing their health and proper sanitary conditions, and

Whereas, the increase in the number of pets and the number of exotic pets has been coupled with a striking upturn in the number of Iowa citizens affected by transmittable animal diseases, and

Whereas, there has been an unfortunate increase in misrepresentation to the public as to the quality and health conditions of pets sold such as to be tantamount to consumer fraud, and

Whereas, the preservation of the safety and well-being of the public is unquestionably in the public interest.

Now, Therefore, Be It Resolved by the Senate the House Concurring, That the Legislative Council create a study committee to consider the most feasible and practical method of protecting the public from disease and from fraud and also protecting the animal population from inhumane treatment and that such study committee make recommendations in the form of a report and bill draft, if needed, for the implementation of this objective; and

Be It Further Resolved that the study committee shall consist of not less than eight legislators, selected by the Legislative Council, representing both houses of the General Assembly and both political parties and citizen members, if deemed desirable; and

Be It Further Resolved that the study committee shall make periodic reports to the Legislative Council and it shall submit a final report including necessary bill drafts to implement its recommendations to the Legislative Council. Copies of the report approved by the Legislative Council shall be submitted to members of the General Assembly meeting in the year 1973.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 15, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- H. F. 30—Relating to the inspection of pipeline construction over private property.
- H. F. 367—Relating to joint planning commissions.
- H. F. 680—To clarify the status of law-enforcement officers appointed by the state conservation commission.
- H. F. 1074—To legalize and validate proceedings of the board of directors of the United Community School District in the counties of

Boone and Story, State of Iowa, authorizing and providing for the sale and issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

- H. F. 1099—Providing for an appraisal staff and appraisal manual in the department of revenue, and to make an appropriation therefor.
- H. F. 1120—Relating to notification of property owners of adjustment of real property assessments.
- H. F. 1213—Making an appropriation to the office of secretary of state to defray expenses relating to the administration of election laws.
- H. F. 1257—Relating to urban renewal projects and bonds.

COMMUNICATION FROM THE SECRETARY OF STATE

March 16, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1014 was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 7, 1972, and in The Marion Sentinel, Marion, Iowa, March 9, 1972.

I further certify that Senate File 1046 was published in the Marshalltown Times-Republican, Marshalltown, Iowa, March 6, 1972, and in the Eldora Herald-Ledger, Eldora, Iowa, March 14, 1972.

Respectfully submitted,

MELVIN D. SYNHORST
Secretary of State

SENATE FILE WITHDRAWN FROM COMMITTEE

MR. PRESIDENT: Pursuant to Rule 41 of the Rules of the Senate, Sixty-fourth General Assembly, we, the undersigned, petition for the withdrawal of Senate File 1073 from the committee on ways and means, and that said Senate File be placed on the Senate calendar.

JOHN M. WALSH
JAMES A. POTGETER
JAMES W. GRIFFIN SR.
WILLIAM D. PALMER
JAMES F. SCHABEN
JOSEPH C. COLEMAN
JOHN E. TAPSCOTT
G. WILLIAM GROSS
GEORGE L. SHAWVER
W. R. RABEDEAUX
HAROLD A. THORSEN
RALPH W. POTTER
JAMES E. BRILES

TOM RILEY
S. J. BROWNLEE
CHARLES P. MILLER
RUDY VAN DRIE
ARTHUR A. NEU
GENE W. GLENN
GENE V. KENNEDY
CLOYD E. ROBINSON
EDWARD E. NICHOLSON
FRANCIS L. MESSERLY
GEORGE F. MILLIGAN
CHARLES O. LAVERTY
MINNETTE DODERER

EXPLANATION OF VOTE

MR. PRESIDENT: A point of order was raised by Senator Glenn regarding the conference committee report on Senate File 428.

The attention of the Senate was directed to section 3 of rule 12 of the Joint Rules of the Senate and House, Sixty-fourth General Assembly, which states:

"The authority of the committee shall be limited to recommendations regarding the subject matter of the amendment or amendments which were insisted upon by the house requesting the conference committee."

Senator Glenn pointed out that the conference committee did not limit itself to recommendations regarding subject matter in dispute as required by the rule. To substantiate his point Senator Glenn directed the Senate's attention to "Sec. 73. DISCRETIONARY REVIEW BY SUPREME COURT", which included 12 subsections.

It was the ruling of the President of the Senate that the point was not well taken. While agreeing that the subject matter found in Sec. 73 was new, the President pointed out that although the rule had been in existence for a number of years the Senate and House had on many occasions accepted and acted upon conference committee reports that did in fact contain new subject matter. This, the President reasoned, was basis for the presumption that a free conference was permitted, that the report of a free conference committee could include new subject matter, and so ruled.

Senator Glenn appealed from the decision of the President. The decision of the President was upheld by the Senate.

I disagreed and voted not to uphold the decision of the President for the following reasons:

In my opinion the earlier action of House and Senate in permitting consideration and action on conference committee reports that included new subject matter does not support the presumption, or allow the conclusion, that a free conference committee is permitted under the Joint Rules. In the instances referred to, the House and Senate proceeded on the basis of unanimous consent, there being no objection lodged or sustained.

In the present instance, however, a point-of-order was raised, and, in my opinion, should have been sustained. In view of the objection, suspension of the Joint Rules should have been required before action on the conference committee report. The President ruled otherwise. Senator Glenn appealed from the decision of the President. I voted not to uphold the decision.

EUGENE M. HILL

REPORTS OF COMMITTEES

Senator Messerly submitted the following reports:

MR. PRESIDENT: Your committee on appropriations, to which was referred **Senate File 1218**, a bill for an act relating to occupational safety and health and providing penalties for violation, begs leave to report it has had the same under consideration and recommends the same **be amended as follows and when so amended the bill do pass**:

- 1 Amend Senate File 1218 as follows:
- 2 1. Page 23, line 21, by inserting after "supplies." the following:
- 3 "The commission is authorized to employ necessary personnel
- 4 for the carrying out of its functions and duties as provided

- 5 under this Act.”
 6 2. Page 24, by striking line 24 and inserting in lieu thereof
 7 the following:
 8 “Act. In the event the appropriate trial judge is not
 9 available, any judge of the judicial district in which such county”.
 10 3. Page 31, by striking line 17 and inserting in lieu thereof
 11 the following:
 12 “additional sum of forty-one thousand four hundred forty (41,440)
 13 dollars,”.
 14 4. Page 31, after line 19, by adding the following new section:
 15 “Section There is appropriated from the general fund
 16 of the state of Iowa to the occupational safety and health
 17 review commission for the fiscal year beginning July 1, 1972,
 18 and ending June 30, 1973, a sum of fourteen thousand six hundred
 19 fifty (14,650) dollars, or so much thereof as may be necessary,
 20 to carry out the provisions of this Act.”

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred **House File 1297**, a bill for an act relating to continuation of the study of the state mental health institutes and the existing institutions for juveniles under the department of social services, begs leave to report it has had the same under consideration and recommends the same **do pass**.

FRANCIS L. MESSERLY, Chairman

Ordered passed on file.

Senator Thordsen submitted the following report:

MR. PRESIDENT: Your committee on law enforcement, to which was referred **House File 1169**, a bill for an act requiring a report of the disposition of all persons whose arrest has been reported to the division of criminal investigation and the bureau of identification, begs leave to report it has had the same under consideration and recommends the same **do pass**.

HAROLD A. THORSEN, Chairman

Ordered passed on file.

BILLS ASSIGNED TO COMMITTEE

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

- S.C.R. 129 State government
- S.C.R. 131 State government
- S. F. 1218 State government (under Rule 37)

On motion of Senator Lamborn, the Senate adjourned until 8:30 a.m., Friday, March 17, 1972.

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, MARCH 17, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend M. J. Ansonge, pastor of the Spirit Lake Emmanuel Church, Spirit Lake, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, March 16, 1972, was approved.

PRESENTATION OF VISITORS

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

Sixty-six students from Guthrie Center Junior High School, Guthrie Center, Iowa, accompanied by Mr. Freidrich and Rich Hanson. Senator Arbuckle.

Eighty-one students from Dubuque Senior High School, Dubuque, Iowa, accompanied by Rich Tyler, Verne Klinge and Jim Petersen. Senators Kennedy and Walsh.

Twenty students, members of the Harlan High School basketball team, Harlan, Iowa. Senator Schaben.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Don Otilie, Oelwein, Iowa.

CONSIDERATION OF BILLS

House File 1219

On motion of Senator Erskine, House File 1219, a bill for an act related to the destruction of undesirable fish, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Erskine moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1219) the vote was:

Ayes, 39:

Anderson	Davis	Laverty	Riley
Arbuckle	Doderer	Messerly	Schaben
Balloun	Erskine	Miller	Shaff
Bass	Gilley	Neu	Shawver
Briles	Glenn	Nicholson	Stephens
Brownlee	Graham	Ollenburg	Tapscott
Carlson	Gross	Potgeter	Thordsen
Coleman	Keith	Potter	Van Drie
Conklin	Kyhl	Rabedaux	Van Gilst
Curran	Lamborn	Rhodes	

Nays, 1:

Mowry

Absent or not voting, 10:

DeKoster	Hill	Palmer	Smith
Gaudineer	Kennedy	Robinson	Walsh
Griffin	Milligan		

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

Senate File 1212

On motion of Senator Messerly, Senate File 1212, a bill for an act relating to health maintenance organizations, was taken up and considered.

SENATE FILE DEFERRED

Senator Rabedaux asked and received unanimous consent that action on Senate File 1212 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Senate File 1149

On motion of Senator Miller, Senate File 1149, a bill for an act relating to salaries of certain county officers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1149) the vote was:

Ayes, 44:

Anderson	Doderer	Lamborn	Rabedeaux
Arbuckle	Erskine	Laverty	Rhodes
Balloun	Gaudineer	Messenger	Riley
Briles	Gilley	Miller	Robinson
Brownlee	Glenn	Mowry	Schaben
Carlson	Graham	Neu	Shaff
Coleman	Gross	Nicholson	Shawver
Conklin	Hill	Ollenburg	Tapscott
Curran	Keith	Palmer	Thordsen
Davis	Kennedy	Potgeter	Van Drie
DeKoster	Kyhl	Potter	Van Gilst

Nays, 2:

Bass	Stephens
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Absent or not voting, 4:

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

Senator Miller asked and received unanimous consent that Senate File 1149 be immediately messaged to the House, which request was complied with.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 6

Senator Rabedeaux called up for consideration House File 6, a bill for an act to establish a state building code, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend the Senate amendment to House File 6 as amended and
- 2 passed by the House as follows:
- 3 1. By inserting after line 100 the following:
- 4 20. Page 9, line 13, by striking the numerals "1971" and
- 5 inserting in lieu thereof the numerals "1972".
- 6 2. By renumbering the amendments to conform to this
- 7 amendment.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 6) the vote was:

Ayes, 38:

Anderson	Davis	Messerly	Rhodes
Arbuckle	DeKoster	Miller	Riley
Balloun	Doderer	Mowry	Schaben
Bass	Erskine	Neu	Shaff
Briles	Gilley	Nicholson	Shawver
Brownlee	Glenn	Ollenburg	Stephens
Carlson	Graham	Potgeter	Thordsen
Coleman	Gross	Potter	Van Drie
Conklin	Keith	Rabedeaux	Van Gilst
Curran	Kyhl		

Nays, 6:

Gaudineer	Kennedy	Robinson	Tapscott
Hill	Palmer		

Absent or not voting, 6:

Griffin	Laverty	Smith	Walsh
Lamborn	Milligan		

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

HOUSE AMENDMENTS CONSIDERED

Senate File 202

Senator Briles called up for consideration Senate File 202, a bill for an act relating to changing of names by individuals, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 202 as follows:
- 2 1. Page 2, by striking from line 5 the words "and is
- 3 unmarried if a female,".
- 4 2. Page 2, line 30, by striking the word "wife" and
- 5 inserting in lieu thereof the words "or her spouse".
- 6 3. Page 2, line 31, by inserting after the word "file"
- 7 the words "his or".
- 8 4. Page 2, by adding the following after line 31:
- 9 "If the petitioner has a minor child, the petition shall
- 10 state this fact and shall state all the information about the
- 11 child that is required of a petitioner in section three (3) of
- 12 this chapter. If the minor child is fourteen years of age
- 13 or older he shall file his written consent."
- 14 5. Page 3, by striking line 5 and inserting in lieu
- 15 thereof the following:
- 16 "or a minor child of the petitioner shall reflect the
- 17 former name of the person affected by the new birth certificate."
- 18 6. By adding thereto the following new section after
- 19 section 12:
- 20 "The surname of such new name may become the legal surname
- 21 of the spouse and minor children of such person."
- 22 7. Page 3, line 15, by inserting after the word "recorder"
- 23 the words "and county auditor".
- 24 8. By renumbering the sections to conform to this amendment.

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 202) the vote was:

Ayes, 45:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Milligan	Schaben
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Coleman	Gross	Nicholson	Stephens
Conklin	Keith	Ollenburg	Tapscott
Curran	Kennedy	Palmer	Thordsen
Davis	Kyhl	Potgeter	Van Drie
DeKoster	Lamborn	Potter	Van Gilst
Doderer			

Nays, 1:

Hill

Absent or not voting, 4:

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

MOTION TO RECONSIDER ADOPTED

House File 69

Senator Mowry called up for consideration the following motion filed by Senators Mowry and DeKoster on February 3, 1972, and moved its adoption:

MR. PRESIDENT: We move to reconsider the vote by which House File 69 passed the Senate, March 2, 1972.

On the question "Shall the motion to reconsider be adopted?" (H.F. 69) the vote was:

Ayes, 33:

Anderson	Davis	Laverty	Schaben
Arbuckle	DeKoster	Mowry	Shaff
Balloun	Gilley	Neu	Shawver
Bass	Graham	Nicholson	Smith
Briles	Griffin	Potgeter	Stephens
Brownlee	Keith	Potter	Thordsen
Carlson	Kyhl	Rabedeaux	Van Drie
Coleman	Lamborn	Riley	Walsh
Conklin			

Nays, 12:

Gaudineer	Hill	Milligan	Robinson
Glenn	Kennedy	Ollenburg	Tapscott
Gross	Miller	Palmer	Van Gilst

Absent or not voting, 5:

Curran	Erskine	Messerly	Rhodes
Doderer			

The motion prevailed.

Senator Mowry moved to reconsider the vote by which House File 69 went to its last reading, which motion prevailed.

HOUSE AMENDMENT TO
SENATE AMENDMENT RECONSIDERED

On motion of Senator Mowry, House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees, was taken up for reconsideration.

Senator Mowry moved to reconsider the vote by which the Senate concurred in the House amendment to the Senate amendment to House File 69, which motion prevailed.

Senator Miller took the chair at 10:00 a.m.

Senator Mowry moved that the Senate refuse to concur in the House amendment to the Senate amendment.

Roll call was requested.

On the question "Shall the motion to refuse to concur in the House amendment to the Senate amendment be adopted?" (H.F. 69) the vote was:

Ayes, 30:

Anderson	DeKoster	Mowry	Shaff
Arbuckle	Erskine	Neu	Shawver
Bass	Graham	Nicholson	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Keith	Potter	Thordsen
Coleman	Kyhl	Rhodes	Van Drie
Conklin	Lamborn	Riley	Walsh
Davis	Laverty		

Nays, 13:

Briles	Hill	Milligan	Robinson
Gaudineer	Kennedy	Palmer	Tapscott
Glenn	Miller	Potgeter	Van Gilst
Gross			

Absent or not voting, 7:

Balloun	Doderer	Messerly	Schaben
Curran	Gilley	Rabedeaux	

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

MOTION TO RECONSIDER LOST

House File 1127

Senator Arbuckle called up the following motion to reconsider House File 1127, a bill for an act relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school related functions, filed by him on March 14, 1972, and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 1127 passed the Senate on March 14, 1972.

On the question "Shall the motion to reconsider be adopted?" (H.F. 1127) the vote was:

Ayes, 12:

Arbuckle	Miller	Rhodes	Tapscott
Glenn	Potgeter	Riley	Van Drie
Graham	Rabedeaux	Shawver	Walsh

Nays, 26:

Balloun	Erskine	Lamborn	Palmer
Briles	Gaudineer	Messerly	Robinson
Brownlee	Gilley	Milligan	Smith
Conklin	Hill	Mowry	Stephens
Curran	Keith	Neu	Thordsen
Davis	Kennedy	Ollenburg	Van Gilst
Doderer	Kyhl		

Absent or not voting, 12:

Anderson	Coleman	Gross	Potter
Bass	DeKoster	Laverty	Schaben
Carlson	Griffin	Nicholson	Shaff

The motion to reconsider lost.

President Jepsen took the chair at 10:30 a.m.

MOTION TO RECONSIDER WITHDRAWN

Senate File 1191

Senator Balloun asked and received unanimous consent to withdraw the following motion to reconsider Senate File 1191, a bill for an act relating to business corporations, filed by him on March 14, 1972:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 1191 passed the Senate.

HOUSE AMENDMENTS CONSIDERED

Senate File 1096

Senator Shaff called up for consideration Senate File 1096, a bill for an act relating to tax assessment procedures, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1096, as amended and passed by the
- 2 Senate, as follows:
- 3 1. Page 3, by inserting after line 11 the following
- 4 new sections:
- 5 "Sec. Section four hundred twenty-one point seventeen
- 6 (421.17), Code 1971, is amended by adding the following
- 7 new subsection:
- 8 To issue rules and regulations as are necessary, subject
- 9 to the provisions of chapter seventeen A (17A) of the Code,
- 10 to provide for the uniform application of the exemptions
- 11 provided in section four hundred twenty-seven point one
- 12 (427.1) of the Code in all assessor jurisdictions in the
- 13 state.
- 14 Sec. Section four hundred twenty-seven point one
- 15 (427.1), Code 1971, as amended by chapter two hundred
- 16 fifteen (215), section one (1), Acts of the Sixty-fourth
- 17 General Assembly, First Session, is amended by adding the
- 18 following new subsection:
- 19 Each county and city assessor shall determine the
- 20 assessment value that would be assigned to the property if
- 21 it were taxable and value all tax exempt property within
- 22 his jurisdiction. The list of tax exempt property shall
- 23 contain a legal description of the tax exempt property and
- 24 the name of the owner of the tax exempt property, the
- 25 market value of the tax exempt property, and the assessed

Page 2

- 1 value of the tax exempt property. The list of tax exempt
- 2 property shall be filed with the director of revenue and
- 3 the local board of review on or before April sixteen of
- 4 each year."
- 5 3. By adding the following section after Sec. 2.
- 6 "Sec. 3. Section four hundred twenty-eight point
- 7 twenty-eight (428.28), Code 1971, is amended by adding
- 8 thereto the following:
- 9 Every individual, copartnership, corporation,
- 10 association, city or town which operates a public utility
- 11 on a nonprofit basis, as defined in section four hundred
- 12 twenty-eight point twenty-four (428.24) of the Code, shall
- 13 annually, on or before the first day of May of each calendar
- 14 year, make a report on blanks to be provided by the

15 department of revenue of all of the property owned by such
 16 individual, copartnership, corporation, association, or city
 17 or town within the incorporated limits of any city or town
 18 in the state, and give such other information as the director
 19 of revenue shall require. Any public utility which reports
 20 according to this paragraph shall not be assessed."

21 4. Page 10, line 12, by inserting after the word "property"
 22 the following: "under subsections two (2) through nine (9),
 23 inclusive, and subsections eleven (11) and twelve (12) of
 24 section four hundred twenty-seven point one (427.1) of the Code".

25 5. Renumber sections and correct internal references as

Page 3

1 are necessary in accordance with this amendment.

Roll call was requested.

On the question "Shall the Senate concur in the House amend-
 ments?" (S.F. 1096) the vote was:

Ayes, 35:

Anderson	DeKoster	Lamborn	Rhodes
Arbuckle	Doderer	Laverty	Riley
Balloun	Erskine	Milligan	Robinson
Bass	Gaudineer	Mowry	Shaff
Brownlee	Graham	Nicholson	Smith
Carlson	Griffin	Ollenburg	Stephens
Conklin	Hill	Palmer	Tapscott
Curran	Keith	Potgeter	Van Gilst
Davis	Kyhl	Potter	

Nays, 13:

Briles	Gross	Neu	Shawver
Coleman	Kennedy	Rabedeaux	Van Drie
Gilley	Messerly	Schaben	Walsh
Glenn			

Absent or not voting, 2:

Miller	Thordsen
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The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1096) the vote was:

Ayes, 46:

Anderson	Brownlee	DeKoster	Glenn
Arbuckle	Carlson	Doderer	Graham
Balloun	Coleman	Erskine	Griffin
Bass	Conklin	Gaudineer	Gross
Briles	Curran	Gilley	Hill

Keith	Neu	Rhodes	Smith
Kyhl	Nicholson	Riley	Stephens
Lamborn	Ollenburg	Robinson	Tapscott
Laverty	Palmer	Schaben	Thorsen
Messerly	Potgeter	Shaff	Van Drie
Milligan	Potter	Shawver	Van Gilst
Mowry	Rabedeaux		

Nays, 2:

Kennedy Walsh

Absent or not voting, 2:

Davis Miller

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

UNFINISHED BUSINESS

Senate File 1049

On motion of Senator Riley, Senate File 1049, a bill for an act permitting the sale of mobile homes on Sundays, was taken up for further consideration.

Senator Riley withdrew the amendment filed by him on February 23, 1972, and found on page 511 of the Senate Journal.

Senator Van Drie withdrew the amendment filed by him on February 29, 1972, and found on page 595 of the Senate Journal.

Senator Potter withdrew the amendment filed by him on February 22, 1972, and found on pages 492 and 493 of the Senate Journal.

Senator Riley offered the following amendment filed by him on March 6, 1972:

- 1 Amend Senate File 1049 by striking all after the enacting
- 2 clause and inserting in lieu thereof the following:
- 3 "Section 1. Chapter one hundred thirty-five D (135D),
- 4 Code 1971, is amended by adding the following new section:
- 5 Any other provisions of law to the contrary notwithstanding,
- 6 mobile homes more than eight feet in width may be sold
- 7 on any day of the week including Sunday; and further, a
- 8 licensed real estate broker may sell such mobile homes
- 9 received as trade-ins in the sale of real estate without
- 10 obtaining a license under chapter three hundred twenty-two
- 11 (322), of the Code."

Senator Tapscott raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point not well taken and the amendment in order.

Senator Lamborn took the chair at 12:15 p.m.

Senator Tapscott offered the following amendment to the amendment and moved its adoption:

- 1 Amend Senate File 1049, by amending the Riley amend-
- 2 ment filed March 6, 1972, by striking all after the word
- 3 "Sunday" in line 7 and by striking lines 8 through 11 in-
- 4 clusive and inserting in lieu thereof a period.

Division was called for.

The amendment to the amendment lost.

Senator Riley moved the adoption of his amendment.

Division was called for.

The amendment was adopted.

Senator Riley offered the following amendment and moved its adoption:

- 1 Amend Senate File 1049, page 1, line 1, by striking the
- 2 words "on Sundays".

The amendment was adopted.

Senator Riley moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1049) the vote was:

Ayes, 38:

Anderson	Gaudineer	Milligan	Robinson
Arbuckle	Gilley	Neu	Schaben
Balloun	Glenn	Nicholson	Shaff
Bass	Graham	Ollenburg	Shawver
Brownlee	Griffin	Palmer	Smith
Carlson	Gross	Potgeter	Tapscott
Coleman	Keith	Potter	Thordsen
Conklin	Lamborn	Rhodes	Van Drie
Curran	Laverty	Riley	Walsh
Davis	Miller		

Nays, 6:

DeKoster	Hill	Kyhl	Van Gilst
Erskine	Kennedy		

Absent or not voting, 6:

Briles	Messerly	Rabedeaux	Stephens
Doderer	Mowry		

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

President Jepsen took the chair at 12:34 p.m.

Senator Riley asked and received unanimous consent that **Senate File 1049** be immediately messaged to the House, which request was complied with.

UNFINISHED BUSINESS

House File 711

On motion of Senator Brownlee, House File 711, a bill for an act relating to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof, was taken up for further consideration.

Senator Curran asked and received unanimous consent to withdraw the amendment filed by Senators Curran, Erskine and Keith on March 3, 1972, considered, lost and pending for reconsideration on March 10.

Senator Rhodes took the chair at 12:40 p.m.

Senator Curran offered the following amendment filed by Senators Curran, Erskine and Keith:

Division 1

- 1 Amend House File 711, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 12, by striking line 25 and inserting in
- 4 lieu thereof the following: "7. The state, its
- 5 political subdivisions, and the owners of property
- 6 adjoining the right-of-way of a public highway and
- 7 their agents and employees owe no".
- 8 2. Page 13, line 8, by striking the words "or
- 9 any" and inserting in lieu thereof a comma.
- 10 3. Page 13, line 9, by striking the word "of"
- 11 and inserting after the word "subdivisions" the
- 12 following: ", or the owners of property adjoining
- 13 the right-of-way of a public highway and their agents
- 14 and employees".
- 15 4. Page 13, line 13, by striking the word "or"
- 16 and inserting in lieu thereof a comma and inserting
- 17 before the word "shall" the words "and the owners of
- 18 property adjoining the right-of-way of a public
- 19 highway and their agents and employees".

Division 2

- 20 5. Page 1, line 1, amend the title by inserting
- 21 after the word "relating" the words ", to liability
- 22 arising out of the use of snowmobiles,".

Senator Curran called for a division of the amendment, sections 1 through 4 to be considered as division 1; section 5 to be considered as division 2.

President Jepsen took the chair at 1:03 p.m.

On motion of Senator Curran, division 1 of the amendment was adopted.

On motion of Senator Curran, division 2 of the amendment was adopted.

Senator Arbuckle offered the following amendment filed by him and moved its adoption:

- 1 Amend House File 711 as amended and passed by the House as
2 follows:
- 3 1. Page 4, after line 7, by adding the following new subsec-
4 tion and renumbering the subsequent subsection accordingly.
5 "..... Railroad right-of-way shall mean the full width of
6 property owned, leased or subject to easement for railroad purposes
7 and shall not be limited to those areas on which tracks are
8 located."
- 9 2. Page 8, after line 13, by adding the following new
10 subsection:
- 11 "..... Upon an operating railroad right-of-way. A snowmobile
12 may be driven directly across a railroad right-of-way only at an
13 established crossing and, notwithstanding any other provisions
14 of law, may, where necessary, use the improved portion of such
15 established crossing after yielding to all oncoming traffic. The
16 provisions of this subsection shall not apply to any law-enforce-
17 ment officer or railroad employee in the lawful discharge of his
18 duties."

Roll call was requested.

On the question "Shall the Arbuckle amendment be adopted?"
(H.F. 711) the vote was:

Rule 24 was invoked.

Ayes, 26:

Arbuckle	Hill	Nicholson	Schaben
Balloun	Kyhl	Potter	Shaff
Bass	Lamborn	Rabedeaux	Shawver
Curran	Laverty	Rhodes	Smith
Doderer	Messerly	Riley	Tapscott
Gilley	Miller	Robinson	Thordsen
Glenn	Mowry		

Nays, 22:

Anderson	DeKoster	Keith	Potgeter
Brownlee	Erskine	Kennedy	Stephens
Carlson	Gaudineer	Milligan	Van Drie
Coleman	Graham	Ollenburg	Van Gilst
Conklin	Griffin	Palmer	Walsh
Davis	Gross		

Absent or not voting, 2:

Briles	Neu
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The amendment was adopted.

Senator Coleman offered the following amendment and moved its adoption:

- 1 Amend House File 711 as amended and passed by the House
- 2 as follows:
- 3 1. Page 6, by striking lines 26 through 27 inclusive and
- 4 Page 7 by striking lines 1 through 20 inclusive.
- 5 2. Renumber the subsequent sections accordingly.

Senator Griffin took the chair at 1:30 p.m.

Division was called for.

The amendment lost.

Senator Brownlee moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 711) the vote was:

Ayes, 44:

Anderson	DeKoster	Kennedy	Potter
Arbuckle	Doderer	Kyhl	Rabedeaux
Balloun	Erskine	Lamborn	Robinson
Bass	Gaudineer	Messery	Shaff
Briles	Gilley	Miller	Shawver
Brownlee	Glenn	Milligan	Smith
Carlson	Graham	Mowry	Stephens
Coleman	Griffin	Nicholson	Tapscott
Conklin	Gross	Ollenburg	Thordsen
Curran	Hill	Palmer	Van Drie
Davis	Keith	Potgeter	Walsh

Nays, none.

Absent or not voting, 6:

Laverty	Rhodes	Schaben	Van Gilst
Neu	Riley		

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

Senator Brownlee asked and received unanimous consent that House File 711 be **immediately messaged** to the House, which request was complied with.

President Jepsen took the chair at 1:44 p.m.

House File 556

On motion of Senator Gross, House File 556, a bill for an act relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act, was taken up for further consideration.

Senator Gaudineer offered the following amendment filed by Senators Gaudineer and DeKoster and moved its adoption:

1 Amend House File 556, page 1, by striking all after
 2 the period in line 16 and all of lines 17 through 19, in-
 3 clusive and by inserting in lieu thereof the following:
 4 *“However, any person or entity that renders such*
 5 *service warrants only under this section that due care*
 6 *has been exercised and that acceptable professional*
 7 *standards of care in providing such service according*
 8 *to the current state of the medical arts has been*
 9 *followed. Strict liability, in tort, shall not be*
 10 *applicable to the rendition of such service.”*

The amendment was adopted.

Senator Gross moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 556) the vote was:

Ayes, 40:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gilley	Messeryly	Robinson
Balloun	Glenn	Miller	Shaff
Bass	Graham	Milligan	Shawver
Briles	Griffin	Mowry	Stephens
Brownlee	Gross	Nicholson	Tapscott
Carlson	Hill	Palmer	Thordsen
Curran	Keith	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
Doderer	Lamborn	Rabedeaux	Walsh

Nays, 3:

Gaudineer	Kennedy	Schaben
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Absent or not voting, 7:

Coleman	DeKoster	Ollenburg	Smith
Conklin	Neu	Riley	

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

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1297.

House File 1297

On motion of Senator Anderson, House File 1297, a bill for an act relating to continuation of the study of the state mental health institutes and the existing institutions for juveniles under the department of social services, with report of committee

recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Anderson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1297) the vote was:

Ayes, 41:

Anderson	Erskine	Kyhl	Rabedeaux
Arbuckle	Gaudineer	Lamborn	Rhodes
Balloun	Gilley	Laverty	Riley
Bass	Glenn	Messerly	Robinson
Briles	Graham	Miller	Shaff
Carlson	Griffin	Milligan	Stephens
Conklin	Gross	Mowry	Tapscott
Curran	Hill	Nicholson	Thordsen
Davis	Keith	Palmer	Van Drie
DeKoster	Kennedy	Potter	Walsh
Doderer			

Nays, 1:

Potgeter

Absent or not voting, 8:

Brownlee	Neu	Schaben	Smith
Coleman	Ollenburg	Shawver	Van Gilst

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

President pro tempore Kyhl took the chair at 2:10 p.m.

Senate File 1196

On motion of Senator Thordsen, Senate File 1196, a bill for an act relating to bonded warehouses, was taken up and considered.

Senator Thordsen asked and received unanimous consent that House File 1272 be substituted for Senate File 1196.

House File 1272

On motion of Senator Thordsen, House File 1272, a bill for an act relating to bonded warehouses, was taken up and considered.

Senator Stephens offered the following amendment filed by Senators Stephens, Lamborn, et al., and moved its adoption:

- 1 Amend House File 1272, as passed by the House as follows:
- 2 1. Page 2, by striking lines 7 through 13 inclusive.
- 3 2. Page 6, by striking lines 26 through 35 inclusive,
- 4 Page 7, by striking lines 1 through 35 inclusive and Page 8,

- 5 by striking lines 1 through 6 inclusive.
 6 3. Renumber the subsequent sections accordingly.

The amendment was adopted .

Senator Anderson withdrew the amendment filed by him on March 8, 1972, and found on page 786 of the Senate Journal.

Senator Thordsen moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1272) the vote was:

Ayes, 42:

Anderson	Erskine	Messery	Riley
Arbuckle	Gaudineer	Miller	Robinson
Balloun	Gilley	Milligan	Schaben
Bass	Glenn	Mowry	Shaff
Briles	Graham	Nicholson	Shawver
Brownlee	Gross	Ollenburg	Stephens
Carlson	Hill	Palmer	Tapscott
Curran	Keith	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Walsh
Doderer	Laverty		

Nays, none.

Absent or not voting, 8:

Coleman	Griffin	Neu	Smith
Conklin	Kennedy	Rhodes	Van Gilst

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

SENATE FILE WITHDRAWN

Senator Thordsen asked and received unanimous consent that **Senate File 1196** be withdrawn from further consideration of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1047, a bill for an act relating to lending and investing powers of savings and loan associations.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1214, a bill for an act relating to funding of the merit system pay plan.

Also: That the House has concurred in Senate amendment to and re-passed the following bill in which the concurrence of the House was asked: House File 1265, a bill for an act relating to the 1972 primary election.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 132, regarding the establishment of a regional check clearing facility in Des Moines for the State of Iowa.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 132

By Fischer of Grundy

Whereas, the Board of Governors of the Federal Reserve System has issued a formal policy statement directing the Presidents of the Federal Reserve Banks to extend check clearing arrangements into larger zones of immediate payment and establish other regional clearing arrangements wherever warranted by the need for more expeditious and economical check handling; and

Whereas, the Federal Reserve Bank of Chicago, which serves the Seventh Federal Reserve District including Iowa, has established objectives to implement these directives including the establishment of a regional check clearing facility in Des Moines, Iowa; and

Whereas, the establishment of a regional check clearing facility in Des Moines will be valuable to Iowans because of the employment of additional persons in the Des Moines area, the reduction of check clearing time, and providing the business community with more funds because of faster check clearing with the result that more businesses may be attracted to the central region of Iowa; and

Whereas, in developing the plans to implement the directives of the Board of Governors of the Federal Reserve System consideration is being given to dividing Iowa between two Federal Reserve Districts which might have the effect of fragmenting the State of Iowa; and

Whereas, such fragmentation would be disadvantageous to the business communities of Iowa if not implemented with due consideration to the needs of individual economic areas within the State of Iowa, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly strongly urges the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of Chicago not to detract from the beneficial aspects of their objectives by fragmenting the State of Iowa into different Federal Reserve Districts, or if some fragmentation is necessary because of the economic characteristics of certain regions of the State of Iowa, the needs of the business interests of the state as a whole be carefully considered and only those areas of the state which have a distinct definable economic interest in areas outside of the state be joined to such areas; and

Be It Further Resolved, That a copy of this resolution be forwarded to each member of the Iowa Congressional delegation in order that each such member can inform the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of Chicago of the concern, interest, and position of Iowa citizens in regard to the pending changes in the Federal Reserve System.

HOUSE MESSAGE CONSIDERED

House File 1214, a bill for an act relating to funding of the merit system pay plan and making an appropriation.

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

REPORT OF THIRD CONFERENCE COMMITTEE
ON SENATE FILE 85

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the third conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 85, a bill for an act creating a department of environmental quality, specifying its powers, duties, and functions, and providing penalties for violations thereof, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment.

2. That Senate File 85, as amended and passed by the Senate, be amended as follows:

a. Page 2A, line 16, by inserting after the period the following new sentence:

"The salary of the executive director shall be initially established by the governor, but it shall not exceed twenty-five thousand dollars per annum and, thereafter, it shall be determined by the general assembly."

b. Page 2A, by striking line 33 and inserting in lieu thereof the following:

"with public agencies of this state to provide all lab-".

c. Page 2B, line 36, by inserting after the period the following new sentence:

"If the executive director finds that public agencies of this state cannot provide the laboratory, scientific field measurement and environmental evaluation services required by the department, he may contract, with the approval of the executive committee, with any other public or private persons or agencies for such services."

d. Page 3A, line 6, by striking the word "legal,".

e. Page 3A, by striking lines 24 through 35, inclusive, page 3B, by striking lines 36 through 48, inclusive, and page 4, by striking lines 1 through 30, inclusive, and inserting in lieu thereof the following:

"1. The air quality commission shall consist of the president of the Iowa medical society or his designee and the following four members appointed by the governor with the consent of two-thirds of the senate:

a. A member actively engaged in diversified farming.

b. A member actively engaged in the management of a privately-owned manufacturing company.

c. Two members who are electors of the state.

2. The water quality commission shall consist of the chairman of the Iowa development commission or his designee and the following four members appointed by the governor with the consent of two-thirds of the senate:

- a. A member actively engaged in diversified farming.
- b. A member actively engaged in the management of a privately-owned manufacturing company.
- c. Two members who are electors of the state.

3. The solid waste disposal commission shall consist of the president of the Iowa engineering society or his designee and the following four members appointed by the governor with the consent of two-thirds of the senate:

- a. A member actively engaged in diversified farming.
- b. A member actively engaged in the management of a privately-owned manufacturing company.
- c. Two members who are electors of the state.

4. The chemical technology commission shall consist of the secretary of agriculture, the commissioner of public health, the director of the Iowa natural resources council, the chairman of the state soil conservation committee, the chief executive of the league of Iowa municipalities, the state conservation director, and the dean, college of agriculture of Iowa state university of science and technology, or their designees, a representative of a firm in Iowa actively engaged in the manufacture or formulation of agricultural chemicals, and a farmer experienced in the application of agricultural chemicals to be appointed by the governor with the consent of two-thirds of the senate. The members appointed by the governor shall serve four-year terms, except that of the membership of the initial commission, the members appointed by the governor shall be the appointed members of the chemical technology review board abolished by this Act, whose terms expired on the thirtieth of June, 1974. The terms of these two members shall expire on the thirtieth of June, 1974.

Any commission member appointed by the governor may be removed by him for cause. The members of each commission shall be electors of the state. The term of office of each appointed member shall be four years, except that of the initial membership of the air quality commission, the water quality commission, and the solid waste disposal commission, the two members appointed to represent the general public shall be appointed to two-year terms. The term of office of each member shall commence on the first day of July of the year of the appointment except that the term of office of the initial membership of the air quality commission, the water quality commission, and the solid waste disposal commission shall be computed as if such appointments were made effective July 1, 1972. Vacancies occurring during a term of office shall be filled by appointment for the balance of the unexpired term subject to the consent of two-thirds of the senate. No appointive member shall be appointed to serve more than two consecutive four-year terms."

f. Page 5, line 19, by inserting after the period the following new sentence:

"Each commission may request the assistance or advice of any public or private person in carrying out its assigned duties under this Act."

g. Page 5, by striking lines 27 and 28, and inserting in lieu thereof the following:

"sion, the administrative officer of the department of soil conservation, the director of the bacteriological laboratory at the state university of Iowa, the secretary of agriculture, the commissioner of public health, and the state geologist, or their".

h. Page 6A, line 5, by striking the word "forty" and inserting in lieu thereof "thirty".

i. Page 6A, by striking line 20.

j. Page 8, line 4, by striking the letter "a."

k. Page 8, by striking lines 19 and 20, and inserting in lieu thereof the following:

"and of such characteristics and duration as is or may reasonably tend to be injurious to human, plant, or animal life, or to property, or which".

l. Page 10, line 17, by inserting after the word "instituted" the words "by the attorney general".

m. Page 10, by striking lines 22 through 26, inclusive, and inserting in lieu thereof the following:

"rule and regulation, the owner or operator of any air contaminant source to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such emissions in accordance with such methods at such locations and intervals, and using such procedures as the commission shall prescribe, and provide such other information as the commission may reasonably require. Such classifications may be for application to".

n. Page 12, by striking lines 7 through 20, inclusive, and inserting in lieu thereof the following:

"While conducting an investigation, the executive director may enter at any reasonable time in and upon any private or public property, except private dwellings, to investigate any actual or possible violation of the provisions of this Act or the rules, regulations, or standards adopted under this Act.

a. If the executive director is denied admittance to property subject to inspection under this Act, he may apply to the district court of the county in which the property is located for issuance of a search warrant. In the application, the executive director shall state that he believes that a search of the property designated in the application is necessary for the proper administration and enforcement of the provisions of this Act or the rules, regulations, or standards adopted under this Act. If the court is satisfied that a search warrant is justified he shall grant the application and issue the warrant.

b. If the executive director establishes, under oath, probable cause that a violation of the provisions of this Act or the rules, regulations, or standards adopted under this Act has occurred, and that the evidence required to prove such violation is of a nature that it may be easily or quickly dissipated, camouflaged, or disposed of, he may apply for and the court may issue a search warrant without evidence that admission to the property was denied and prior to any attempt by the executive director to gain admittance."

o. Page 14, line 11, by inserting after the word "communications" the words ", except emission data,".

p. Page 15, by striking from line 11 the word and number "eighteen (18)" and inserting in lieu thereof the word and number "seventeen (17)".

q. Page 20, line 9, by striking the word and number "July, 1971" and inserting in lieu thereof the word and number "January, 1973".

r. Page 20, line 35, by inserting before the word "commission" the words "air quality".

s. Page 23A, line 15, by inserting after the word "detergents" the words "which contain phosphorus".

t. Page 23A, by striking lines 17 through 20, inclusive, and inserting in lieu thereof the following:

"accurate information concerning the percent of phosphorus in the formula and the weight in grams of phosphorus per recommended use level."

u. Page 28, line 19, by striking the word "unlawful" and inserting in lieu thereof the word "lawful".

v. Page 30A, by inserting after line 10 the following new section:

Sec. 50. In all proceedings with respect to any alleged violation of the provisions of sections thirty-one (31) through forty-nine (49) of this Act or any rule or regulation established by the commission or the department, the burden of proof shall be upon the commission or the department except in an action for contempt as provided in section forty-five (45) of this Act.

w. Page 31B, line 41, by striking the number "1971" and inserting in lieu thereof the number "1972".

x. Page 44A, by inserting after line 25 the following sections:

Sec. 86. As used in sections eighty-six (86) through ninety-five (95) of this Act, unless the context otherwise requires:

1. "Radiation" means any ionizing radiation including, but not limited to, high-speed electrons, neutrons, protons and other nuclear particles, but not sound waves.

2. "Radioactive material" means any solid, liquid, or gaseous material which emits radiation spontaneously.

3. "Nuclear waste disposal site" means all facilities and appurtenances including all real and personal property

connected with such facilities, which are acquired, leased, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of radioactive waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

4. "Commission" means solid waste disposal commission of the department.

Sec. 87. The department shall be the agency of the state to establish policy for the transportation, storage, handling, and disposal of radioactive material for the purpose of protecting the public health and safety.

Sec. 88. The commission shall provide, by rule and regulation, for the proper methods of transporting, storage, and handling of radioactive material except that the provisions of this section shall not apply to the transportation, handling, or storage of radioactive material by licensed physicians and surgeons or licensed osteopathic physicians and surgeons within the scope of their practice or by qualified employees of licensed hospitals within the scope of their duties. In adopting such rules and regulations, the commission shall consider the methods and techniques used by the United States atomic energy commission and radiation control agencies of other states for the regulation of the transporting, handling, and storage of radioactive material. The commission shall also consult with the department of public safety in the development of rules and regulations for the transporting of radioactive material on the public roads of this state. All rules and regulations adopted by the commission under this section shall be subject to the provisions of chapter seventeen A (17A) of the Code and section seven (7), subsection four (4) of this Act.

Sec. 89. The commission may approve or prohibit the establishment and operation of a nuclear waste disposal site in this state by a private person. In determining whether to grant or deny a license to establish and operate a nuclear waste disposal site, the commission shall consider the need for a nuclear waste disposal site and the existing physical conditions, topography, soils and geology, climate, transportation, and land use at the proposed site. If the commission decides to issue a license to establish and operate a nuclear waste disposal site, it shall establish, by rule and regulation, standards and procedures for the safe operation and maintenance of the proposed site. The commission shall also require the licensee to provide a sufficient surety bond or other financial commitment to insure the perpetual maintenance and monitoring of the nuclear waste disposal site.

All rules and regulations adopted by the commission under this section shall be subject to the provisions of chapter seventeen A (17A) of the Code and section seven (7), subsection four (4) of this Act.

Sec. 90. The executive director:

1. Shall enforce any rules and regulations adopted under the provisions of sections eighty-six (86) through ninety-

five (95) of this Act, and furnish a copy of such rules and regulations to each applicant for any license required under sections eighty-six (86) through ninety-five (95) of this Act.

2. May license any person transporting, handling, or storing any radioactive material under rules and regulations adopted by the commission.

3. May require the maintenance of records relating to the receipt, storage, transfer, or disposal of radioactive material.

4. May inspect any nuclear waste disposal site or other facilities relating to the transportation, storage and handling of radioactive materials. The executive director may enter at any reasonable time upon any private or public property for the purpose of determining whether or not a radiation hazard exists, or whether there is compliance with, or violation of, any provisions of sections eighty-six (86) through ninety-five (95) of this Act, or any rules or regulations adopted under sections eighty-six (86) through ninety-five (95) of this Act.

5. May issue, modify, or revoke orders in accordance with the provisions of sections eighty-six (86) through ninety-five (95) of this Act or the rules and regulations adopted under sections eighty-six (86) through ninety-five (95) of this Act.

6. May require the submission of plans and specifications for the design, construction, maintenance, and monitoring of nuclear waste disposal sites for review and appraisal.

Sec. 91. If the executive director determines that there are reasonable grounds to believe a violation of sections eight-six (86) through ninety-five (95) of this Act or of the rules and regulations issued under sections eighty-six (86) through ninety-five (95) of this Act has occurred, he shall give written notice by certified mail to the alleged violator specifying the alleged violations involved and specifying a period of time in which to eliminate the violation. If the alleged violator fails to comply within such specified time, the executive director shall schedule a hearing and give written notice to the alleged violator by certified mail. In connection with the hearings, the executive director may issue subpoenas requiring the attendance of witnesses and the production of records pertinent to such hearing. On the basis of the findings, the executive director shall issue a final order which shall be forwarded to the alleged violator by certified mail.

Sec. 92. Whenever the executive director finds that an emergency exists requiring immediate action to protect the public health and safety, he may, without notice or hearing, issue an emergency order reciting that an emergency exists and requiring that such action be taken as he deems necessary to meet the emergency. The order may be issued orally to the person whose operation constitutes the emergency by the executive director and confirmed by a copy of such order to be sent by certified mail within twenty-four hours after the

issuance of the oral order. The emergency order shall be effective immediately. Any person receiving an emergency order may request a hearing before the commission within thirty days following the receipt of the order. The commission shall schedule a hearing within fourteen days after receipt of the request for a hearing and give written notice to the alleged violator by certified mail. The commission may also schedule a hearing in the absence of a request by the alleged violator. On the basis of the findings, the commission shall issue a final order which shall be forwarded to the alleged violator by certified mail.

The executive director may, if an emergency exists, impound or order the impounding of any radioactive material in the possession of any person who is not equipped to observe, or fails to observe, the provisions of sections eighty-six (86) through ninety-five (95) of this Act or any rules or regulations adopted under sections eighty-six (86) through ninety-five (95) of this Act.

Sec. 93. An appeal may be taken from any final order of the commission to the district court of the county in which the alleged violation was committed or such final order was entered. Notice of appeal from a final order shall be served upon the executive director by certified mail. Failure to serve the notice of appeal within thirty days after receipt of the final order shall operate as a waiver of the right to appeal. A final order by the commission shall not be stayed by an appeal except by order of the district court after hearing for good cause shown by the alleged violator. The hearing on appeal shall be tried as a suit in equity. The court may receive additional testimony and evidence and may affirm, modify, or reverse the final order of the commission.

Sec. 94. Whenever, in the judgment of the executive director, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of sections eighty-six (86) through ninety-five (95) of this Act, or any rule, regulation, or order promulgated under sections eighty-six (86) through ninety-five (95) of this Act, he may request the attorney general to make application in the name of the state to the district court of the county in which such acts or practices may be performed, for an order enjoining such acts or practices notwithstanding the existence or pursuit of any other remedy, and the attorney general shall make such application.

Sec. 95. Any person who violates any provisions of sections eighty-six (86) through ninety-five (95) of this Act or rules or order promulgated under sections eighty-six (86) through ninety-five (95) of this Act, or any order of the commission or executive director issued pursuant to sections eighty-six (86) through ninety-five (95) of this Act, shall be punished by a fine of not more than five hundred dollars or by imprisonment not to exceed six months or punished by both such fine and imprisonment and, in addition, he may be enjoined

from continuing such violation. Each day of continued violation after notice that a violation is being committed shall constitute a separate violation.

y. Page 45, by striking lines 15 through 18, inclusive.

z. Page 45, line 21, by striking the word and number "eighty-seven (87)" and inserting in lieu thereof the word and number "eighty-eight (88)".

aa. Page 46, by striking lines 16 through 35, inclusive, all of pages 47 through 61, inclusive, and on page 62, lines 1 through 15, inclusive, and inserting in lieu thereof the following new sections:

Sec. 102. The commission shall collect, analyze, and interpret information relating to agricultural chemicals and their use. The commission shall coordinate the regulation and information responsibilities of state agencies on matters relating to the sale and use of agricultural chemicals. It shall adopt rules relating to the sale, use and disuse of agricultural chemicals and may, by rule, restrict or prohibit the sale, distribution, or use of any agricultural chemical. In determining whether to restrict or prohibit the sale, distribution, or use of any agricultural chemical, the board shall consider any official reports, academic studies, expert opinions or testimony, or other matter deemed to have probative value. Any such evidence shall be received at a public hearing held for such purpose.

The commission shall consider the toxicity, hazard, effectiveness and public need for the agricultural chemicals, and the availability of less toxic or less hazardous agricultural chemicals and substances or other means of control.

Sec. 103. The commission shall, by rule and regulation, after a public hearing following due notice:

1. Declare as a pest any form of plant or animal life or virus which is unduly injurious to plants, man, domestic animals, articles, or substances.

2. Specify the conditions under which containers of pesticides may be transported, stored, or disposed.

3. Determine the proper use of pesticides, including their formulations, and the times and methods of application and other conditions of use.

4. Require that all veterinarians licensed and practicing veterinary medicine in the state promptly report any case of domestic livestock poisoning or suspected poisoning to the executive director and the veterinary medical diagnostic laboratory at Iowa state university of science and technology.

Sec. 104. The rules and regulations promulgated by the commission shall be subject to the provisions of chapter seventeen A (17A) of the Code and section seven (7), subsection four (4) of this Act.

Sec. 105. The attorney general shall institute, at the request of the executive director, legal action to condemn any agricultural chemical sold, offered for sale, used,

transported, or stored in this state in violation of sections one hundred one (101) through one hundred four (104) of this Act or any rules and regulations adopted by the commission under sections one hundred one (101) through one hundred four (104) of this Act.

Sec. 106. Any person violating the provisions of sections one hundred one (101) through one hundred four (104) of this Act or the rules or regulations adopted by the commission under sections one hundred one (101) through one hundred four (104) of this Act is guilty of a misdemeanor.

Sec. 107. The powers, duties, and functions vested in the chemical technology commission under the provisions of sections one hundred one (101) through one hundred six (106) of this Act shall not be construed to affect the powers, duties, and functions vested in the department under any other provisions of this Act or the Code.

Sec. 108. Any rule or regulation adopted or order issued under chapter two hundred six A (206A) of the Code, prior to the effective date of this Act, by the chemical technology review board shall remain effective until modified or rescinded by action of the chemical technology commission unless such rule or regulation is inconsistent or contrary to sections one hundred one (101) through one hundred seven (107) of this Act."

bb. Page 63, by striking lines 14 through 35, inclusive and page 64, lines 1 and 2, and inserting in lieu thereof the following:

Sec. 111. Section four hundred sixty-seven A point four (467A.4), subsection one (1), Code 1971, as amended by chapter two hundred twenty-seven (227), section twenty-seven (27), Acts of the Sixty-fourth General Assembly, First Session, and as amended by House File eleven hundred seventy-six (1176), section one (1), Acts of the Sixty-fourth General Assembly, Second Session, is amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation. The department shall be administered in accordance with the policies of the state soil conservation committee, which shall consist of a chairman and ten members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service or his designee, the secretary of agriculture, or his designee, the director of the state conservation commission or his designee, and the director of the Iowa natural resources council or his designee. Seven voting members shall be appointed by the governor and confirmed by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section three (3) of this Act, and no more than one of whom shall be a resident of any one county. The seventh appointive member shall be chosen by the governor from the state at large and shall be

a representative of cities and towns. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. *The director of the department of environmental quality shall be an ex officio nonvoting member.* The committee shall adopt a seal, which seal shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.

cc. Page 64, line 5, by inserting before the word "and" the following:

"section two hundred six point three (206.3), subsection two (2), paragraph d, section two hundred six point six (206.6), subsection one (1),".

dd. Page 64, line 7, by striking the words "two hundred six (206)".

ee. Page 64, by striking lines 11, 12, and 13 and inserting in lieu thereof the following:

Sec. 113. The effective date of this Act shall be the first of January, 1973, except that the governor may, prior to the first of January, 1973, by executive order, appoint the necessary commission".

ff. Page 64, by striking from lines 15 and 16, the words "authorize the executive committee to appoint the executive director,".

gg. Page 64, lines 20 and 21, by striking the word and number "July, 1971" and inserting in lieu thereof the word and number "January, 1973".

hh. Page 64, line 23, by striking the word and number "July, 1971" and inserting in lieu thereof the word and number "January, 1973".

ii. Page 64, line 31, by striking the word and number "July, 1971" and inserting in lieu thereof the word and number "January, 1973".

jj. By renumbering sections and subsections and internal references to sections and subsections to conform to this amendment.

On the part of the Senate:
RALPH W. POTTER, Chairman
LUCAS J. DeKOSTER
REINHOLD O. CARLSON
G. WILLIAM GROSS

On the part of the House:
RICHARD F. DRAKE, Chairman
NORMAN ROORDA
THEODORE R. ELLSWORTH
VERNON N. BENNETT

GOVERNOR'S VETO MESSAGE
(House File 48)

March 16, 1972

The Honorable William H. Harbor
Speaker of the House
Sixty-fourth General Assembly
State Capitol
Local

Honorable Members of the House:

I am returning herewith House File 48, the bill relating to the movement of oversized mobile homes and vehicles, disapproved and without my signature to the House in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I have carefully analyzed the arguments in favor of allowing overwidth mobile homes and weighed the advantages of allowing oversized mobile homes and vehicles to travel on our Iowa highways for any distance and the disadvantages that are created if such oversized units are allowed more freedom of movement than they now have.

I have concluded that while there could be some benefits derived by some companies who produce these mobile homes and also there would be additional opportunities for some persons to invest in this type of housing, the disadvantages to the majority of our people would outweigh the advantages.

Primarily this bill would change Iowa law to provide an exception for overwidth traffic movement for mobile homes 14'5" in width. The bill also affects vehicles between 19' and 40' in width.

I feel it is my duty to carefully consider the way in which our highways are used and the importance of the safety, convenience and comfort of the general public that uses our highway system. I must be concerned about the safety and convenience of the people in our state.

This measure would permit travel of unlimited distance for mobile homes that are 14'5" wide on highways that are 24' wide and to reach a point of destination the highway can be much narrower—most of them would be 18 feet wide. It is apparent that even under optimum conditions there is some hazard associated with this type of traffic and most certainly an inconvenience for other motorists using our highways.

It is worth noting, that this bill also would provide for a drastic change in the movement of oversize loads with widths greater than 19'. The new schedule of overwidth movements of loads 19' to 40' in width provides that all of these loads may be moved a distance of 10 miles. The present law provides that these loads may be moved much lesser distances as set forth in Chapter 321E.3 of the Iowa Code.

It is generally considered by highway engineers that the minimum width of a single lane for an 8' wide vehicle should be 12'. In other words, a person driving a vehicle 8' wide on a 12' lane has a safety factor of $\frac{1}{2}$ of that vehicle's width in its own driving lane. Our Highway Commission is attempting to widen our primary highways to a minimum of 24 feet in width to accomplish this goal.

Obviously, then, a 14' 5" oversized unit in a 12' or 9' lane cannot conveniently travel our highways without obstruction to other users.

I recognize that our law now allows units of this width to legally move

up to a distance of 50 miles and that that distance is insufficient in some instances for the delivery of a wide mobile home. I would have, therefore, looked more favorably upon a bill that would have provided a means by which one of these units could have been delivered to a purchaser in our State who desired to make it his home. But as this bill exists, there would be no limitation of distance for these units to be transported across our state.

While this bill would have undoubtedly led to an increase in the sale of these mobile homes, it would have, at the same time, led to a substantial increase in the number of these units which would congest our highways.

A further inconvenience; this bill provides that roads could be totally closed for the movement of these oversize units.

I am aware that an argument exists for allowing increased traffic of these oversized units for the sake of providing additional jobs to build them. As strongly as I have encouraged economic development in Iowa, there are other factors that must be considered. Safety and convenience of our people are obvious considerations. But, in addition, increased production of big mobile homes could adversely affect jobs of Iowans in the more conventional home building industries.

This bill also would make Iowa a bridge state as these oversized units are moved into Iowa after being manufactured in another state and sold in a third. None of this activity would be of particular economic benefit to Iowa.

I am sure that some have proceeded under the assumption that this bill would allow modular home movement also. I seriously question that modular home movement would be allowed under this bill which throughout refers to mobile homes. In its best light, it is doubtful that the definition of mobile homes in the Iowa Code includes modular housing.

Sincerely,

ROBERT D. RAY
Governor

REPORT OF COMMITTEE

Senator Potgeter submitted the following report:

MR. PRESIDENT: Your committee on state government, to which was referred **Senate File 1218**, a bill for an act relating to occupational safety and health and providing penalties for violations, begs leave to report it has had the same under consideration and recommends the same **be amended in accordance with the amendment by the committee on appropriations filed March 16, 1972, and found on page 1009 of the Senate Journal, and when so amended do pass.**

JAMES A. POTGETER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend the committee on state government amendment
- 2 filed March 1, 1972, to Senate File 288, page 2,
- 3 by striking lines 11 and 12 and by inserting in lieu
- 4 thereof the following:
- 5 "Sec. 3. The minority party in each house of the

6 General Assembly, in the year of appointment, while
 7 the General Assembly is in session shall meet in joint
 8 caucus upon call of their respective leaders, and shall”.

LEE H. GAUDINEER, JR.

1 Amend Senate File 1212, page 2, by inserting after
 2 the period in line 32 the following:

3 “The commissioner of insurance shall also regulate
 4 health maintenance organizations in accordance with
 5 powers granted in the Code for the regulation of
 6 hospital and medical service corporations, and may
 7 issue such rules, regulations and orders as shall
 8 be necessary to carry out the provisions of this Act.”

FRANCIS L. MESSERLY
 MINNETTE DODERER

1 Amend House File 10, as amended and passed by the
 2 House, as follows:

- 3 1. Page 1, line 26, by inserting after the word
- 4 “shall” the words “establish and construct an alternate
- 5 access facility from a point on the original access to
- 6 a point on an existing public road and to maintain any
- 7 additional length made necessary by the change. If no
- 8 portion of the original access remains or connection
- 9 with the original access would be impractical, establish
- 10 and construct an alternate access facility from a point
- 11 near the original access facility and acceptable to the
- 12 property owner to a point on an existing public road and
- 13 maintain the additional length made necessary by the
- 14 change. The board or commission shall”.
- 15 2. Page 2, line 5, by striking the words “, but in
- 16 lieu thereof, both” and inserting in lieu thereof a period.
- 17 3. Page 2, by striking all of line 6.
- 18 4. Page 2, line 7, by striking the words “the board
- 19 or commission shall” and inserting in lieu thereof the
- 20 following:
- 21 “b. If mutually agreeable, in lieu of maintaining the
- 22 additional length of driveway, the board or commission
- 23 may”.
- 24 5. Renumber sections and correct internal references

Page 2

1 in accordance with the provisions of this amendment.

CHARLES O. LAVERTY
 RALPH W. POTTER

On motion of Senator Lamborn, the Senate adjourned until
 9:00 a.m., Monday, March 20, 1972.

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY

SENATE CHAMBER

DES MOINES, IOWA, MONDAY, MARCH 20, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Carsten Smeby, pastor of the First Lutheran Church, Cresco, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Friday, March 17, 1972, was approved.

PRESENTATION OF VISITORS

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

Sixty students from Longfellow Elementary School, Des Moines, Iowa, accompanied by Kathy Weaver, Marian Gallenbach, Mrs. Short and Keith Bowart. Senator Tapscott.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. J. Coble, Lake Park, Iowa.

ADOPTION OF THIRD CONFERENCE COMMITTEE REPORT

Senate File 85

Senator Potter called up for consideration the report of the third conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 85, a bill for an act creating a department of environmental quality, specifying its powers, duties and functions, and providing penalties for violations thereof, filed March 17, 1972, and found on pages 1029-1038, inclusive, of the Senate Journal.

President Jepsen took the chair at 10:07 a.m.

Senator Walsh took the chair at 11:00 a.m.

President Jepsen took the chair at 11:56 a.m.

Senator Potter moved the adoption of the report.

Roll call was requested.

On the question "Shall the third conference committee report be adopted?" (S.F. 85) the vote was:

Ayes, 34:

Brownlee	Glenn	Miller	Riley
Carlson	Griffin	Milligan	Robinson
Coleman	Gross	Nicholson	Schaben
Curran	Hill	Ollenburg	Shaff
Davis	Keith	Palmer	Shawver
DeKoster	Kennedy	Potter	Tapscott
Doderer	Lamborn	Rabedeaux	Van Drie
Erskine	Laverty	Rhodes	Walsh
Gaudineer	Messerly		

Nays, 14:

Anderson	Briles	Kyhl	Smith
Arbuckle	Conklin	Mowry	Stephens
Balloun	Gilley	Potgeter	Thordsen
Bass	Graham		

Absent or not voting, 2:

Neu Van Gilst

The motion prevailed and the third conference committee report and the recommendations and amendments contained therein were adopted.

Senator Potter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 85) the vote was:

Ayes, 36:

Brownlee	Gaudineer	Messerly	Rhodes
Carlson	Glenn	Miller	Riley
Coleman	Griffin	Milligan	Robinson
Conklin	Gross	Mowry	Schaben
Curran	Hill	Nicholson	Shaff
Davis	Keith	Ollenburg	Shawver
DeKoster	Kennedy	Palmer	Tapscott
Doderer	Lamborn	Potter	Van Drie
Erskine	Laverty	Rabedeaux	Walsh

Nays, 12:

Anderson	Bass	Graham	Smith
Arbuckle	Briles	Kyhl	Stephens
Balloun	Gilley	Potgeter	Thordsen

Absent or not voting, 2:

Neu Van Gilst

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

Senator Potter asked and received unanimous consent that **Senate File 85** be **immediately messaged** to the House, which request was complied with.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1001, a bill for an act relating to safety inspection and regulation of amusement rides.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1298, a bill for an act to appropriate to certain persons in settlement of claims against the state.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1299, a bill for an act making an appropriation for the purpose of implementing a state building code.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 113, recognizing certain organizations on the development of scenic parkways along the Missouri River.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 128, rejecting certain claims against the state.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 128

By Committee on Appropriations

Whereas, doubt has arisen under the provisions of section 25.7, Code 1971, that submission of claims to the joint claims committee of the Senate and House and rejection by the committee constitutes final action thereon by the General Assembly as provided in said section; and

Whereas, certain claims rejected by previous joint claims committees are sometimes reprocessed by the state appeal board for recurring submission; and

Whereas, it is deemed desirable that claims submitted to the joint claims committees of the Sixty-fourth General Assembly and rejected by the com-

mittees should be submitted to the Senate and House for final action and determination as the act of the General Assembly; *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the claims hereinafter set forth, duly processed by the state appeal board and rejected by the joint claims committee, be considered by the Senate and House, and the action of the joint committee rejecting these claims be approved.

Claimant	Claim No.	Nature of Claim	Amount
1. Lineville Elevator Company Lineville, Iowa	2447-64-25	License fee refund	\$ 37.50
2. Donald Howard Trost Lenox, Iowa	2162-64-25	License fee refund	6.00
3. Rex A. Ward Ossian, Iowa	2668-64-25	Boat license refund	9.00
4. R. E. Merrill Ames, Iowa	2166-64-25	Unauthorized re-tirement	32,888.60
5. Midtown Motor Inn Des Moines, Iowa	1946-64-25	Outdated invoice	87.06
6. Dr. Mac Donald's Vitimized Feed Co. Fort Dodge, Iowa	1974-64-25	Registration fee refund	121.06
7. Clay & Fay De Lashmutt & Mills Company Pacific Junction, Ia.	H-117-64-G	Outdated warrant	1,275.00
8. Edna E. Severn Council Bluffs, Iowa	H-138-64-G	Outdated warrant	660.00
9. Iowa Air Sales, Inc. Des Moines, Iowa	1807-64-25	Outdated invoice	27.00
10. Willard C. Brinegar, M.D. Cherokee, Iowa	873-64-25	Services to state	19,500.00
11. B & G General Contractors Centerville, Iowa	2834-64-25	Outdated claim	217.81

HOUSE MESSAGES CONSIDERED

House File 1298, a bill for an act to make appropriations to certain persons in the settlement of claims made against the State of Iowa.

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

House File 1299, a bill for an act making an appropriation for the purpose of implementing and administering a state building code.

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

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1218.

Senate File 1218

On motion of Senator Griffin, Senate File 1218, a bill for an act relating to occupational safety and health and providing penalties for violations, with report of the committee on appropriations and report of the committee on state government, recommending amendment and passage, was taken up, considered, and the reports of the committees adopted.

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

The Senate resumed session, President Jepsen presiding.

Action on Senate File 1218 was temporarily deferred.

Senator Lamborn asked and received unanimous consent to take up for consideration the conference committee report on Senate File 1091.

ADOPTION OF CONFERENCE COMMITTEE REPORT

Senate File 1091

Senator Conklin submitted for consideration the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 1091

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment.
2. That Senate File 1091, page 2, be amended by striking lines 15 through 25, inclusive, and inserting in lieu thereof the following:

"Sec. 4. Section two hundred eighty-three A point two (283A.2), Code 1971, is amended to read as follows:

283A.2 SCHOOL BOARDS. School boards shall have power to operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use therefor funds disbursed to them under the provisions of this chapter, gifts, funds received from sale of school lunches under such programs, and any other funds legally available.

Beginning with the school year 1973-74, and continuing each school year thereafter, all school districts shall operate or provide for the operation of school lunch programs at all public schools in each district, which programs shall be operated in compliance with the rules

of the department of public instruction and pertinent federal rules, for all students in each district who attend public school four or more hours each school day and wish to participate in a school lunch program, and school districts may provide such programs for other students."

On the part of the Senate:
 W. CHARLENE CONKLIN,
 Chairman
 EARL G. BASS
 GENE V. KENNEDY
 RUDY VAN DRIE

On the part of the House:
 ROBERT M. KREAMER,
 Chairman
 KEITH H. DUNTON
 LILLIAN McELROY
 RAYMOND J. TAYLOR

The motion prevailed and the conference committee report and the recommendations and amendment contained therein were adopted.

Senator Conklin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1091) the vote was:

Ayes, 44:

Anderson	Doderer	Kyhl	Potter
Arbuckle	Erskine	Lamborn	Rabedeaux
Balloun	Gaudineer	Laverty	Rhodes
Bass	Gilley	Miller	Riley
Brownlee	Glenn	Milligan	Robinson
Carlson	Graham	Mowry	Schaben
Coleman	Griffin	Neu	Stephens
Conklin	Gross	Nicholson	Tapscott
Curran	Hill	Ollenburg	Van Drie
Davis	Keith	Palmer	Van Gilst
DeKoster	Kennedy	Potgeter	Walsh

Nays, none.

Absent or not voting, 6:

Briles	Shaff	Smith	Thordsen
Messerly	Shawver		

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

Senate File 1218

The Senate resumed consideration of Senate File 1218.

Senator Griffin offered the following amendment by the committee on appropriations, as recommended by the committee on state government, and moved its adoption:

- 1 Amend Senate File 1218 as follows:
- 2 1. Page 23, line 21, by inserting after "supplies," the following:
- 3 "The commission is authorized to employ necessary personnel
- 4 for the carrying out of its functions and duties as provided
- 5 under this Act."

- 6 2. Page 24, by striking line 24 and inserting in lieu thereof
 7 the following:
 8 "Act. In the event the appropriate trial judge is not
 9 available, any judge of the judicial district in which such county".
 10 3. Page 31, by striking line 17 and inserting in lieu thereof
 11 the following:
 12 "additional sum of forty-one thousand four hundred forty (41,440)
 13 dollars,".
 14 4. Page 31, after line 19, by adding the following new section:
 15 "Section There is appropriated from the general fund
 16 of the state of Iowa to the occupational safety and health
 17 review commission for the fiscal year beginning July 1, 1972,
 18 and ending June 30, 1973, a sum of fourteen thousand six hundred
 19 fifty (14,650) dollars, or so much thereof as may be necessary,
 20 to carry out the provisions of this Act."

The amendment was adopted.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1218) the vote was:

Rule 24 was invoked.

Ayes, 36:

Arbuckle	Doderer	Laverty	Rabedaux
Bass	Gaudineer	Messerly	Riley
Brownlee	Glenn	Miller	Robinson
Carlson	Graham	Milligan	Schaben
Coleman	Griffin	Mowry	Tapscott
Conklin	Gross	Neu	Thordsen
Curran	Hill	Nicholson	Van Drie
Davis	Kennedy	Palmer	Van Gilst
DeKoster	Kyhl	Potgeter	Walsh

Nays, 12:

Anderson	Gilley	Ollenburg	Shaff
Balloun	Keith	Potter	Smith
Briles	Lamborn	Rhodes	Stephens

Absent or not voting, 2:

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

Senator Griffin asked and received unanimous consent that **Senate File 1218** be **immediately messaged** to the House, which request was complied with.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the

House has passed the following bill in which the concurrence of the House was asked:

Senate File 1182, a bill for an act to appropriate from general fund to Iowa crime commission for the purpose of matching federal funds.

Also: That the House has insisted on its amendments to House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees, and requests a conference committee.

Conferees on the part of the House are: the Representative from Pottawattamie, Mr. Schroeder, chairman; the Representative from Black Hawk, Mr. Hansen; the Representative from Grundy, Mr. Fischer, and the Representative from Wapello, Mr. Schwartz.

WILLIAM R. KENDRICK, Chief Clerk

CONFERENCE COMMITTEE APPOINTED

President Jepsen announced the appointment of the following conference committee on **House File 69**, on the part of the Senate: Senators Mowry, chairman, DeKoster, Briles and Gaudineer.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 431, 1148 and 1213.

JOHN C. RHODES
Chairman, Senate Committee

ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 431, 1148 and 1213.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 20th day of March, 1972, sent to the Governor for his approval: Senate Files 431, 1148 and 1213.

JOHN C. RHODES, Chairman

Passed on file.

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

The Senate reconvened, President pro tempore Kyhl presiding.

UNFINISHED BUSINESS

Senate File 1212

On motion of Senator Messerly, Senate File 1212, a bill for an act relating to health maintenance organizations, was taken up for further consideration.

Senator Conklin offered the following amendment:

- 1 Amend Senate File 1212 as follows:
- 2 1. Page 2, by striking lines 18 through 20 inclusive and insert
- 3 in lieu thereof the following:
- 4 "3. Provides the services of physicians and surgeons, osteopathic
- 5 physicians and surgeons, osteopathic physicians, dentists, optome-
- 6 trists and podiatrists solely under arrangements with one or more
- 7 groups".
- 8 2. Page 2, line 21, by striking the word "physicians" and in-
- 9 serting in lieu thereof the words "these health practitioners".
- 10 3. Page 2, line 25, by striking the word "physician" and in-
- 11 serting in lieu thereof the words "health practitioner".

Senator Balloun moved that Senate File 1212 be referred to the committee on commerce.

President Jepsen took the chair at 6:40 p.m.

Roll call was requested.

On the question "Shall the motion to refer to committee be adopted?" (S.F. 1212) the vote was:

Ayes, 18:

Balloun	Griffin	Nicholson	Rhodes
Conklin	Keith	Ollenburg	Smith
Curran	Lamborn	Potter	Stephens
Erskine	Miller	Rabedeaux	Thorsen
Gilley	Mowry		

Nays, 27:

Anderson	Davis	Kennedy	Riley
Arbuckle	DeKoster	Kyhl	Robinson
Bass	Doderer	Messerly	Schaben
Briles	Gaudineer	Milligan	Tapscott
Brownlee	Glenn	Neu	Van Drie
Carlson	Graham	Palmer	Van Gilst
Coleman	Gross	Potgeter	

Absent or not voting, 5:

Hill	Shaff	Shawver	Walsh
Laverty			

The motion lost.

(Senate File 1212 pending.)

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the third conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

Senate File 85, a bill for an act creating a department of environmental quality.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1258, a bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly, relating to motor vehicle inspection.

WILLIAM R. KENDRICK, Chief Clerk

COMMUNICATION FROM THE STATE BOARD OF TAX REVIEW

March 20, 1972

To the Members of the Sixty-fourth General Assembly of Iowa, Second Regular Session:

Pursuant to Section 421.1(6), Code of Iowa, 1971, we submit herewith the report of the State Board of Tax Review to the General Assembly.

The Board ratifies and confirms and by this reference incorporates herewith its last previous report under date of March 1, 1971 in all respects consistent with the following additions:

1. The Iowa Income Tax Law should be updated to conform with the most recent amendments to the Internal Revenue Code.
2. In view of the fact that the Federal standard deduction has been enlarged substantially the Iowa standard deduction should also be enlarged or taxpayers allowed to itemize deductions for Iowa tax purposes whether deductions are itemized for Federal purposes or not.
3. It has come to the attention of the Board that an income tax inequity exists for Iowa corporations doing business and taxed in a foreign country in that no deduction is permitted for the foreign taxes paid. The Code provides for a deduction of 50% of Federal Income Taxes paid or accrued. Where an income tax is paid to a foreign country and such tax is allowed as a credit against Federal Income Tax the result is a reduction of the Federal tax and the Federal tax deduction for Iowa Income Tax purposes without a corresponding benefit for the foreign tax paid.

Respectfully submitted,
EDWIN A. HICKLIN
LARO L. PEIRCE
LOUIS NUSSBAUM

EXPLANATION OF VOTE

I voted against the Conference Committee report on Senate File 428, the unified trial court bill, for the following reasons:

One, the conference committee violated the Joint Rules of the House and Senate by introducing subject matter that had been previously rejected by the General Assembly in its consideration of the bill. Neither house had recommended the elimination of Iowa's Municipal Courts; on the contrary, both bodies had approved retention of these courts in the respective bills. Additionally, the Conference Committee curtailed the historic right of appeal to the Iowa Supreme Court for misdemeanor convictions, a curtailment specifically rejected by the House of Representatives in its bill. As a matter of procedure, I believe the members of a conference committee should respect the expressed wishes of a majority of both houses and restrict themselves to compromising the differences.

Two, while the bill abolishes some courts that require a qualified attorney as the judicial officer, it creates the position of full-time magistrate which carries no qualifying requirements. This judicial officer will have jurisdiction over indictable misdemeanors, an area that has never been subjected to hearings before a person untrained in the law and without proper educational qualifications.

Three, the bill does away with a citizen's statutory right of appeal to the Iowa Supreme Court—a century-old right in Iowa's law—in misdemeanor convictions. Heretofore, a person has had the right to a complete new trial in District Court if he has a denial of justice in the court of first instance; no longer will he have such right of redress. During informal discussion the chairman of the Conference Committee—Senator Riley—stated that “petty cases” did not deserve the right of appeal; I regard all instances where a citizen is deprived of his liberty—whether it be for thirty days or six months—as important. If the Iowa Supreme Court is overloaded with criminal appeals, the preferred relief should be to establish a criminal appeals court—not restrict a cherished right. Justice denied persons in our minor courts is justice denied all.

Four, the Municipal Courts have generally served as a valuable ingredient in our court structure. While most attorneys regard the election of judges as anathema, I do not share such disquietude in the area of Municipal Courts. By and large, the public has demonstrated its good judgment in these selections. A greater concern to me is the disposition of Governor Ray to appoint only members of his political party to the lay positions on judicial nominating commissions, as was recently confirmed in District 8-A, leading to the not-unlikely conclusion that judicial appointments retain the flavor of political patronage.

Five, the bill makes failure to appear in court on trial of a simple misdemeanor an indictable offense. Such escalation of charges defies common sense and experience.

Six, the bill sets the charge for speeding whether one to ten miles over the limit at \$25.00. Such a fine is disproportionate to the offense. Its only selling point could be that the financial coffers are bare and that John Q. Citizen must be bled dry to provide the expenses of government, a harsh stance that I will not endorse.

Seven, the bill should have been rejected so a second Conference Committee could have recommended legislation more in accord with House and Senate objectives. Ample time remained for the General Assembly to have

tried again. The contention that future Legislatures can iron out the obvious imperfections in the bill evades our present responsibility to legislate wisely and judiciously.

Finally, I regret the necessity of my opposition to the bill as I have long championed the abolition of mayors, police and justice of the peace courts. However, I concluded that it was a disservice to the people of Iowa to enact a replacement that seemed so obviously deficient. Poor legislation under the mantle of change is inadequate justification.

GENE W. GLENN

EXPLANATION OF VOTE

I voted "no" on final passage of Senate File 1218 because I felt the language contained therein was much too far-reaching and encompassing in its safety requirements. If the regulations are enforced fully, that enforcement will force out of business many small businesses and farming operations in the state of Iowa. I feel that if such is the case, it should be done by the federal legislation rather than state legislation. Language such as "As soon as practicable following the effective date of this Act, the commissioner shall by rule, adopt and promulgate those occupational safety and health standards, which would result in improved safety or health for employees" is much too broad and should not be tolerated by the Iowa Legislature.

RICHARD L. STEPHENS

REPORTS OF COMMITTEES

Senator Shaff submitted the following reports:

MR. PRESIDENT: Your committee on ways and means, to which was referred **Senate File 340**, a bill for an act relating to the levy of taxes for the operation and maintenance of courts, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means, to which was referred **House File 1283**, a bill for an act relating to income tax of non-residents, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on ways and means, to which was referred **House File 1286**, a bill for an act relating to the sale of real property owned by a school district, begs leave to report it has had the same under consideration and recommends the same **do pass**.

ROGER J. SHAFF, Chairman

Ordered passed on file.

Senator Walsh submitted the following report:

MR. PRESIDENT: Your committee on transportation, to which was referred **Senate File 376**, a bill for an act relating to vehicle equipment requirements, begs leave to report it has had the same under consideration and recommends the same **do pass**.

JOHN M. WALSH, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1212 as follows:
- 2 1. Page 2, line 18 by striking the word "physicians"
- 3 and inserting in lieu thereof the words "health
- 4 practitioners".
- 5 2. Page 2, line 19 by striking the word "physicians"
- 6 and inserting in lieu thereof the words "health practitioners".
- 7 3. Page 2, line 21 by striking the word "physicians"
- 8 and inserting in lieu thereof the words "health practitioners".

GENE W. GLENN

- 1 Amend Senate File 1212, page 2, line 19 by striking
- 2 the words "either employees or".

C. JOSEPH COLEMAN

- 1 Amend Senate File 1212, page 3, after line 12 by adding
- 2 the following new sections:
- 3 1. "Sec..... Section four hundred thirty-two point one
- 4 (432.1), unnumbered paragraph one (1), Code 1971, is amended
- 5 as follows:
- 6 Every insurance company or association of whatever kind
- 7 or character, not including fraternal beneficiary associations,
- 8 [and nonprofit hospital and medical service corporations,] shall,
- 9 at the time of making the annual statement as required by law,
- 10 pay to the director of the department of revenue, or to a
- 11 depository designated by the director, as taxes, an amount
- 12 equal to the following, except that the premium tax applicable
- 13 to county mutual associations shall be governed by section
- 14 518.18."
- 15 2. "Sec..... The taxes herein imposed on nonprofit
- 16 hospital and medical service corporations shall not include
- 17 the premiums charged people over age sixty-five."

RUDY VAN DRIE
JAMES W. GRIFFIN, SR.

- 1 Amend the DeKoster-Robinson amendment, filed March 15, 1972
- 2 to House File 1273, as follows:
- 3 1. Page 3, line 1, by striking the word "or" and inserting
- 4 in lieu thereof the word "and".
- 5 2. Page 3, line 6, by adding after the period the following
- 6 new sentence:
- 7 "In the event that a parent corporation files such statement
- 8 or its net worth is included therein to comply with this subsection,
- 9 such parent corporation shall appoint a registered agent and other-

10 wise be subject to, subsection two (2) of section seven hundred
11 thirteen A point two (713A.2) of the Code and shall be liable
12 for the breach of any contract or agreement with students as
13 well as liable for any fraud in connection therewith or for any
14 violation of section seven hundred thirteen point twenty-four
15 (713.24) of the Code by such trade or vocational school or any
16 of its agents or salesmen."

17 3. Page 3, after line 6, by adding the following new section:
18 "Sec. Section seven hundred thirteen A point five
19 (713A.5), Code 1971, is hereby amended as follows:

20 1. Violation of any of the provisions of this chapter shall
21 be [a misdemeanor,] punishable upon conviction by a fine not
22 exceeding [one] *five* hundred dollars or [thirty days] *six months*
23 in jail, or both."

LUCAS J. DeKOSTER
CLOYD E. ROBINSON

1 Amend House File 1276, as amended and passed by the House, as
2 follows:

3 1. Page 2, line 22, by striking the word "*seventeen*" and
4 inserting in lieu thereof the word "*seven*".

5 2. Page 2, line 24, by striking the word "*seventeen*" and
6 inserting in lieu thereof the word "*seven*".

7 3. Page 18, line 29, by striking the word "*seventeen*" and
8 inserting in lieu thereof the word "*seven*".

9 4. Amend the title, page 1, line 2, by striking the word
10 "*seventeen*" and inserting in lieu thereof the word "*seven*".

EUGENE M. HILL

1 Amend House File 1276, as amended and passed by the House,
2 as follows:

3 1. Page 3, by striking lines 29 through 35 inclusive, page 4,
4 by striking lines 1 through 35 inclusive, and page 5 by striking
5 lines 1 through 15 inclusive.

6 2. Renumber the subsequent sections accordingly.

EUGENE M. HILL

1 Amend House File 1276, as amended and passed by the House,
2 page 10, after line 34, insert the following new paragraph:

3 "*No person shall sell, give, or otherwise supply alcoholic*
4 *liquor, wine, or beer to any person under the age of 21*
5 *years who is not a resident of this state and is a resident*
6 *of any state bordering on Iowa which prohibits the sale*
7 *of alcoholic liquor, wine, or beer to any person under the*
8 *age of 21 years, and no such person shall possess any*
9 *alcoholic liquor, wine or beer, unless he is accompanied*
10 *by parent or guardian. For purposes of this section, and*
11 *this section only, students may be deemed to be residents*
12 *of the municipality in which they reside while attending*
13 *school, and all members of the armed services may be*
14 *deemed residents of the municipality in which they are*
15 *stationed at the time.*"

EUGENE M. HILL

- 1 Amend House File 1276 as follows:
 2 1. Page 13, by adding after line 2, the following new
 3 subsection:
 4 "4. No person under age eighteen, employed by a class
 5 "B" or "C" beer or wine permit holder, shall be employed in
 6 handling wine."

RICHARD L. STEPHENS

- 1 Amend House File 1276, as amended and passed by the House,
 2 as follows:
 3 1. Page 13, by striking lines 6 through 27, inclusive, and
 4 renumber the subsequent sections.
 5 2. Page 19, by striking all of line 9 and in line 10, the
 6 words "to 'native wines'".

EUGENE M. HILL

- 1 Amend House File 1276 as follows:
 2 Page 18, by adding after line 33, the following new
 3 section:
 4 "Sec Chapter one hundred thirty-one (131),
 5 section one hundred twenty-nine (129), subsection five (5),
 6 Acts of the Sixty-fourth General Assembly, First Session, is
 7 amended to read as follows:
 8 5. States the number of square feet of interior floor
 9 space which comprises the retail sales area of the premises
 10 for which the permit is sought. *If wine is to be sold, the*
 11 *interior floor space devoted to its retail sale shall not*
 12 *be less than one hundred square feet."*
 13 2. By renumbering sections and internal references to
 14 conform to this amendment.

RICHARD L. STEPHENS

- 1 Amend House File 1276, as amended and passed by the House, page
 2 21, by striking lines 2 through 30 inclusive, page 22 by striking
 3 lines 1 through 35 inclusive, and page 23 by striking lines 1
 4 through 28 inclusive, and renumber the subsequent sections.

EUGENE M. HILL

On motion of Senator Lamborn, the Senate adjourned until
 8:30 a.m., Tuesday, March 21, 1972.

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY

SENATE CHAMBER

DES MOINES, IOWA, TUESDAY, MARCH 21, 1972

The Senate met in regular session, President Jepsen presiding.

Prayer was offered by the Reverend David Goin, pastor of the Central Christian Church, Jefferson, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Monday, March 20, 1972, was approved.

DISTINGUISHED VISITORS

President Jepsen presented to the Senate Lieutenant General Patrick F. Cassidy, Commanding General, Fifth United States Army, who appeared at the rear of the Senate chamber, accompanied by Major General Joseph G. May, Adjutant General of Iowa, Brigadier General Joseph B. Flatt, Commander of Troops, Iowa Army National Guard, and Colonel Darrell G. Wood, Senior Army Advisor, Iowa Army National Guard. General Flatt was the Senator from Madison County during the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extraordinary, Sixty-first and Sixty-second General Assemblies.

PRESENTATION OF VISITORS

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

Thirty-eight students from Norwalk High School, Norwalk, Iowa, accompanied by Mr. Tankersley. Senator Laverty.

Ten students from Burlington High School, Burlington, Iowa, accompanied by Dick Wagner and Ed Wilson. Senator Miller.

Sixty students from Nevada Community School, Nevada, Iowa, accompanied by Mrs. Gallagher and Mr. Dunn. Senator Van Drie.

One hundred fifty students from Technical High School, Des Moines, Iowa, accompanied by Mr. Tuomi, Mr. Farrow and Mr. Barlow. Senator Tapscott.

RESOLUTIONS ADOPTED

House Concurrent Resolution 115

Senator Gaudineer called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 115

By Camp, Skinner, Grassley, Kinley,
Alt, Schroeder and Bennett

Whereas, roof mounted signals for automobiles known as "life lites" have been developed by a resident of Des Moines and may presently be purchased; and

Whereas, automobiles equipped with life lites possess greater flashing illumination than automobiles without such signals; and

Whereas, it appears that the use by automobiles of life lites will help to improve Iowa's safety record and reduce the accident rate; *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the department of public safety is hereby encouraged to conduct a study to determine the extent of the usefulness and safety aspects of the life lite and the feasibility of the installation of the life lite on all automobiles.

Be It Further Resolved, That the department of public safety is hereby encouraged to apply for federal funds in cooperation with the manufacturer of life lite to finance the study.

The motion prevailed and the resolution was adopted.

House Concurrent Resolution 111

Senator Stephens called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 111

By Committee on Agriculture

Whereas, we, the members of the agriculture committee of the Iowa House of Representatives, have a deep concern for the problems of the grain producers of our state in marketing grain and oil seeds, the market price of which is determined by established grade; and

Whereas, hundreds of Iowa grain producers are submitting grain and oil seeds to local markets, which grain and oil seeds average consistently higher in quality and grade than is provided for in the present grade-pricing system; and

Whereas, these producers of premium quality grain and oil seeds are unable to procure premium prices for their products under the present grade-price structure, *Now, Therefore*,

Be It Resolved by the House, the Senate Concurring, That the President of the United States, the Secretary of Agriculture of the United States, the Congress of the United States, and the Committees on Agriculture of the United States House of Representatives and Senate be directed to immediately institute a study of the present price-grading system for grains and

oil seeds in the United States with the intent of establishing a new base for determining the market price of feed grains and oil seeds; and

Be It Further Resolved, That copies of this resolution be transmitted to the President of the United States, the Secretary of Agriculture of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Committees on Agriculture of the United States House of Representatives and Senate and to all members of the Iowa delegation to the Congress of the United States.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1283.

House File 1283

On motion of Senator Milligan, House File 1283, a bill for an act relating to income tax of nonresidents, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Milligan moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1283) the vote was:

Ayes, 47:

Anderson	Erskine	Laverty	Riley
Arbuckle	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Graham	Neu	Shawver
Brownlee	Griffin	Nicholson	Smith
Carlson	Gross	Ollenburg	Tapscott
Coleman	Hill	Palmer	Thordsen
Conklin	Keith	Potgeter	Van Drie
Curran	Kennedy	Potter	Van Gilst
Davis	Kyhl	Rabedeaux	Walsh
Doderer	Lamborn	Rhodes	

Nays, 1:

Stephens

Absent or not voting, 2:

DeKoster Mowry

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

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1286.

House File 1286

On motion of Senator Ollenburg, House File 1286, a bill for an act relating to the sale of real property owned by a school district, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ollenburg moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1286) the vote was:

Ayes, 48:

Anderson	Erskine	Lavery	Riley
Arbuckle	Gaudineer	Messerly	Robinson
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Carlson	Gross	Ollenburg	Stephens
Coleman	Hill	Palmer	Tapscott
Conklin	Keith	Potgeter	Thordsen
Curran	Kennedy	Potter	Van Drie
Davis	Kyhl	Rabedeaux	Van Gilst
Doderer	Lamborn	Rhodes	Walsh

Nays, none.

Absent or not voting, 2:

DeKoster Nicholson

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 1032, 1045, 1075, 1089, 1207, 1282 and 1292.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the fol-

lowing bills: House Files 1032, 1045, 1075, 1089, 1207, 1282 and 1292.

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

The Senate reconvened, President Jepsen presiding.

REPORT OF STEERING COMMITTEE

MR. PRESIDENT: Your committee on steering has had the following bills under consideration and recommends they be placed on the steering committee calendar:

S.J.R. 1007	S. F. 1056	S. F. 1217
S. F. 1210	S. F. 1200	S. F. 376
S. F. 1034		

CLIFTON C. LAMBORN, Chairman

CONSIDERATION OF JOINT RESOLUTION

Senate Joint Resolution 1007

On motion of Senator Smith, Senate Joint Resolution 1007, a joint resolution proposing an amendment to the constitution of the State of Iowa relating to the power of the state to contract debts, was taken up and considered.

Senator Smith moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

Senate Joint Resolution 1007, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the state to contract debts.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

Article seven (VII), section five (5), of the Constitution of Iowa is repealed and the following adopted in lieu thereof:

CONTRACTING DEBT—SUBMISSION TO THE PEOPLE.

Sec. 5. Except the debts herein before specified in this article, no debt shall be contracted by or on behalf of this state unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein. Such law shall impose and provide for the collection of an annual tax sufficient to pay the interest on such debt, as it falls due, and also to pay and

discharge the principal of such debt within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. All money raised by authority of such law, shall be applied only to the specific object stated therein, or to the payment of the debt created thereby. Such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of said election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 1007) the vote was:

Yeas, 43:

Anderson	DeKoster	Laverty	Rhodes
Arbuckle	Doderer	Messerly	Riley
Balloun	Erskine	Miller	Shaff
Bass	Gaudineer	Milligan	Shawver
Briles	Glenn	Mowry	Smith
Brownlee	Graham	Neu	Stephens
Carlson	Gross	Nicholson	Thordsen
Coleman	Keith	Ollenburg	Van Drie
Conklin	Kennedy	Potgeter	Van Gilst
Curran	Kyhl	Potter	Walsh
Davis	Lamborn	Rabedeaux	

Nays, 7:

Gilley	Hill	Robinson	Tapscott
Griffin	Palmer	Schaben	

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the Senate and the title was agreed to.

CONSIDERATION OF BILLS

Senate File 1210

On motion of Senator Kennedy, Senate File 1210, a bill for an act relating to benefits under the peace officers' retirement system, was taken up and considered.

Senator Kennedy offered the following amendment by Senators Thordsen and Kennedy and moved its adoption:

1 Amend Senate File 1210, page 3, by striking lines 8 through

2 11, inclusive, and inserting in lieu thereof the following:
 3 "Sec. 3. This Act shall take effect and be in force on
 4 and retroactive to January 1, 1972, after its publication in
 5 the Times-Democrat, a newspaper published in Davenport, Iowa,
 6 and in the Dyersville Commercial, Inc., a newspaper published
 7 in Dyersville, Iowa."

The amendment was adopted.

Senator Kennedy moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1210) the vote was:

Ayes, 48:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Carlson	Gross	Nicholson	Stephens
Coleman	Hill	Ollenburg	Tapscott
Conklin	Keith	Palmer	Thordsen
Curran	Kennedy	Potgeter	Van Drie
Davis	Kyhl	Potter	Van Gilst
DeKoster	Lamborn	Rabedaux	Walsh

Nays, none.

Absent or not voting, 2:

Doderer Robinson

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

Senator Kennedy asked and received unanimous consent that **Senate File 1210** be **immediately messaged** to the House, which request was complied with.

Senate File 1034

On motion of Senator Potgeter, Senate File 1034, a bill for an act relating to facilities required of class "B" beer permit holders, with report of committee recommending passage, was taken up and considered.

President pro tempore Kyhl took the chair at 11:30 a.m.

Senator Anderson asked unanimous consent that further action on Senate File 1034 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Senator Anderson moved that further action on Senate File 1034 be deferred and that the bill retain its place on the calendar.

Division was called for.

The motion lost.

Senator Tapscott offered the following amendment:

- 1 Amend Senate File 1034, page 2, by adding the
- 2 following new section:
- 3 Sec. The Liquor Control Commission shall not
- 4 issue any beer permit to any non profit or private
- 5 club who exempts persons as to race, sex, creed,
- 6 color, religion, or national origin.

Senator Walsh raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1034) the vote was:

Ayes, 34:

Arbuckle	Glenn	Neu	Riley
Balloun	Graham	Nicholson	Robinson
Briles	Griffin	Ollenburg	Schaben
Brownlee	Gross	Palmer	Shawver
Carlson	Kennedy	Potgeter	Tapscott
Coleman	Kyhl	Potter	Thordsen
Davis	Lamborn	Rabedeaux	Van Drie
Doderer	Messerly	Rhodes	Walsh
Gaudineer	Milligan		

Nays, 13:

Anderson	Erskine	Laverty	Smith
Bass	Gilley	Mowry	Stephens
Conklin	Hill	Shaff	Van Gilst
DeKoster			

Absent or not voting, 3:

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

Senator Potgeter asked and received unanimous consent that Senate File 1034 be immediately messaged to the House, which request was complied with.

Senator Potgeter moved that the vote by which Senate File 1034 passed the Senate be reconsidered and the motion to reconsider be laid on the table.

Roll call was requested.

On the question "Shall the motion to reconsider be laid on the table?" (S.F. 1034) the vote was:

Rule 24 was invoked.

Ayes, 28:

Balloun	Griffin	Mowry	Rhodes
Briles	Gross	Neu	Riley
Brownlee	Kyhl	Nicholson	Robinson
Carlson	Lamborn	Ollenburg	Shawver
Conklin	Laverty	Potgeter	Thordsen
Davis	Messerly	Potter	Van Drie
DeKoster	Milligan	Rabedeaux	Walsh

Nays, 18:

Anderson	Gilley	Miller	Smith
Arbuckle	Glenn	Palmer	Stephens
Bass	Graham	Schaben	Tapscott
Erskine	Hill	Shaff	Van Gilst
Gaudineer	Kennedy		

Absent or not voting, 4:

Coleman	Curran	Doderer	Keith
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The motion prevailed.

On motion of Senator Balloun, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1291, a bill for an act relating to the establishment of an office of citizens' aide.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1291, a bill for an act relating to the establishment of an office of citizens' aide, his duties, and providing penalties and making an appropriation.

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

CONSIDERATION OF BILLS

Senate File 1056

On motion of Senator Van Drie, Senate File 1056, a bill for an act relating to legal holidays for state employees, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Curran withdrew the following amendment filed by him on February 14, 1972:

- 1 Amend Senate File 1056, page 1, by inserting after
- 2 line 6, the following new paragraph:
- 3 "For the purposes of this Act, the legal holidays
- 4 provided for in chapter thirty-three (33) of the Code are
- 5 legal holidays for state employees."

Senator Van Drie offered the following amendment filed by Senators Curran and Van Drie and moved its adoption:

- 1 Amend Senate File 1056 by striking everything after the
- 2 enacting clause and inserting in lieu thereof the following:
- 3 "Section 1. Chapter thirty-three (33), Code 1971, is
- 4 amended by adding the following section:
- 5 Sec. State employees are granted days off from employ-
- 6 ment with pay on the legal holidays provided for in this
- 7 chapter. If the legal holiday falls on Saturday, the preceding
- 8 Friday shall be granted and if the legal holiday falls on Sunday,
- 9 the following Monday shall be granted. In those cases, where by
- 10 nature of the employment a state employee must be required to
- 11 work, he shall be compensated by an alternate day off from em-
- 12 ployment."

The amendment was adopted.

Senator Van Drie moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1056) the vote was:

Ayes, 27:

Anderson	Erskine	Kyhl	Rhodes
Arbuckle	Gaudineer	Lamborn	Riley
Balloun	Glenn	Messerly	Shaff
Brownlee	Graham	Mowry	Tapscott
Curran	Gross	Nicholson	Van Drie
DeKoster	Keith	Ollenburg	Van Gilst
Doderer	Kennedy	Potter	

Nays, 1:

Stephens

Absent or not voting, 22:

Bass	Gilley	Neu	Schaben
Briles	Griffin	Palmer	Shawver
Carlson	Hill	Potgeter	Smith
Coleman	Laverty	Rabedeaux	Thordsen
Conklin	Miller	Robinson	Walsh
Davis	Milligan		

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

Senator Van Drie asked and received unanimous consent that **Senate File 1056** be **immediately messaged** to the House, which request was complied with.

Senate File 1200

On motion of Senator Van Gilst, Senate File 1200, a bill for an act relating to control of swine brucellosis, was taken up and considered.

Senator Van Gilst moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1200) the vote was:

Ayes, 33:

Arbuckle	Glenn	Lamborn	Rabedeaux
Bass	Graham	Laverty	Riley
Carlson	Griffin	Messenger	Shaff
Conklin	Gross	Mowry	Shawver
Curran	Hill	Nicholson	Stephens
DeKoster	Keith	Ollenburg	Tapscott
Doderer	Kennedy	Palmer	Van Drie
Erskine	Kyhl	Potter	Van Gilst
Gilley			

Nays, 5:

Anderson	Coleman	Miller	Potgeter
Balloun			

Absent or not voting, 12:

Briles	Gaudineer	Rhodes	Smith
Brownlee	Milligan	Robinson	Thordsen
Davis	Neu	Schaben	Walsh

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

Senator Van Gilst asked unanimous consent that **Senate File 1200** be **immediately messaged** to the House.

Objection was raised.

Senator Van Gilst moved that Senate File 1200 be immediately messaged to the House.

Roll call was requested.

President Jepsen took the chair at 1:51 p.m.

On the question "Shall the motion to immediately message to the House be adopted?" (S.F. 1200) the vote was:

Ayes, 30:

Arbuckle	Graham	Laverty	Rhodes
Carlson	Griffin	Messerly	Riley
Conklin	Gross	Nicholson	Shaff
Curran	Hill	Ollenburg	Shawver
Doderer	Keith	Palmer	Stephens
Erskine	Kennedy	Potter	Tapscott
Gilley	Kyhl	Rabedaux	Van Gilst
Glenn	Lamborn		

Nays, 5:

Brownlee	Miller	Potgeter	Van Drie
Coleman			

Absent or not voting, 15:

Anderson	Davis	Mowry	Smith
Balloun	DeKoster	Neu	Thordsen
Bass	Gaudineer	Robinson	Walsh
Briles	Milligan	Schaben	

The motion prevailed and **Senate File 1200** was immediately messaged to the House.

Senate File 1217

On motion of Senator Schaben, Senate File 1217, a bill for an act to permit a school corporation to transfer moneys from the general fund to the schoolhouse fund, if the transfer is approved by the voters, was taken up and considered.

Senator Schaben moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1217) the vote was:

Ayes, 35:

Bass	Gross	Nicholson	Shawver
Briles	Hill	Palmer	Smith
Coleman	Keith	Potgeter	Stephens
Doderer	Kennedy	Potter	Tapscott
Erskine	Kyhl	Rabedaux	Thordsen
Gaudineer	Lamborn	Rhodes	Van Drie
Gilley	Laverty	Riley	Van Gilst
Glenn	Miller	Schaben	Walsh
Griffin	Neu	Shaff	

Nays, 11:

Anderson	Brownlee	Curran	Messerly
Arbuckle	Carlson	DeKoster	Mowry
Balloun	Conklin	Graham	

Absent or not voting, 4:

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

Senator Schaben asked and received unanimous consent that **Senate File 1217** be **immediately messaged** to the House, which request was complied with.

Senate File 376

On motion of Senator Kyhl, Senate File 376, a bill for an act relating to vehicle equipment requirements, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Kyhl raised a point of order that the amendment filed by Senator Riley on February 8, 1972, and found on pages 325-327, inclusive, of the Senate Journal, was not germane to the bill.

The Chair ruled the point well taken and the amendment out of order.

Senator Kyhl moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 376) the vote was:

Ayes, 45:

Anderson	Gaudineer	Messerly	Riley
Arbuckle	Gilley	Miller	Robinson
Balloun	Glenn	Mowry	Shaff
Bass	Graham	Neu	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Gross	Ollenburg	Stephens
Coleman	Hill	Palmer	Tapscott
Conklin	Keith	Potgeter	Thordsen
Curran	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Laverty	Rhodes	Walsh
Erskine			

Nays, none.

Absent or not voting, 5:

Carlson	Kennedy	Milligan	Schaben
Davis			

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

Senator Lamborn asked and received unanimous consent to take up for consideration Senate File 1059.

Senate File 1059

On motion of Senator Gross, Senate File 1059, a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gross offered the following amendment filed by him and moved its adoption:

- 1 Amend Senate File 1059 as follows:
- 2 Page 4, by striking lines 19 through 23, inclusive,
- 3 and inserting in lieu thereof:
- 4 "Sec. This Act, being deemed of immediate
- 5 importance, shall take effect and be in force from
- 6 and after its publication in The Sioux City Journal,
- 7 a newspaper published in Sioux City, Iowa, and in
- 8 The Denison Bulletin, a newspaper published in
- 9 Denison, Iowa."

The amendment was adopted.

Senator Gross moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1059) the vote was:

Ayes, 36:

Anderson	Gaudineer	Neu	Schaben
Briles	Glenn	Nicholson	Shaff
Brownlee	Gross	Ollenburg	Shawver
Carlson	Hill	Palmer	Smith
Coleman	Keith	Potter	Tapscott
Davis	Kennedy	Rabedeaux	Thordsen
DeKoster	Kyhl	Rhodes	Van Drie
Doderer	Lamborn	Riley	Van Gilst
Erskine	Miller	Robinson	Walsh

Nays, 11:

Arbuckle	Conklin	Laverty	Potgeter
Balloun	Gilley	Messerly	Stephens
Bass	Graham	Mowry	

Absent or not voting, 3:

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

Senator Gross asked and received unanimous consent that **Senate File 1059** be **immediately messaged** to the House, which request was complied with.

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

The Senate reconvened, President Jepsen presiding.

STEERING COMMITTEE REPORT

MR. PRESIDENT: Your committee on steering has had the following bills under consideration and recommends they be placed on the steering committee calendar:

H. J. R. 8

H. F. 1242

S. F. 1136

CLIFTON C. LAMBORN, Chairman

UNFINISHED BUSINESS

Senate File 1212

On motion of Senator Messerly, Senate File 1212, a bill for an act relating to health maintenance organizations, was taken up for further consideration.

Senator Rabedeaux raised the point of order that a bill and a resolution dealing with the same subject matter had been considered and placed on the calendar by the committee on state government.

The Chair ruled the point not well taken and the bill in order for further consideration.

Senator Rabedeaux moved that Senate File 1212 be referred to the committee on commerce.

Senator Glenn raised the point of order that the motion was out of order for the reason that no intervening action had been taken on the bill since the previous motion to refer to the committee on commerce failed to be adopted.

The Chair ruled the point well taken and the motion out of order.

The Senate resumed consideration of the following amendment by Senator Conklin, offered and pending on March 20:

Division 1

1 Amend Senate File 1212 as follows:

2 1. Page 2, by striking lines 18 through 20 inclusive and insert

3 in lieu thereof the following:

4 "3. Provides the services of physicians and surgeons, osteopathic

5 physicians and surgeons, osteopathic physicians, dentists, optome-
6 trists and podiatrists solely under arrangements with one or more
7 groups”.

Division 2

8 2. Page 2, line 21, by striking the word “physicians” and in-
9 serting in lieu thereof the words “these health practitioners”.
10 3. Page 2, line 25, by striking the word “physician” and in-
11 serting in lieu thereof the words “health practitioner”.

Senator Thordsen moved that Senate File 1212 be referred to the committee on county government, and requested a roll call.

On the question “Shall the motion to refer to the county government committee be adopted?” (S.F. 1212) the vote was:

Ayes, 19:

Balloun	Keith	Nicholson	Riley
Curran	Kyhl	Ollenburg	Shaff
Davis	Lamborn	Potter	Smith
Gilley	Laverty	Rabedeaux	Thordsen
Griffin	Mowry	Rhodes	

Nays, 29:

Anderson	DeKoster	Hill	Robinson
Arbuckle	Doderer	Kennedy	Schaben
Bass	Erskine	Messerly	Shawver
Briles	Gaudineer	Milligan	Tapscott
Brownlee	Glenn	Neu	Van Drie
Carlson	Graham	Palmer	Van Gilst
Coleman	Gross	Potgeter	Walsh
Conklin			

Absent or not voting, 2:

Miller	Stephens
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The motion lost.

Senator Miller called for a division of the amendment, section 1 to be considered as division 1, and sections 2 and 3 to be considered as division 2.

Senator Conklin moved the adoption of division 1 of her amendment and requested a roll call.

On the question “Shall division 1 of the Conklin amendment be adopted?” (S.F. 1212) the vote was:

Rule 24 was invoked.

Ayes, 19:

Anderson	Curran	Mowry	Rhodes
Bass	DeKoster	Neu	Smith
Briles	Griffin	Nicholson	Stephens
Brownlee	Lamborn	Ollenburg	Van Drie
Conklin	Milligan	Rabedeaux	

Nays, 30:

Arbuckle	Glenn	Messerly	Schaben
Balloun	Graham	Miller	Shaff
Carlson	Gross	Palmer	Shawver
Coleman	Hill	Potgeter	Tapscott
Davis	Keith	Potter	Thordsen
Doderer	Kennedy	Riley	Van Gilst
Erskine	Kyhl	Robinson	Walsh
Gaudineer	Laverty		

Absent or not voting, 1:

Gilley

Division 1 of the amendment lost.

Senator Conklin withdrew division 2 of her amendment.

Senator Coleman withdrew the following amendment filed March 20:

- 1 Amend Senate File 1212, page 2, line 19, by striking
- 2 the words "either employee or".

Senator Messerly offered the following amendment filed by Senators Messerly and Doderer and moved its adoption:

- 1 Amend Senate File 1212, page 2, by inserting after
- 2 the period in line 32 the following:
- 3 "The commissioner of insurance shall also regulate
- 4 health maintenance organizations in accordance with
- 5 powers granted in the Code for the regulation of
- 6 hospital and medical service corporations, and may
- 7 issue such rules, regulations and orders as shall
- 8 be necessary to carry out the provisions of this Act."

The amendment was adopted.

Senator Van Drie offered the following amendment filed by Senators Van Drie and Griffin:

- 1 Amend Senate File 1212, page 3, after line 12 by adding
- 2 the following new sections:
- 3 1. "Sec. Section four hundred thirty-two point one
- 4 (432.1), unnumbered paragraph one (1), Code 1971, is amended
- 5 as follows:
- 6 Every insurance company or association of whatever kind
- 7 or character, not including fraternal beneficiary associations,
- 8 [and nonprofit hospital and medical service corporations,] shall,
- 9 at the time of making the annual statement as required by law,
- 10 pay to the director of the department of revenue, or to a
- 11 depository designated by the director, as taxes, an amount
- 12 equal to the following, except that the premium tax applicable
- 13 to county mutual associations shall be governed by section
- 14 518.18:"
- 15 2. "Sec. The taxes herein imposed on nonprofit
- 16 hospital and medical service corporations shall not include
- 17 the premiums charged people over age sixty-five."

Senator Glenn raised a point of order that the amendment was not germane to the bill.

The Chair ruled the point well taken for the following reasons:

Senate File 1212 defines a health maintenance organization and authorizes their establishment in Iowa. The purpose of a health maintenance organization is to provide medical, dental and related health services to citizens. Any amendment to Senate File 1212 that is germane must somehow relate to the subject of the establishment of a health maintenance organization in the state.

The purpose of the Van Drie-Griffin amendment is entirely different and relates to another subject area. The effect of the Van Drie-Griffin amendment is to eliminate the tax exempt status of nonprofit hospital and medical service corporations. There are similarities in purpose and structure between health maintenance organizations and a nonprofit hospital and medical service corporation, but these similarities in no way relate to the establishment of the former. This is evidenced by the Messerly-Doderer amendment, passed by the Senate, which directs the commissioner of insurance to regulate health maintenance organizations in accordance with powers granted in the Code for the regulation of hospital and medical service corporations. This is merely a directive as to how the health maintenance organizations are to be treated and does not expand the subject matter of Senate File 1212 to include the question of taxation of nonprofit hospital and medical service corporations.

Section 402, subsection 1 of Mason's Manual of Legislative Procedure states that "1. Every amendment proposed must be germane to the subject . . ." As stated above, the subject matter of Senate File 1212 is the authorization and establishment of health maintenance organizations in the state and an amendment which relates to taxation of nonprofit hospital and medical service corporations certainly does not relate to the same subject.

The Van Drie-Griffin amendment is ruled out of order.

Senator Van Drie moved that Senate Rule 3 be suspended as it applies to Section 402 of Mason's Manual of Legislative Procedure for the purpose of considering the Van Drie-Griffin amendment.

President pro tempore Kyhl took the chair at 5:29 p.m.

Roll call was requested by Senator Van Drie.

On the question "Shall the rules be suspended and the Van Drie-Griffin amendment be considered?" (S.F. 1212) the vote was:

Ayes, 21:

Balloun	Griffin	Mowry	Potter
Bass	Keith	Neu	Rhodes
Brownlee	Kennedy	Nicholson	Schaben
Coleman	Lamborn	Palmer	Tapscott
Conklin	Miller	Potgeter	Van Drie
DeKoster			

Nays, 27:

Arbuckle	Gilley	Messerly	Shawver
Briles	Glenn	Milligan	Smith
Carlson	Graham	Ollenburg	Stephens
Curran	Gross	Rabedeaux	Thordsen
Davis	Hill	Riley	Van Gilst
Doderer	Kyhl	Robinson	Walsh
Erskine	Laverty	Shaff	

Absent or not voting, 2:

Anderson	Gaudineer
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The motion having failed to receive a two-thirds majority lost.

SENATE FILE DEFERRED

Senator Lamborn moved that further action on Senate File 1212 be deferred and that the bill retain its place on the calendar under unfinished business.

Roll call was requested.

On the question "Shall the bill be deferred and retain its place on the calendar under unfinished business?" (S.F. 1212) the vote was:

Ayes, 31:

Anderson	Erskine	Milligan	Riley
Balloun	Gilley	Mowry	Shawver
Bass	Graham	Neu	Smith
Briles	Griffin	Nicholson	Stephens
Brownlee	Kyhl	Ollenburg	Thordsen
Conklin	Lamborn	Potter	Van Drie
Davis	Laverty	Rabedeaux	Walsh
DeKoster	Miller	Rhodes	

Nays, 15:

Carlson	Glenn	Messerly	Schaben
Coleman	Gross	Palmer	Tapscott
Doderer	Hill	Potgeter	Van Gilst
Gaudineer	Kennedy	Robinson	

Absent or not voting, 4:

Arbuckle	Curran	Keith	Shaff
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The motion prevailed and further action on **Senate File 1212** was deferred and the bill retained on the calendar under **unfinished business**.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 556, a bill for an act relating to the uniform anatomical gift act.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1274, a bill for an act relating to the implied consent test for alcohol.

Also: That the House has adopted third conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House is asked:

Senate File 85, a bill for an act creating a department of environmental quality.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 185, a bill for an act to combine the present county fund for mental health with the state institution fund.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

Senate File 1091, a bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1101, a bill for an act relating to the taxation of real estate transfers.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT TO SENATE FILE 185

1 Amend Senate File 185, as amended and passed by the
2 Senate, as follows:

3 1. By striking paragraph e of subsection one (1) of
4 Section 1 and inserting in lieu thereof the following:
5 "e. Care and treatment of persons admitted or committed
6 to the alcoholic treatment center at Oakdale or any
7 facilities as provided in chapter one hundred twenty-three
8 B (123B) of the Code, provided, however, that any such
9 admission shall be reported to the county board of
10 supervisors within five days by the center or facility
11 offering such treatment."

12 2. Page 3, by inserting after line 11 the following
13 new paragraph:

14 "The board of supervisors may require any public or
15 private facility as a condition of payment from county funds
16 to furnish the board with a statement of the income, assets,
17 and township or municipality and the county of legal residence
18 of each person receiving services under this section, provided
19 however, the facility shall not disclose to anyone without
20 the permission of the person receiving services for which
21 commitment is not required such person's name or street or

22 route address."

23 3. Page 3, by inserting after line 35 the following:

24 "Should any county fail to levy a tax sufficient to meet
25 the expenses which the county is required to pay, or which

Page 2

1 the board of supervisors chooses to pay, from the county
2 mental health and institutions fund pursuant to this
3 section, the deficiency shall be met by transfer of funds
4 from the county general fund to the county mental health
5 and institutions fund."

6 4. Page 5, by inserting after line 20 the following new
7 section:

8 "Sec. Section two hundred thirty point fifteen
9 (230.15), Code 1971, is amended as follows:

10 230.15 PERSONAL LIABILITY. Mentally ill persons and
11 persons legally liable for their support shall remain
12 liable for the support of such mentally ill. Persons legally
13 liable for the support of a mentally ill person shall include
14 the spouse[, father, mother, and adult children] of [such] *the*
15 *mentally ill person*, [and] any person, firm, or corporation
16 bound by contract [hereafter made] for support *of the mentally*
17 *ill person, and with respect to mentally ill persons under*
18 *twenty-one years of age only, the father and mother of the*
19 *mentally ill person*. The county auditor, subject to the
20 direction of the board of supervisors, shall enforce the
21 obligation herein created as to all sums advanced by the
22 county. *The liability to the county incurred under this*
23 *section on account of any mentally ill person shall be*
24 *limited to one hundred percent of the cost of care and*
25 *treatment of the mentally ill person at a state mental*

Page 3

1 *health institute for the first one hundred twenty days of*
2 *hospitalization, and thereafter to an amount not in excess*
3 *of the average minimum cost of the maintenance of a*
4 *physically and mentally healthy individual residing in*
5 *his own home, which standard shall be established and may*
6 *from time to time be revised by the department of social*
7 *services. No lien imposed by section two hundred thirty*
8 *point twenty-five (230.25) of the Code shall exceed the*
9 *amount of the liability which may be incurred under this*
10 *section on account of any mentally ill person.*

11 *Nothing in this section shall be construed to prevent a*
12 *relative or other person from voluntarily paying the full*
13 *actual cost of the care and treatment of any mentally ill*
14 *person as established by the department of social services.*

15 *Persons who as of July 1, 1972, are hospitalized in any*
16 *state mental health institute, or who on that date or any*
17 *later date have been so hospitalized for a total of one*
18 *hundred twenty days or more, shall be considered to have*
19 *incurred liability for one hundred percent of the cost of*
20 *their care and treatment for one hundred twenty days, and*
21 *shall thereafter be entitled to reduced liability as provided*
22 *by this section. There shall be no forgiveness of any*

23 *liability existing on July 1, 1972, for the cost of care and*
 24 *treatment of mentally ill persons, except as provided in*
 25 *section 230.17 and no person who has paid any such costs prior*

Page 4

1 *to that date shall be entitled to any refund by reason*
 2 *of this section."*
 3 5. Page 6, line 24, by inserting after the period the
 4 following:
 5 "*However, the county board of supervisors shall not*
 6 *expend from such fund for treatment other than in a*
 7 *state institution an amount which would exceed eight dollars*
 8 *per capita for counties having less than forty thousand*
 9 *population."*
 10 6. By renumbering sections to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 1101

1 Amend Senate File 1101, as amended and passed by the
 2 Senate, as follows:
 3 Page 2, by striking from lines 31 through 34 the following:
 4 "*In the case of a gift of realty, or any deed with nominal*
 5 *consideration or without stated consideration, the*
 6 *consideration shall be the current market value of the*
 7 *property transferred."*

HOUSE MESSAGE CONSIDERED

House File 1274, a bill for an act relating to the implied consent test for alcohol, and providing a penalty.

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

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 16, 1972, the Governor approved and transmitted to the Secretary of State the following bill:

H. F. 574—Relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance, including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in title fifteen (15) and reenacting provisions from title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violations thereof, to be enforced in cooperation with city officials.

Also:

A communication was received announcing that on March 17, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 260—Relating to weather modification in counties.
- S. F. 274—Relating to age discrimination in employment.
- S. F. 334—Relating to the vending of foods and beverages and providing a penalty.
- S. F. 593—To make an appropriation to the Executive Council for the acquisition of land and buildings, and the remodeling construction and equipping of a medical school in counties having a population of over two hundred thousand.
- S. F. 1026—Relating to actions arising out of injuries or damages to property.
- S. F. 1070—Relating to the approval, coordination, and supervision over electronic data processing for educational purposes.
- S. F. 1110—To legalize a transfer of real property from the Board of Directors of the Prairie Community School District, Gowrie, Iowa to Russell Jondle and Florence M. Jondle.
- S. F. 1172—Relating to the authority of the State Conservation Commission and providing a penalty.
- S. F. 1188—Relating to the publication of educational and scientific reports by the State Archaeologist.
- S. F. 1198—To allow cities and towns to extend agreements to refrain from annexing specifically described territory.
- S. F. 1201—To appropriate funds to the State Highway Commission for designated capital improvement programs.
- H. F. 217—Relating to the Board of Parole.
- H. F. 219—Relating to the use of carbon tetrachloride fire extinguishers in migratory labor camps.
- H. F. 544—Relating to the Soldiers Relief Commission.
- H. F. 1042—Relating to time served on parole.
- H. F. 1071—To legalize the indebtedness of the Audubon County Agricultural Society and to authorize an annual tax to pay said indebtedness.
- H. F. 1117—Relating to the annual report of the Commissioner of Insurance.
- H. F. 1176—Relating to the Department of Soil Conservation.
- H. F. 1253—Relating to the use of ambulance services at University hospital.

EXPLANATION OF VOTE

I voted "no" on House File 1283, although it may be a meritorious bill. I just do not feel that the State of Iowa can afford the projected revenue losses which the proponents of this bill admit will come with the passage of this legislation. Deficit financing of state government must be avoided in the State of Iowa.

RICHARD L. STEPHENS

REPORT OF COMMITTEE

Senator Shaff submitted the following report:

MR. PRESIDENT: Your committee on ways and means, to which was referred **House File 406**, a bill for an act relating to use tax, begs leave to report it has had the same under consideration and recommends the same **be amended as follows; and when so amended the bill do pass:**

- 1 Amend House File 406 as amended and passed by the House
- 2 by striking everything after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section four hundred twenty-three point four
- 5 (423.4), Code 1971, is amended by striking subsection two
- 6 (2)."

ROGER J. SHAFF, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate File 1212 as follows: page 2, line 2, by
- 2 striking the word "*medical*", and substitute the word "physician".

CHARLES P. MILLER

- 1 Amend Senate File 1212 as follows:
- 2 Page 2, by striking in line 17, the word "*medical*", and
- 3 substitute in lieu thereof the words "*health care*".

CHARLES P. MILLER

- 1 Amend Senate File 1212, page 3, after line 12, by adding
- 2 the following new section:
- 3 "Sec. Section four hundred thirty-two point one
- 4 (432.1), Code 1971, unnumbered paragraph one (1), is amended
- 5 as follows:
- 6 Every insurance company or association of whatever kind or
- 7 character, not including fraternal beneficiary associations,
- 8 *insurance companies and associations on contracts of health*
- 9 *insurance* and nonprofit hospital and medical service corpora-
- 10 tions, shall, at the time of making the annual statement as
- 11 required by law, pay to the director of the department of
- 12 revenue, or to a depository designated by the director, as
- 13 taxes, an amount equal to the following, except that the pre-
- 14 mium tax applicable to county mutual associations shall be
- 15 governed by section 518.18:"

JAMES W. GRIFFIN, SR.
RUDY VAN DRIE

- 1 Amend House File 406 as amended and passed by the House by
- 2 striking everything after the enacting clause and inserting
- 3 in lieu thereof the following:
- 4 Section 1. Section four hundred twenty-three point
- 5 four (423.4), Code 1971, is amended by striking subsection
- 6 two (2) and inserting in lieu thereof the following:
- 7 "2. Motor trucks, with an unladen weight in excess

8 of eight thousand pounds, truck tractors, and truck trailers,
9 as defined in section three hundred twenty-one point one
10 (321.1) of the Code, subsections four (4), six (6), and nine
11 (9) when more than seventy-five percent of the miles of use
12 occur in commercial interstate transportation."

WAYNE D. KEITH
RALPH W. POTTER
ALDEN J. ERSKINE

1 Amend House File 1276 as follows:

2 1. Page 19, line 31, by adding after the period, the
3 following: "*Notwithstanding any other provision of this*
4 *chapter, no wine shall be sold on any premises covered*
5 *by a class "C" permit which is not a grocery store whose*
6 *principal business is the sale of food for consumption*
7 *off the premises, or a pharmacy as defined in section one*
8 *hundred twenty-nine (129) of this chapter."*

RICHARD L. STEPHENS

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Wednesday, March 22, 1972.

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY

SENATE CHAMBER

DES MOINES, IOWA, WEDNESDAY, MARCH 22, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Robert G. Clay, pastor of the St. John's African Methodist Episcopal Church, Burlington, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Tuesday, March 21, 1972, was approved.

DISTINGUISHED GUEST

Senator Laverty rose on a point of personal privilege and presented to the Senate the Honorable Vera H. Shivvers, former member of the Senate from Marion County.

PRESENTATION OF VISITORS

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

Senator Davis rose on a point of personal privilege and presented to the Senate Lamont Lovelady, a National Golden Gloves champion from Davenport, Iowa.

Thirty-two students from Nevada Elementary School, Nevada, Iowa, accompanied by Mrs. Cody. Senator Van Drie.

Forty-seven students from St. Joseph's School, Mason City, Iowa, accompanied by Mrs. Patton, Mrs. Berkland, Mr. Green and Mr. Rothamel. Two foreign exchange students, Marta Penaredonda from Columbia, South America, and Sonia Raquel Reginato Passini from Brazil, were members of the group. Senator Curran.

Ten students, members of Cub Scout Pack 135, from Indianola Community School, Indianola, Iowa, accompanied by Virginia Nelson and Roberta Reynolds. Senator Laverty.

Forty students, members of 4-H Club, from Jackson County, accompanied by Mrs. Frances Moatz and Mrs. William Dunn. Senator Lamborn.

PETITIONS

The following petitions were presented and placed on file:

By Senator Messerly, from thirty-three residents of Black Hawk County opposing taxes on real estate of non-profit organizations.

By Senator Bass, from sixteen residents of Page and Montgomery Counties opposing the sale of wine in grocery stores.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Bennett, Marion, Iowa.

PRESENTATION OF PELLA TULIP QUEEN

President pro tempore Kyhl invited Senator Laverty to the rostrum to present Emily Vander Ploeg, Queen of the Thirty-seventh Annual Tulip Time Festival at Pella, Iowa. The Queen introduced the members of her court, Cynthia Butler, Carol Kooi, Ann Renskers and Gail Vander Ploeg, and extended a cordial invitation to attend "Tulip Time" on May 11, 12 and 13, 1972.

SENATE FILE DEFERRED

Senator Lamborn asked and received unanimous consent that further action on **Senate File 288** be deferred and that the bill retain its place on the **calendar**.

CONSIDERATION OF JOINT RESOLUTION

Senator Lamborn asked and received unanimous consent to take up for consideration House Joint Resolution 8.

House Joint Resolution 8

On motion of Senator Thordsen, House Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the General Assembly, was taken up and considered.

Senator Rhodes took the chair at 10:30 a.m.

President pro tempore Kyhl took the chair at 11:17 a.m.

Senator Thordsen moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

House Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the general assembly.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is hereby proposed:

“Section twenty-eight (28) of Article three (III) of the Constitution of the State of Iowa is hereby repealed.”

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Sixty-third General Assembly, Second Session, thereafter duly published, and now adopted and agreed to by the Sixty-fourth General Assembly in this Joint Resolution, shall be submitted to the people of the state of Iowa at the general election in November of the year nineteen hundred seventy-two in the manner required by the Constitution of the State of Iowa and the laws of the state of Iowa.

On the question “Shall the resolution be adopted?” (H.J.R. 8) the vote was:

Rule 24 was invoked.

Yeas, 26:

Balloun	Gross	Potter	Shaff
Briles	Kennedy	Rabedeaux	Shawver
Brownlee	Lamborn	Rhodes	Tapscott
Coleman	Miller	Riley	Thordsen
Davis	Milligan	Robinson	Van Drie
Glenn	Palmer	Schaben	Walsh
Griffin	Potgeter		

Nays, 23:

Anderson	DeKoster	Keith	Nicholson
Arbuckle	Doderer	Kyhl	Ollenburg
Bass	Erskine	Laverty	Smith
Carlson	Gilley	Messerly	Stephens
Conklin	Graham	Mowry	Van Gilst
Curran	Hill	Neu	

Absent or not voting, 1:

Gaudineer

The resolution having received a constitutional majority was declared to have been adopted and agreed to by the Senate and the title was agreed to.

SENATE JOINT RESOLUTION WITHDRAWN

Senator Walsh asked and received unanimous consent that **Senate Joint Resolution 3** be withdrawn from further consideration of the Senate.

CHAIR'S DECISION UPHELD

Senator Lamborn called up for consideration the next bill on the steering committee calendar, **House File 1242**.

Senator Doderer raised a point of order that **Senate File 1212** was on the steering committee calendar before being placed under unfinished business and has precedence over House File 1242.

The Chair ruled the point not well taken.

Senator Glenn raised a point of order that pursuant to Senate Rule 5, No. 6, unfinished business before the Senate must be taken up prior to No. 7, consideration of the daily calendar, and that the rules must be suspended to take up any bill on the steering committee calendar prior to unfinished business.

The Chair ruled the point not well taken under Senate Rule 7.

Senator Glenn appealed from the ruling of the Chair.

The Chair put the question: "Shall the decision of the President stand as the judgment of the Senate?"

On the question "Shall the decision of the President stand as the judgment of the Senate?" the vote was:

Rule 24 was invoked.

Ayes, 34:

Anderson	Davis	Miller	Rabedeaux
Arbuckle	DeKoster	Milligan	Rhodes
Balloun	Erskine	Mowry	Riley
Bass	Gilley	Neu	Shaff
Brownlee	Graham	Nicholson	Shawver
Carlson	Keith	Ollenburg	Smith
Coleman	Lamborn	Potgeter	Thordsen
Conklin	Laverty	Potter	Van Drie
Curran	Messerly		

Nays, 5:

Glenn	Hill	Palmer	Tapscott
Gross			

Voting present, 3:

Doderer (under Rule 24)	Schaben (under Code of Ethics)
Kyhl	

Absent or not voting, 8:

Briles
Gaudineer

Griffin
Kennedy

Robinson
Stephens

Van Gilst
Walsh

The decision of the Chair was upheld.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 123, congratulating the coaches and Iowa State University wrestling team in winning the N.C.A.A. wrestling tournament.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1158, a bill for an act authorizing cities and towns to acquire, improve, equip and lease pollution control facilities.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

Senate File 1169, a bill for an act relating to references to the Internal Revenue Code.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1200, a bill for an act relating to control of swine brucellosis.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 711, a bill for an act relating to registration and safety regulations for snowmobiles.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1295, a bill for an act making an appropriation to the department of general services.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1295, a bill for an act making an appropriation to the department of general services for the purpose of studying the need, financing and planning for the construction of state office buildings.

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

MOTION TO SUSPEND RULES LOST

Senator Tapscott asked unanimous consent to take up for consideration **Senate File 1193**.

Objection was raised.

Senator Tapscott moved that the rules be suspended and that Senate File 1193 be taken up for consideration.

Senator Doderer moved as a substitute motion that the rules be suspended for the purpose of taking up for consideration Senate File 1212, a bill for an act relating to health maintenance organizations, and requested a roll call.

On the question "Shall the motion to suspend the rules and take up Senate File 1212 for consideration be adopted?" (S.F. 1212) the vote was:

Ayes, 15:

Carlson	Gross	Miller	Schaben
Doderer	Hill	Palmer	Tapscott
Gaudineer	Kennedy	Potgeter	Van Gilst
Glenn	Messerly	Robinson	

Nays, 30:

Anderson	Erskine	Mowry	Riley
Arbuckle	Gilley	Neu	Shaff
Balloun	Graham	Nicholson	Shawver
Bass	Griffin	Ollenburg	Smith
Brownlee	Keith	Potter	Stephens
Conklin	Kyhl	Rabedeaux	Thordsen
Curran	Lamborn	Rhodes	Van Drie
Davis	Milligan		

Absent or not voting, 5:

Briles	DeKoster	Laverty	Walsh
Coleman			

The motion having failed to receive a two-thirds majority lost.

President Jepsen took the chair at 2:11 p.m.

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

Senator Tapscott restated his motion to suspend the rules for the purpose of taking up for consideration **Senate File 1193**.

On the question "Shall the motion to suspend the rules for the purpose of taking up Senate File 1193 be adopted?" the vote was:

Ayes, 8:

Doderer Glenn	Gross Hill	Palmer Schaben	Tapscott Van Gilst
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Nays, 37:

Anderson	DeKoster	Messerly	Rhodes
Arbuckle	Erskine	Milligan	Riley
Balloun	Gilley	Mowry	Shaff
Bass	Graham	Neu	Shawver
Briles	Griffin	Nicholson	Smith
Brownlee	Keith	Ollenburg	Stephens
Carlson	Kyhl	Potgeter	Thordsen
Conklin	Lamborn	Potter	Van Drie
Curran	Laverty	Rabedeaux	Walsh
Davis			

Voting present, 1:

Gaudineer

Absent or not voting, 4:

Coleman	Kennedy	Miller	Robinson
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The motion having failed to receive a two-thirds majority lost.

BILLS REFERRED BACK TO COMMITTEE

Senator Lamborn moved that all bills on the unfinished business calendar be sent back to committee.

Senator Gaudineer moved that the motion be amended to exclude **Senate File 1212**, which would then remain on the unfinished business calendar, and requested a roll call.

On the question "Shall the Gaudineer motion to amend the Lamborn motion be adopted?" the vote was:

Ayes, 10:

Coleman	Glenn	Palmer	Tapscott
Doderer	Gross	Schaben	Van Gilst
Gaudineer	Hill		

Nays, 34:

Anderson	DeKoster	Mowry	Riley
Arbuckle	Erskine	Neu	Shaff
Balloun	Gilley	Nicholson	Shawver
Bass	Graham	Ollenburg	Smith
Briles	Keith	Potgeter	Stephens
Brownlee	Kyhl	Potter	Thordsen
Carlson	Lamborn	Rabedeaux	Van Drie
Conklin	Laverty	Rhodes	Walsh
Curran	Milligan		

Absent or not voting, 6:

Davis	Kennedy	Miller	Robinson
Griffin	Messerly		

The motion lost.

Senator Glenn moved that the motion be amended to include all Senate files on the regular calendar.

The motion prevailed and the amendment was adopted.

The motion by Senator Lamborn that all bills on the unfinished business calendar and all Senate files on the regular calendar be referred back to committee was adopted, and the following bills were referred back to the committees from which they came:

S. F. 360	S. F. 424	S. F. 387
S. F. 472	S. F. 1193	S. F. 1017
S. F. 1095	S.C.R. 116	S. F. 1159
H. F. 1057	S. F. 1199	S. F. 1211
S. F. 1212	S. F. 1133	S. F. 154
S. F. 1150	S.C.R. 115	S. F. 1215
S. F. 1076	S. F. 128	S. F. 1073
S. F. 1180	S.C.R. 117	S. F. 340
S. F. 1185		

CONSIDERATION OF BILLS

House File 1242

On motion of Senator Potgeter, House File 1242, a bill for an act to establish a commission on compensation, expenses, and salaries for elective state officials, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Potgeter offered the following amendment filed by the committee on state government and moved its adoption:

- 1 Amend House File 1242 as amended and passed by the House,
- 2 page 3, line 4, by inserting after the word "officials,"
- 3 the words "and constitutional judicial officers,".

The amendment was adopted.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1242) the vote was:

Ayes, 39:

Anderson	Carlson	Gilley	Keith
Arbuckle	DeKoster	Glenn	Kennedy
Bass	Doderer	Griffin	Kyhl
Briles	Erskine	Gross	Lamborn
Brownlee	Gaudineer	Hill	Laverty

Miller	Ollenburg	Rhodes	Smith
Milligan	Palmer	Riley	Tapscott
Mowry	Potgeter	Schaben	Thordsen
Neu	Potter	Shaff	Van Drie
Nicholson	Rabedeaux	Shawver	

Nays, 5:

Conklin	Messerly	Stephens	Van Gilst
Graham			

Absent or not voting, 6:

Balloun	Curran	Robinson	Walsh
Coleman	Davis		

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

Senate File 1136

On motion of Senator Rabedeaux, Senate File 1136, a bill for an act providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Rabedeaux moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1136) the vote was:

Ayes, 47:

Anderson	Gaudineer	Messerly	Robinson
Arbuckle	Gilley	Miller	Schaben
Bass	Glenn	Milligan	Shaff
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Neu	Smith
Carlson	Gross	Nicholson	Stephens
Conklin	Hill	Ollenburg	Tapscott
Curran	Keith	Palmer	Thordsen
Davis	Kennedy	Potgeter	Van Drie
DeKoster	Kyhl	Potter	Van Gilst
Doderer	Lamborn	Rabedeaux	Walsh
Erskine	Laverty	Rhodes	

Nays, none.

Absent or not voting, 3:

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

Senator Rabedeaux asked and received unanimous consent that **Senate File 1136** be **immediately messaged** to the House, which request was complied with.

RULES SUSPENDED

Senator Lamborn asked unanimous consent to take up for consideration **House File 1299**.

Objection was raised.

Senator Lamborn moved that the rules be suspended and that House File 1299 be taken up for consideration.

On the question "Shall the motion to suspend the rules to take up House File 1299 be adopted?" (H. F. 1299) the vote was:

Ayes, 42:

Anderson	Erskine	Messerly	Riley
Arbuckle	Gaudineer	Milligan	Robinson
Balloun	Gilley	Mowry	Shaff
Bass	Glenn	Neu	Shawver
Briles	Graham	Nicholson	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Gross	Potgeter	Thordsen
Conklin	Hill	Potter	Van Drie
Curran	Keith	Rabedeaux	Van Gilst
Davis	Kyhl	Rhodes	Walsh
DeKoster	Lamborn		

Nays, 3:

Coleman	Doderer	Miller
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Absent or not voting, 5:

Kennedy	Palmer	Schaben	Tapscott
Laverty			

The motion prevailed.

CONSIDERATION OF BILLS

House File 1299

House File 1299, a bill for an act making an appropriation for the purpose of implementing and administering a state building code, was taken up and considered.

Senator Doderer offered the following amendment and moved its adoption:

- 1 Amend House File 1299, page 2 by striking lines
- 2 9 through 16 inclusive.

Division was called for.

The amendment lost.

Senator Schaben offered the following amendment and moved its adoption:

1 Amend House File 1299, page 2, line 8, by adding after the
 2 word "Session" the following:
 3 "A quarterly audit of all federal matching funds and
 4 state funds expended within the office of Planning and
 5 Programming for the year January 1, 1972, to January 1,
 6 1973, shall be submitted to the Sixty-fifth General Assembly
 7 within thirty (30) days after the convening of said
 8 general assembly."

Division was called for.

The amendment lost.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1299) the vote was:

Ayes, 36:

Arbuckle	DeKoster	Milligan	Riley
Balloun	Doderer	Mowry	Shaff
Bass	Erskine	Neu	Shawver
Briles	Glenn	Nicholson	Smith
Brownlee	Griffin	Ollenburg	Stephens
Carlson	Keith	Potgeter	Tapscott
Conklin	Lavery	Potter	Van Drie
Curran	Messerly	Rabedeaux	Van Gilst
Davis	Miller	Rhodes	Walsh

Nays, 11:

Anderson	Graham	Kennedy	Robinson
Gaudineer	Gross	Kyhl	Schaben
Gilley	Hill	Palmer	

Absent or not voting, 3:

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

BILLS ASSIGNED TO COMMITTEE

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

H. F. 1140 Judiciary
 H. F. 1260 Judiciary
 H. F. 1274 Law enforcement
 H. F. 1276 Way and means

President pro tempore Kyhl took the chair at 4:16 p.m.

HOUSE AMENDMENTS CONSIDERED

Senate File 185

Senator Miller called up for consideration Senate File 185, a bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor, amended by the House, and moved that the Senate concur in the House amendments found on pages 1076-1078, inclusive, of the Senate Journal.

DEFERRED

Senator Gaudineer asked and received unanimous consent that further action on **Senate File 185** be deferred and that the bill retain its place on the calendar.

HOUSE AMENDMENT CONSIDERED

Senate File 1101

Senator Potter called up for consideration Senate File 1101, a bill for an act relating to the taxation of real estate transfers and the penalty for failure to comply, amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend Senate File 1101, as amended and passed by the
- 2 Senate, as follows:
- 3 Page 2, by striking from lines 31 through 34 the following:
- 4 *"In the case of a gift of realty, or any deed with nominal*
- 5 *consideration or without stated consideration, the*
- 6 *consideration shall be the current market value of the*
- 7 *property transferred."*

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 1101) the vote was:

Ayes, 43:

Anderson	Carlson	Doderer	Gross
Arbuckle	Coleman	Erskine	Hill
Balloun	Conklin	Gilley	Keith
Bass	Curran	Glenn	Kyhl
Briles	Davis	Graham	Lamborn
Brownlee	DeKoster	Griffin	Laverty

Mowry	Potgeter	Schaben	Thordsen
Neu	Potter	Shaff	Van Drie
Nicholson	Rabedeaux	Shawver	Van Gilst
Ollenburg	Rhodes	Smith	Walsh
Palmer	Riley	Stephens	

Nays, 1:

Milligan

Absent or not voting, 6:

Gaudineer	Messerly	Robinson	Tapscott
Kennedy	Miller		

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 711

Senator Brownlee called up for consideration House File 711, a bill for an act relating to liability arising out of the use of snowmobiles, registration and safety regulations for snowmobiles and providing a penalty for the violation thereof, amended by the Senate, further amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend Senate amendment to House File 711 by striking
- 2 lines 9, 10 and 11.

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

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

On the question "Shall the bill pass?" (H.F. 711) the vote was:

Ayes, 46:

Anderson	Doderer	Messerly	Riley
Arbuckle	Erskine	Miller	Robinson
Balloun	Gaudineer	Milligan	Schaben
Bass	Gilley	Mowry	Shaff
Briles	Glenn	Neu	Shawver
Brownlee	Graham	Ollenburg	Smith
Carlson	Griffin	Palmer	Stephens
Coleman	Gross	Potgeter	Thordsen
Conklin	Keith	Potter	Van Drie
Curran	Kyhl	Rabedeaux	Van Gilst
Davis	Lamborn	Rhodes	Walsh
DeKoster	Laverty		

Nays, 1:

Nicholson

Absent or not voting, 3:
Hill Kennedy Tapscott

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

HOUSE AMENDMENT CONSIDERED

Senate File 1158

Senator Curran called up for consideration Senate File 1158, a bill for an act authorizing cities and towns to acquire, improve, equip and lease pollution control facilities, and issue revenue bonds in connection therewith, amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend Senate File 1158, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by inserting after line 8 the following new
- 4 paragraph:
- 5 *"The payment, collection, and apportionment of the*
- 6 *tax equivalent shall be subject to the provisions of*
- 7 *chapters four hundred forty-five (445), four hundred*
- 8 *forty-six (446), and four hundred forty-seven (447)*
- 9 *of the Code."*
- 10 2. Page 5, by adding after Section 4 the following
- 11 new section:
- 12 Sec. 5. Section four hundred fifty-five C point four
- 13 (455C.4), subsection two (2), Code 1971, is amended to read
- 14 as follows:
- 15 2. An agreement by the commission to pay to the
- 16 municipality, during the progress of construction or following
- 17 completion of the construction as may be agreed upon by the
- 18 parties, an amount equal to [one-half of that portion of the
- 19 actual cost of the project, or the reasonable cost of the
- 20 project as determined by the commission, whichever is less,
- 21 that is not paid by the federal government but not less than
- 22 twenty-five percent of the cost as determined] *that portion*
- 23 *of the reasonable cost of the project which the state must*
- 24 *agree to pay in order to obtain maximum federal pollution*
- 25 *abatement assistance.*

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- 1 3. By renumbering the remaining section.
- 2 4. Page 1, amend the title by striking all after the
- 3 word "Act" on line 1, and inserting in lieu thereof the
- 4 words "relating to certain municipalities' pollution control
- 5 facilities and sewage construction projects."

The motion prevailed and the Senate concurred in the House amendment.

Senator Curran moved that the bill as amended by the House and concurred in by the Senate be read the last time now, which

motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 1158) the vote was:

Ayes, 46:

Anderson	Doderer	Miller	Riley
Arbuckle	Erskine	Milligan	Robinson
Balloun	Gaudineer	Mowry	Schaben
Bass	Gilley	Neu	Shaff
Briles	Glenn	Nicholson	Shawver
Brownlee	Graham	Ollenburg	Smith
Carlson	Griffin	Palmer	Stephens
Coleman	Gross	Potgeter	Thordsen
Conklin	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedeaux	Van Gilst
Davis	Laverty	Rhodes	Walsh
DeKoster	Messerly		

Nays, none.

Absent or not voting, 4:

Hill	Keith	Kennedy	Tapscott
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has taken the following action on the Senate amendment and repassed House File 1156, a bill for an act creating an Iowa world exposition authority, in which the concurrence of the House was asked:

1. Concurred in amendments 1, 2 and 3.
2. Amended and concurred in amendments 4 and 7.
3. Amended amendments 5 and 8, by striking said amendments.
4. Refused to concur in amendment 6.
5. Amended amendments 9 and 10 by striking same and substituting a new amendment.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1247, a bill for an act making appropriations to educational radio and television facility board.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1190, a bill for an act relating to the regulation of county homes.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENTS CONSIDERED

Senate File 1190

Senator Miller called up for consideration Senate File 1190, a bill for an act relating to the regulation of county homes, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1190 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2A, by striking lines 4 and 5 and inserting in
- 4 lieu thereof the following: "county home liaison board
- 5 which shall serve in an advisory capacity to the state
- 6 department of health. The department shall adopt distinct
- 7 rules and".
- 8 2. Page 2A, by striking the word "state" from lines 9,
- 9 12 and 33.
- 10 3. Page 2A, by striking lines 30 and 31 and inserting
- 11 in lieu thereof a period.
- 12 4. Page 2B, line 37, by inserting after the word "met"
- 13 the words "by the county home to be licensed or which is
- 14 retaining a license".
- 15 5. Page 3A, line 16, by striking the word "state".

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1190) the vote was:

Ayes, 40:

Anderson	Erskine	Lamborn	Rhodes
Arbuckle	Gaudineer	Laverty	Riley
Balloun	Gilley	Messerly	Robinson
Bass	Glenn	Miller	Shawver
Briles	Graham	Mowry	Smith
Coleman	Griffin	Ollenburg	Stephens
Curran	Gross	Palmer	Thordsen
Davis	Hill	Potgeter	Van Drie
DeKoster	Keith	Potter	Van Gilst
Doderer	Kyhl	Rabedeaux	Walsh

Nays, 5:

Brownlee	Milligan	Neu	Nicholson
Conklin			

Absent or not voting, 5:

Carlson
Kennedy

Schaben

Shaff

Tapscott

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

President Jepsen took the chair at 5:05 p.m.

HOUSE AMENDMENT TO SENATE
AMENDMENT CONSIDERED

House File 1156

Senator Laverty called up for consideration House File 1156, a bill for an act creating an Iowa world exposition authority and specifying its purposes, powers and responsibilities, amended by the Senate, further amended by the House, and moved that the Senate concur in the following House amendment to the Senate amendment:

- 1 The House has taken the following action on the Senate
- 2 amendments to House File 1156 in which the concurrence of
- 3 the House was asked:
- 4 1. The House has incurred in Senate amendments 1, 2
- 5 and 3.
- 6 2. The House has amended Senate amendment 4, line 11,
- 7 by striking the word "thirty" and inserting the word
- 8 "forty", and has concurred in said amendment as amended.
- 9 3. The House has amended Senate amendment 7, line 21,
- 10 by inserting after the word "selection" the words "prior
- 11 to a deadline to be set by the executive council", and
- 12 has concurred in said amendment as amended.
- 13 4. The House has amended Senate amendments 5 and 8
- 14 by striking said amendments.
- 15 5. The House has refused to concur in Senate amendment
- 16 6.
- 17 6. The House has amended Senate amendments 9 and 10 by
- 18 striking said amendments and by inserting in lieu thereof
- 19 the following amendment:
- 20 9. Page 6, by inserting after line 4, the following
- 21 new section:
- 22 Sec. Notwithstanding the provisions of section four
- 23 hundred twenty-seven point one (427.1) of the Code, all real
- 24 and personal property of the authority, and all buildings,
- 25 structures and improvements placed thereon, shall be valued,

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- 1 assessed, placed upon the tax rolls and be taxed as
- 2 provided by law from and after January 1, 1978.
- 3 10. By renumbering the remaining sections.

Roll call was requested.

On the question "Shall the Senate concur in the House amendment to the Senate amendment?" (H.F. 1156) the vote was:

Ayes, 14:

Anderson	Curran	Laverty	Rhodes
Arbuckle	DeKoster	Ollenburg	Riley
Briles	Erskine	Rabedeaux	Van Gilst
Coleman	Keith		

Nays, 33:

Balloun	Glenn	Miller	Robinson
Bass	Graham	Milligan	Shaff
Brownlee	Griffin	Mowry	Shawver
Carlson	Gross	Neu	Smith
Conklin	Hill	Nicholson	Stephens
Davis	Kyhl	Palmer	Thordsen
Doderer	Lamborn	Potgeter	Van Drie
Gaudineer	Messerly	Potter	Walsh
Gilley			

Absent or not voting, 3:

Kennedy	Schaben	Tapscott
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The Senate refused to concur in the House amendment to the Senate amendment.

Senator Gaudineer asked unanimous consent that House File 1156 be immediately messaged to the House.

Objection was raised.

Senator Gaudineer moved that House File 1156 be immediately messaged to the House, which motion prevailed, and the request was complied with.

HOUSE AMENDMENT TO SENATE
AMENDMENT CONSIDERED

House File 1279

Senator Mowry called up for consideration House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, amended by the Senate, further amended by the House, and moved that the Senate refuse to concur in the following House amendment to the Senate amendment:

- 1 Amend the Senate amendment to House File 1279 as
- 2 follows:
- 3 1. By striking from lines 3 and 4 the words "the
- 4 general fund of the State of Iowa", and inserting in
- 5 lieu thereof the words "any funds available under section
- 6 twenty-one point seven (21.7), of the Code".
- 7 2. By striking from line 11 the following: " , or

- 8 such portions".
 9 3. By striking from line 13 the following: "as the
 10 executive council may determine upon,".

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1218, a bill for an act relating to occupational safety and health.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENT CONSIDERED

Senate File 1218

Senator Griffin called up for consideration Senate File 1218, a bill for an act relating to occupational safety and health and providing penalties for violations, amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend the title to Senate File 1218, line 1, by striking
- 2 the second word "and" and inserting in lieu thereof the
- 3 following: ", providing appropriations to carry out the
- 4 provisions of this Act, and".

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 1218) the vote was:

Ayes, 39:

Briles	Gaudineer	Miller	Rhodes
Brownlee	Glenn	Milligan	Riley
Carlson	Graham	Mowry	Robinson
Coleman	Griffin	Neu	Schaben
Conklin	Gross	Nicholson	Shawver
Curran	Hill	Ollenburg	Thordsen
Davis	Keith	Palmer	Van Drie
DeKoster	Kyhl	Potgeter	Van Gilst
Doderer	Laverty	Potter	Walsh
Erskine	Messerly	Rabedeaux	

Nays, 7:

Anderson	Gilley	Shaff	Stephens
Balloun	Lamborn	Smith	

Absent or not voting, 4:

Arbuckle

Bass

Kennedy

Tapscott

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 470 and 1182.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 470 and 1182.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 22nd day of March, 1972, sent to the Governor for his approval: Senate Files 470 and 1182.

JOHN C. RHODES, Chairman

Passed on file.

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

The Senate resumed session, President Jepsen presiding.

STEERING COMMITTEE REPORT

MR. PRESIDENT: Your committee on steering begs leave to report it has had the following bills under consideration and recommends they be placed on the steering committee calendar:

H. F. 10

H. F. 1133

H. F. 1082

H. F. 145

H. F. 1038

H. F. 1129

H. F. 1273

CLIFTON C. LAMBORN, Chairman

CONSIDERATION OF BILLS

House File 10

On motion of Senator Briles, House File 10, a bill for an act relating to the maintenance of access roads, with report of committee recommending amendment and passage, was taken up and considered.

Senator Van Drie offered the following amendment filed by the committee on commerce and moved its adoption:

Amend House File 10, page 2, line 8, by striking the words "every lineal foot of additional" and inserting in lieu thereof the words "the first three hundred lineal feet and three dollars for each lineal foot over three hundred of additional".

The amendment lost.

Senator Laverty asked and received unanimous consent to withdraw the amendment filed by Senators Laverty and Potter on March 17, 1972, and found on page 1041 of the Senate Journal.

Senator Briles moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 10) the vote was:

Ayes, 31:

Anderson	Erskine	Milligan	Schaben
Arbuckle	Gilley	Mowry	Shaff
Balloun	Griffin	Nicholson	Shawver
Briles	Keith	Ollenburg	Smith
Brownlee	Kyhl	Potgeter	Stephens
Carlson	Lamborn	Potter	Thordsen
Coleman	Laverty	Rabedeaux	Van Gilst
Conklin	Miller	Rhodes	

Nays, 12:

Davis	Glenn	Messerly	Riley
DeKoster	Gross	Neu	Robinson
Gaudineer	Hill	Palmer	Van Drie

Voting present, 1:

Doderer

Absent or not voting, 6:

Bass	Graham	Tapscott	Walsh
Curran	Kennedy		

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

SENATE FILE WITHDRAWN

Senator Briles asked and received unanimous consent that **Senate File 4** be **withdrawn** from further consideration of the Senate.

House File 145

On motion of Senator Schaben, House File 145, a bill for an act to provide an excise tax on the sale of turkeys and providing a penalty for certain violations of this act, with reports of committees recommending passage, was taken up, considered, and the reports of the committees adopted.

Senator Schaben moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 145) the vote was:

Ayes, 31:

Arbuckle	Erskine	Miller	Robinson
Briles	Gilley	Mowry	Shaff
Brownlee	Griffin	Ollenburg	Shawver
Carlson	Keith	Potgeter	Smith
Coleman	Kyhl	Potter	Stephens
Conklin	Lamborn	Rabedeaux	Van Drie
Davis	Laverty	Rhodes	Van Gilst
DeKoster	Messerly	Riley	

Nays, 12:

Anderson	Glenn	Milligan	Palmer
Balloun	Gross	Neu	Schaben
Gaudineer	Hill	Nicholson	Thordsen

Absent or not voting, 7:

Bass	Doderer	Kennedy	Walsh
Curran	Graham	Tapscott	

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

CONSIDERATION OF BILLS

House File 1273

On motion of Senator Robinson, House File 1273, a bill for an act relating to regulation of advertising and selling of courses of instruction, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeKoster withdrew the amendment filed by him on March 10, 1972, and found on page 837 of the Senate Journal.

Senator DeKoster offered the following amendment filed by Senators DeKoster and Robinson:

1 Amend House File 1273, as amended and passed by
2 the House, by adding the following new sections:

3 1. "Sec. Section seven hundred thirteen A
4 point one (713A.1), subsection two (2), Code 1971,
5 is amended to read as follows:

6 2. Collect tuition or other charges in excess
7 of one hundred fifty dollars [in advance of the
8 actual attendance of a pupil in the school, or]
9 in the case of correspondence courses of study,
10 in advance of the receipt and approval by the
11 pupil of the first assignment or lesson of such
12 course. Any contract providing for advance
13 payment of more than one hundred fifty dollars
14 shall be voidable on the part of the pupil or any
15 person liable for the tuition provided for in the
16 contract."

17 2. "Sec. Section seven hundred thirteen A
18 point two (713A.2), subsection one (1), Code 1971,
19 is amended to read as follows:

20 1. A continuous corporate surety bond to the
21 state of Iowa in the sum of [ten] *fifty* thousand dol-
22 lars conditioned for the faithful performance of
23 all contracts and agreements with students made by
24 such person, firm, association, or corporation, or
25 their salesmen; provided, however, that the aggregate

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1 liability of the surety for all breaches of the
2 conditions of the bond shall, in no event, exceed
3 the sum of said bond. The surety on the bond
4 shall have the right to cancel said bond upon
5 giving thirty days' written notice to the super-
6 intendent of public instruction and thereafter
7 shall be relieved of liability for any breach of
8 condition occurring after the effective date of
9 said cancellation."

10 3. "Sec. Chapter seven hundred thirteen
11 A (713A), Code 1971, is amended by adding the fol-
12 lowing new section:

13 **TRADE AND VOCATIONAL SCHOOLS—EXEMPTION—**
14 **CONDITIONS.** The provisions of this chapter shall
15 not apply to trade or vocational schools if they
16 meet either of the following conditions:

17 1. File a bond or a bond is filed on their
18 behalf by a parent corporation with the super-
19 intendent of public instruction as required by
20 subsection two (2) of section seven hundred thirteen
21 A point two (713A.2) of the Code.

22 2. File an annual sworn statement, or such state-
23 ment is filed on their behalf by a parent corporation,
24 certified by a certified public accountant, showing
25 all assets and liabilities of the trade or vocational

Page 3

- 1 school or the assets of a parent corporation. The
- 2 statement shall show the trade or vocational school's
- 3 net worth, or the net worth of the parent corporation,
- 4 to be not less than five times the amount of the bond
- 5 required by subsection two (2) of section seven hundred
- 6 thirteen A point two (713A.2) of the Code."

Senator DeKoster offered the following amendment to the amendment by Senators DeKoster and Robinson and moved its adoption:

- 1 Amend the DeKoster-Robinson amendment, filed March 15, 1972,
- 2 to House File 1273, as follows:
 - 3 1. Page 3, line 1, by striking the word "or" and inserting
 - 4 in lieu thereof the word "and".
 - 5 2. Page 3, line 6, by adding after the period the following
 - 6 new sentence:
 - 7 "In the event that a parent corporation files such statement
 - 8 or its net worth is included therein to comply with this subsection,
 - 9 such parent corporation shall appoint a registered agent and other-
 - 10 wise be subject to, subsection two (2) of section seven hundred
 - 11 thirteen A point two (713A.2) of the Code and shall be liable
 - 12 for the breach of any contract or agreement with students as
 - 13 well as liable for any fraud in connection therewith or for any
 - 14 violation of section seven hundred thirteen point twenty-four
 - 15 (713.24) of the Code by such trade or vocational school or any
 - 16 of its agents or salesmen."
 - 17 3. Page 3, after line 6, by adding the following new section:
 - 18 "Sec. Section seven hundred thirteen A point five
 - 19 (713A.5), Code 1971, is hereby amended as follows:
 - 20 1. Violation of any of the provisions of this chapter shall
 - 21 be [a misdemeanor,] punishable upon conviction by a fine not
 - 22 exceeding [one] *five* hundred dollars or [thirty days] *six months*
 - 23 in jail, or both."

The amendment to the amendment was adopted.

On motion of Senator DeKoster, the amendment as amended was adopted.

Senator Robinson moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1273) the vote was:

Ayes, 41:

Anderson	Erskine	Miller	Riley
Arbuckle	Gilley	Milligan	Robinson
Balloun	Glenn	Mowry	Schaben
Briles	Griffin	Neu	Shaff
Brownlee	Gross	Nicholson	Shawver
Carlson	Keith	Ollenburg	Stephens
Coleman	Kyhl	Palmer	Thordsen
Conklin	Lamborn	Potgeter	Van Drie
Curran	Laverty	Potter	Van Gilst
Davis	Messery	Rhodes	Walsh
DeKoster			

Nays, 1:

Hill

Absent or not voting, 8:

Bass	Gaudineer	Kennedy	Smith
Doderer	Graham	Rabedeaux	Tapscott

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

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 69

Senator Mowry submitted the following conference committee report on House File 69 and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 69

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment to the Senate amendment.

2. That the Senate recede from its amendment to House File 69 as passed by the House of Representatives.

3. That House File 69, as passed by the House of Representatives, be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

Section 1. There is created in the office of the treasurer of state a fund to be known as "the county indemnification fund" to be used to indemnify and pay on behalf of any county treasurer, recorder, auditor, attorney, clerk of court, sheriff, and engineer on matters relating to road and bridge design only, and any deputies, assistants or employees in such offices, all sums that such officers, deputies, assistants or employees are legally obligated to pay because of their negligent acts, errors or omissions in the performance of their official duties, except that the first five hundred dollars of each such claim shall not be paid from this fund.

Sec. 2. The establishment of the fund provided by this Act shall not relieve any insurer issuing insurance under the provisions of section six hundred thirteen A point seven (613A.7) of the Code from paying any loss incurred thereunder; nor shall any

such insurer be subrogated to any of the assets of the fund established by this Act regardless of any provisions in such policy of insurance.

Sec. 3. The board of supervisors of each county shall levy in 1972 and annually thereafter for three consecutive years a tax of two-hundredths of a mill against the assessed value of the taxable property of the county, to be collected at the same time and in the same manner as other property taxes and the proceeds of the levy shall be deposited in the county indemnification fund.

Thereafter, if the balance in the fund on March 30 of any year is less than three hundred thousand dollars, the treasurer of state shall notify the board of supervisors of each county to again levy for that year a two-hundredths mill levy to be collected with other taxes in the next calendar year.

Sec. 4. Not later than the fifteenth of June or the fifteenth day of December of each year in which the tax is collected, the county auditor shall transmit the amount of the tax levied and collected, by warrant, to the treasurer of state who shall credit it to the county indemnification fund. The treasurer of state shall invest any moneys in the fund in the same manner as other public funds and shall credit any interest received from that investment to the county indemnification fund.

Sec. 5. Any claim for any negligent act, error, or omission of a county treasurer, recorder, auditor, attorney, clerk of court, sheriff, engineer on matters relating to bridge or road design only, or any deputy, assistant or employee in such offices relating to such matters, committed after July 1, 1973, shall be processed and paid from such fund in accordance with the provisions of chapter twenty-five A (25A) of the Code, except that any payment of a claim, except a final judgment, in excess of fifteen hundred dollars shall have the unanimous approval of all members of the state appeal board, the attorney general, and the district court of Polk county.

Sec. 6. If a final judgment is obtained against the county treasurer, recorder, auditor, attorney, clerk of court, sheriff, or engineer in matters relating to bridge or road design only, or any deputies, assistants, or employees in such offices indemnified by such fund for an act committed subsequent to July 1, 1973, which is payable from the county indemnification fund, the county attorney shall ascertain if any insurance policy exists indemnifying such persons against such judgment or any part thereof. If no insurance exists, or if the judgment exceeds the limits of such insurance the county attorney shall submit a claim to the state comptroller against the county indemnification fund

on behalf of the plaintiff to the action for the amount of the judgment exceeding the amount recoverable by reason of such insurance. The state comptroller shall promptly issue a warrant payable to the plaintiff for such amount, and the treasurer of state shall pay the warrant. Such payment shall forever discharge such persons from any and all liability therefor.

Sec. 7. The board of supervisors may purchase insurance insuring any other county officers and their employees in the performance of their official duties not specified in section one (1) of this Act, against personal liability as a result of negligent acts, errors or omissions. The premiums for the insurance shall be paid from the general fund of the county. If the liability of any county officer or his employees in the performance of their official duties, not specified in section one (1) of this Act, is not fully indemnified by insurance, the board of supervisors shall pay any such loss, for which the county officer or his employees shall be found liable, from the general fund of the county. Any county board of supervisors may compromise and settle any such claim.

Sec. 8. The board of supervisors may purchase an individual or a blanket surety bond insuring the fidelity of county officers and county employees who are accountable for county funds or property subject to the minimum surety bond requirements of chapter sixty-four (64) of the Code. The board of supervisors may also purchase an individual or a blanket general liability insurance policy insuring county officers or county employees from liability for any negligent act, error or omission in the performance of their official duties.

Any elected county officer shall be deemed to have furnished surety if he is covered by a blanket bond purchased as provided in this section.

Sec. 9. Section sixty-four point eight (64.8), Code 1971, is amended to read as follows:

64.8 COUNTY OFFICERS. The bonds of the following county officers, viz.: Clerks of the district courts, county attorneys, recorders, auditors, superintendents of schools, sheriffs, justices of the peace, and constables, and assessors shall each be in a penal sum [to be fixed by the board of supervisors] *of not less than ten thousand dollars each per annum.*

Sec. 10. Section sixty-four point nine (64.9), Code 1971, is amended to read as follows:

64.9 MINIMUM BONDS OF COUNTY OFFICERS. Bonds of members of the board of supervisors, clerks of the district courts, county auditors, sheriffs, and county attorneys shall not be in less sum than [five]

ten thousand dollars each, and those of justices and constables, not less than five hundred dollars each.

Sec. 11. Section sixty-four point ten (64.10), Code 1971, is amended to read as follows:

64.10 BOND OF COUNTY TREASURER. The bond of the county treasurer shall be in the sum of [ten] *twenty-five thousand dollars per annum.*

Sec. 12. Effective July 1, 1973, section three hundred thirty-two point thirty-five (332.35), Code 1971, is repealed.

On the part of the Senate:
 JOHN L. MOWRY,
 Chairman
 JAMES E. BRILES
 LUCAS J. DeKOSTER
 LEE H. GAUDINEER, JR.

On the part of the House:
 LAVERNE W. SCHROEDER,
 Chairman
 WILLARD HANSEN
 JAMES H. SCHWARTZ

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 69) the vote was:

Ayes, 41:

Anderson	Erskine	Messlerly	Rhodes
Arbuckle	Gaudineer	Miller	Riley
Balloun	Glenn	Milligan	Schaben
Briles	Griffin	Mowry	Shaff
Brownlee	Gross	Neu	Shawver
Carlson	Hill	Nicholson	Stephens
Coleman	Keith	Ollenburg	Thordsen
Conklin	Kyhl	Palmer	Van Drie
Curran	Lamborn	Potgeter	Van Gilst
Davis	Laverty	Potter	Walsh
DeKoster			

Nays, none.

Voting present, 1:

Gilley

Absent or not voting, 8:

Bass	Graham	Rabedeaux	Smith
Doderer	Kennedy	Robinson	Tapscott

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

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 22,

1972, the Governor approved and transmitted to the Secretary of State the following bills:

- S. F. 431—Relating to hunting restrictions.
- S. F. 1148—Relating to the civil rights of physically and mentally handicapped persons.
- S. F. 1213—Relating to the appropriation of the Office of the Geological Survey.

SENATE CONCURRENT RESOLUTION 132

By Walsh and Brownlee

Whereas, it appears that the laws of Iowa relating to consumer credit charges are presently the subject of litigation the outcome of which will have far-reaching effects on the economy of the State of Iowa, and

Whereas, the determination which has been made by the district court of Iowa, if sustained by the supreme court, will allow a merchant to charge unlimited interest rates under the time-price doctrine, and

Whereas, legislation has been proposed to establish statutory interest limits for consumer credit charges, which, if established at levels inadequate to sustain consumer credit operations, will have the effect of limiting the availability of credit to large numbers of Iowa's citizens, and

Whereas, inappropriate legislation in the area of consumer credit charges will tend to inhibit the sales economy of the state, or to create excessive burdens for many citizens, especially low-income citizens of the state;
Now, Therefore,

Be It Resolved by the Senate, the House Concurring, That the legislative council establish a study committee for the purpose of studying legislative regulation of consumer credit charges in Iowa; and

Be It Further Resolved, That the study committee shall consist of legislators from appropriate standing committees, representing both the Senate and the House of Representatives, and representing both political parties, as well as knowledgeable citizens if deemed appropriate; and

Be It Further Resolved, That the study committee make periodic reports to the legislative council and submit a final report, including necessary bill drafts to implement its recommendations to the legislative council. Copies of the report approved by the legislative council shall be submitted to the First Session of the Sixty-fifth General Assembly meeting in 1973.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in the House amendment to the Senate amendment to House File 1156.

JOHN M. WALSH

EXPLANATION OF VOTE

MR. PRESIDENT: When House File 1242 and Senate File 1136 were voted upon I was absent from the Senate chamber. Had I been present I would have voted "Aye" on both bills.

CHARLES F. BALLOUN

REPORTS OF COMMITTEE

Senator DeKoster submitted the following reports:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1140**, a bill for an act to establish a commission on the status of women and to define its powers and duties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary, to which was referred **House File 1260**, a bill for an act relating to exemptions from execution and providing penalties, begs leave to report it has had the same under consideration and recommends the same **do pass**.

LUCAS J. DeKOSTER, Chairman

Ordered passed on file.

AMENDMENTS FILED

- 1 Amend Senate Concurrent Resolution 127 printed on pages
- 2 882 and 883 of the Tuesday, March 14, 1972 Journal of the
- 3 Senate as follows:
- 4 1. By inserting in the first "*Whereas*" clause after the
- 5 date "1970" on the second line the words "and the provisions
- 6 of such Act are of questionable value in regard to the health
- 7 and safety of those persons with whom it is primarily concerned".
- 8 2. By striking in the fourth "*Whereas*" clause on the
- 9 third line the semicolon and inserting in lieu thereof the
- 10 words "without proper notice or consideration for business-
- 11 men; and".
- 12 3. By adding after the fourth "*Whereas*" clause the following:
- 13 *Whereas*, the manner of enforcement of the Occupational
- 14 Safety and Health Act of 1970 is placing a severe burden on
- 15 businessmen which will result in many businessmen closing
- 16 their businesses and cause a great amount of unemployment
- 17 and bankruptcies and a decline in the economy;".
- 18 4. By striking from the first resolving clause the words
- 19 "without giving the states an opportunity to study the new law
- 20 and to revise its own laws to bring such laws into conformance
- 21 with the federal law" and inserting in lieu thereof the words
- 22 "and deplores the action of Congress in passing the Act
- 23 without due consideration for the severe ramifications such
- 24 Act will have on businessmen, employees, the public, and
- 25 the economy of the United States and further deplores the

Page 2

- 1 methods used to enforce such legislation".

EARL G. BASS

- 1 Amend the Keith, Potter and Erskine amendment, filed
- 2 March 21, 1972, to House File 406, line 11, by striking

3 the words "seventy-five" and inserting in lieu thereof
4 the word "fifty".

JOHN M. WALSH

1 Amend the Keith, Potter and Erskine amendment filed March
2 21, 1972, to House File 406 by adding after line 12 the foll-
3 owing new paragraph:
4 "Provided that the tax imposed by this chapter shall be
5 paid by the owner of such motor trucks, truck tractors and
6 truck trailers as provided in section four hundred twenty-
7 three point seven (423.7) of the Code and the owner, upon
8 filing a claim on a form prescribed by the department of
9 revenue and sworn to by the claimant and upon approval by
10 the department of revenue, shall be reimbursed and repaid
11 the amount of the tax paid. Such claim shall be filed at the
12 end of the fourth year after the purchase of such motor truck,
13 truck tractor and truck trailer or when sold by the claimant
14 or at the end of its useful life, whichever occurs first."

ROGER J. SHAFF

On motion of Senator Lamborn, the Senate adjourned until
8:30 a.m., Thursday, March 23, 1972.

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY

SENATE CHAMBER

DES MOINES, IOWA, THURSDAY, MARCH 23, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend Merle Nelson, pastor of the Morningside Baptist Church, Sioux City, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Wednesday, March 22, 1972, was approved.

PRESENTATION OF VISITORS

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

Thirty-one students from Anamosa High School, Anamosa, Iowa, accompanied by Donna Hellmick. Senator Lamborn.

Sixty students from Nevada Community School, Nevada, Iowa, accompanied by Mrs. Doolittle and Miss Irvin. Senator Van Drie.

Fifty students from West Harrison Community School, Mondamin, Iowa, accompanied by Darlene Hime, Ron Ullerick and Dale Enkers. Senator Schaben.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. A. Nicoll, Panora, Iowa.

ADOPTION OF CONCURRENT RESOLUTIONS

Senate Concurrent Resolution 127

Senator Anderson called up for consideration the following resolution:

SENATE CONCURRENT RESOLUTION 127

By Anderson

Whereas, the Congress of the United States has enacted the Occupational Safety and Health Act of 1970; and

Whereas, the enforcing federal agencies have adopted rules and regulations to implement this law; and

Whereas, persons affected by this law are given little opportunity to comply and are confronted with rules and regulations which are difficult to interpret and implement; and

Whereas, persons affected by the Occupational Safety and Health Act of 1970 are subjected to heavy fines and penalties for violations of the law by the federal agencies charged with the responsibilities of enforcing it; *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the General Assembly of the State of Iowa hereby expresses its concern with the action of the Congress of the United States in implementing the Occupational Safety and Health Act of 1970 without giving the states an opportunity to study the new law and to revise its own laws to bring such laws into conformance with the federal law; and

Be It Further Resolved, That the Congress of the United States implement this law in such a manner as to give persons affected by the law adequate opportunity to comply with the requirements set out in the new law; and

Be It Further Resolved, That the federal agencies charged with the enforcement of the Occupational Safety and Health Act of 1970 be required to give proper notice and adequate time to comply with the rules and regulations adopted by the federal agencies before imposing heavy penalties and fines for violations.

Senator Bass offered the following amendment and moved its adoption:

- 1 Amend Senate Concurrent Resolution 127 printed on pages
- 2 882 and 883 of the Tuesday, March 14, 1972 Journal of the
- 3 Senate as follows:
- 4 1. By inserting in the first "*Whereas*" clause after the
- 5 date "1970" on the second line the words "and the provisions
- 6 of such Act are of questionable value in regard to the health
- 7 and safety of those persons with whom it is primarily concerned".
- 8 2. By striking in the fourth "*Whereas*" clause on the
- 9 third line the semicolon and inserting in lieu thereof the
- 10 words "without proper notice or consideration for business-
- 11 men; and".
- 12 3. By adding after the fourth "*Whereas*" clause the following:
- 13 "*Whereas*, the manner of enforcement of the Occupational
- 14 Safety and Health Act of 1970 is placing a severe burden on
- 15 businessmen which will result in many businessmen closing
- 16 their businesses and cause a great amount of unemployment
- 17 and bankruptcies and a decline in the economy;".
- 18 4. By striking from the first resolving clause the words
- 19 "without giving the states an opportunity to study the new law
- 20 and to revise its own laws to bring such laws into conformance
- 21 with the federal law" and inserting in lieu thereof the words
- 22 "and deplors the action of Congress in passing the Act
- 23 without due consideration for the severe ramifications such
- 24 Act will have on businessmen, employees, the public, and
- 25 the economy of the United States and further deplors the

Page 2

1 methods used to enforce such legislation”.

Roll call was requested.

On the question “Shall the amendment be adopted?” (S.C.R. 127) the vote was:

Ayes, 27:

Anderson	Curran	Lamborn	Shaff
Arbuckle	Davis	Laverty	Shawver
Bass	DeKoster	Messerly	Smith
Briles	Erskine	Mowry	Stephens
Brownlee	Gilley	Ollenburg	Van Drie
Carlson	Griffin	Potter	Van Gilst
Conklin	Kyhl	Rhodes	

Nays, 15:

Glenn	Miller	Palmer	Schaben
Gross	Milligan	Rabedeaux	Tapscott
Hill	Neu	Riley	Thordsen
Kennedy	Nicholson	Robinson	

Voting present, 1:

Coleman

Absent or not voting, 7:

Balloun	Gaudineer	Keith	Walsh
Doderer	Graham	Potgeter	

The amendment was adopted.

Senator Anderson moved the adoption of the resolution as amended.

Roll call was requested.

On the question “Shall the resolution as amended be adopted?” (S. C. R. 127) the vote was:

Rule 24 was invoked.

Ayes, 29:

Anderson	Erskine	Messerly	Schaben
Arbuckle	Gilley	Mowry	Shaff
Balloun	Griffin	Neu	Shawver
Bass	Keith	Ollenburg	Smith
Briles	Kyhl	Potgeter	Stephens
Carlson	Lamborn	Potter	Van Drie
Conklin	Laverty	Rhodes	Van Gilst
Davis			

Nays, 17:

Coleman	Hill	Nicholson	Robinson
DeKoster	Kennedy	Palmer	Tapscott
Gaudineer	Miller	Rabedeaux	Thordsen
Glenn	Milligan	Riley	Walsh
Gross			

Absent or not voting, 4:

Brownlee

Curran

Doderer

Graham

The motion prevailed and the resolution as amended was adopted.

House Concurrent Resolution 132

Senator Ollenburg called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 132

By Fischer of Grundy

Whereas, the Board of Governors of the Federal Reserve System has issued a formal policy statement directing the Presidents of the Federal Reserve Banks to extend check clearing arrangements into larger zones of immediate payment and establish other regional clearing arrangements wherever warranted by the need for more expeditious and economical check handling; and

Whereas, the Federal Reserve Bank of Chicago, which serves the Seventh Federal Reserve District including Iowa, has established objectives to implement these directives including the establishment of a regional check clearing facility in Des Moines, Iowa; and

Whereas, the establishment of a regional check clearing facility in Des Moines will be valuable to Iowans because of the employment of additional persons in the Des Moines area, the reduction of check clearing time, and providing the business community with more funds because of faster check clearing with the result that more businesses may be attracted to the central region of Iowa; and

Whereas, in developing the plans to implement the directives of the Board of Governors of the Federal Reserve System consideration is being given to dividing Iowa between two Federal Reserve Districts which might have the effect of fragmenting the State of Iowa; and

Whereas, such fragmentation would be disadvantageous to the business communities of Iowa if not implemented with due consideration to the needs of individual economic areas within the State of Iowa, *Now, Therefore,*

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly strongly urges the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of Chicago not to detract from the beneficial aspects of their objectives by fragmenting the State of Iowa into different Federal Reserve Districts, or if some fragmentation is necessary because of the economic characteristics of certain regions of the State of Iowa, the needs of the business interests of the state as a whole be carefully considered and only those areas of the state which have a distinct definable economic interest in areas outside the state be joined to such areas; and

Be It Further Resolved, That a copy of this resolution be forwarded to each member of the Iowa Congressional delegation in order that each such member can inform the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of Chicago of the concern, interest, and position of Iowa citizens in regard to the pending changes in the Federal Reserve System.

The motion prevailed and the resolution was adopted.

President Jepsen took the chair at 9:45 a.m.

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

The Senate resumed session, President pro tempore Kyhl presiding.

ADOPTION OF CONCURRENT RESOLUTION

Senate Concurrent Resolution 130

Senator Schaben called up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 130

By Schaben

Whereas, Iowa has enjoyed a history of balanced and buoyant growth accompanied by shared objectives of individual dignity and a high quality of life; and

Whereas, this nation is approaching its bicentennial observances with a determination to preserve and broaden the liberties and opportunities it has valued; and

Whereas, in the coming years Iowa will face difficult choices in setting priorities which will permit it to sustain the traditions and quality of life it has; and

Whereas, these choices in areas such as transportation, agriculture, education, energy supply, balance between urban and rural communities, health, use of leisure and cultural opportunity will require both citizen initiative and expert advice; and

Whereas, Iowa has made beginnings through such institutions as the Iowa Development Commission and the Governor's Rural Policy Conference which need to be reinforced and integrated in better statewide planning and consultation for a fuller vision of Iowa's future; *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the Governor of Iowa proceed forthwith to determine a proper time and place for a statewide comprehensive conference on Iowa's future and that he arrange a sequence of local and preparatory meetings; and

Be It Further Resolved, That in this effort the Governor invite and seek the cooperation and assistance of both citizen and public bodies including the Iowa Board of Regents, private colleges, expert consultative groups, and local professional and community associations.

The motion prevailed and the resolution was adopted.

SENATE FILE WITHDRAWN

Senator Stephen asked and received unanimous consent that **Senate File 230** be **withdrawn** from further consideration of the Senate.

**HOUSE AMENDMENT CONSIDERED
UNFINISHED BUSINESS**

Senate File 185

The Senate resumed consideration of the House amendment to Senate File 185, a bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor.

On motion of Senator Miller, the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 185) the vote was:

Ayes, 38:

Arbuckle	Griffin	Milligan	Rhodes
Bass	Gross	Mowry	Riley
Briles	Hill	Neu	Robinson
Carlson	Keith	Nicholson	Schaben
Coleman	Kennedy	Ollenburg	Shaff
Davis	Kyhl	Palmer	Stephens
DeKoster	Lamborn	Potgeter	Tapscott
Erskine	Laverty	Potter	Van Drie
Gaudineer	Messerly	Rabedeaux	Walsh
Glenn	Miller		

Nays, 6:

Anderson	Brownlee	Graham	Shawver
Balloun	Gilley		

Absent or not voting, 6:

Conklin	Doderer	Thordsen	Van Gilst
Curran	Smith		

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

MOTION TO RECONSIDER WITHDRAWN

Senator Walsh withdrew the following motion to reconsider filed by him on March 22:

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in the House amendment to the Senate amendment to House File 1156.

ADOPTION OF CONCURRENT RESOLUTION

House Concurrent Resolution 121

Senator Messerly called up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 121

By Ewell

Whereas, the federal government, state government, county government, and municipal government have overwhelmingly recognized and declared a need for well-educated and well-prepared law enforcement personnel to meet the challenge of crime and of rapidly changing laws; and

Whereas, law enforcement personnel express a desire for educational programs at the college level for purposes of professional improvement, promotion, retention, and retirement, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Sixty-fourth General Assembly of the State of Iowa urges the board of regents to investigate the possibilities of establishing a college of criminal justice for the purpose of preparing professional law enforcement personnel; and

Be It Further Resolved, That copies of this resolution be transmitted to the Governor and the members of the board of regents.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

House File 1133

On motion of Senator Griffin, House File 1133, a bill for an act making corrective amendments to the "Iowa Beer and Liquor Control Act" by defining the phrase "intoxicating liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing that certain refund provisions apply to all classes of retail beer permittees; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer

permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Griffin offered the following amendment filed by the committee on state government and moved its adoption:

- 1 Amend House File 1133 as passed by the House as follows:
- 2 Page 6, line 19, by striking the word "*subjected*" and
- 3 by striking all of lines 20 and 21 and insert in lieu thereof
- 4 the following: "*where such business is permitted by any valid*
- 5 *zoning ordinance or will be so permitted*".

The amendment was adopted.

Senator Bass offered the following amendment filed by Senators Bass, Hill, et al.:

- 1 Amend House File 1133 as passed by the House as follows:
- 2 Page 6, by striking lines 27 through 29 inclusive and
- 3 inserting in lieu thereof the following: "'Grocery
- 4 store' means any retail establishment, the principal
- 5 business of which consists of the sale of food or food
- 6 products for consumption off the premises."

Senator Bass moved the adoption of the amendment and requested a roll call.

On the question "Shall the Bass, Hill, et al., amendment be adopted?" (H.F. 1133) the vote was:

Ayes, 15:

Anderson	Erskine	Hill	Smith
Bass	Gilley	Kyhl	Stephens
Carlson	Graham	Mowry	Van Gilst
DeKoster	Gross	Ollenburg	

Nays, 28:

Balloun	Glenn	Milligan	Riley
Briles	Griffin	Neu	Schaben
Brownlee	Keith	Nicholson	Shawver
Coleman	Kennedy	Palmer	Tapscott
Curran	Lamborn	Potgeter	Thordsen
Davis	Laverty	Potter	Van Drie
Gaudineer	Miller	Rabedeaux	Walsh

Voting present, 2:

Arbuckle	Rhodes
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Absent or not voting, 5:

Conklin	Messlerly	Robinson	Shaff
Doderer			

The amendment lost.

Senator Griffin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1133) the vote was:

Rule 24 was invoked.

Ayes, 33:

Balloun	Glenn	Milligan	Riley
Briles	Griffin	Neu	Robinson
Brownlee	Gross	Nicholson	Schaben
Coleman	Kennedy	Palmer	Shawver
Curran	Lamborn	Potgeter	Tapscott
Davis	Laverty	Potter	Thordsen
DeKoster	Messerly	Rabedeaux	Van Drie
Doderer	Miller	Rhodes	Walsh
Gaudineer			

Nays, 14:

Anderson	Erskine	Kyhl	Smith
Bass	Gilley	Mowry	Stephens
Carlson	Graham	Ollenburg	Van Gilst
Conklin	Hill		

Voting present, 1:

Arbuckle (under Rule 24)

Absent or not voting, 2:

Keith Shaff

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

Senator Griffin asked and received unanimous consent that House File 1133 be immediately messaged to the House, which request was complied with.

ADOPTION OF CONCURRENT RESOLUTION

House Concurrent Resolution 128

Senator Riley called up for consideration House Concurrent Resolution 128, approving action of the joint claims committee, found on pages 1044-1045 of the Senate Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

House File 1038

On motion of Senator Davis, House File 1038, a bill for an act relating to endurance contests and the penalty for participating therein, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Davis moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1038) the vote was:

Ayes, 41:

Anderson	Doderer	Milligan	Riley
Arbuckle	Gaudineer	Mowry	Robinson
Balloun	Gilley	Neu	Schaben
Briles	Glenn	Nicholson	Shaff
Brownlee	Gross	Ollenburg	Shawver
Carlson	Keith	Palmer	Tapscott
Coleman	Kennedy	Potgeter	Thordsen
Conklin	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedaux	Van Gilst
Davis	Messerly	Rhodes	Walsh
DeKoster			

Nays, 5:

Bass	Miller	Smith	Stephens
Hill			

Absent or not voting, 4:

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

House File 1082

On motion of Senator DeKoster, House File 1082, a bill for an act relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

President Jepsen took the chair at 11:40 a.m.

Senator DeKoster moved that the bill be read a last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1082) the vote was:

Ayes, 36:

Anderson	DeKoster	Laverty	Robinson
Arbuckle	Doderer	Messenger	Schaben
Balloun	Gaudineer	Miller	Shaff
Bass	Graham	Neu	Shawver
Briles	Gross	Ollenburg	Smith
Coleman	Keith	Potgeter	Tapscott
Conklin	Kennedy	Potter	Van Drie
Curran	Kyhl	Rhodes	Van Gilst
Davis	Lamborn	Riley	Walsh

Nays, 8:

Gilley	Hill	Nicholson	Stephens
Glenn	Mowry	Palmer	Thordsen

Absent or not voting, 6:

Brownlee	Erskine	Milligan	Rabedeaux
Carlson	Griffin		

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

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 107, 671, 1011, 1141, 1147, 1203 and 1269.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Files 107, 671, 1011, 1141, 1147, 1203 and 1269.

PRESENTATION OF CHAIRS

Senator Lamborn asked and received unanimous consent that the Senator from Polk, Mr. Gaudineer, the Senator from O'Brien, Mr. Smith, and the Senator from Marshall, Mr. Mowry, upon their retirement from the Senate, be presented with the chairs which they have occupied during their years of service.

Senator Lamborn paid tribute to the three Senators for their dedicated service in both houses of the Iowa legislature.

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

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

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

House Concurrent Resolution 139, congratulating the Alta Cyclones, their coaches, cheerleaders, teachers and school administrators for winning the Iowa Class A High School basketball championship.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 131, urging agencies responsible for auditoriums on state grounds to allow state employee organizations use of the auditoriums.

WILLIAM R. KENDRICK, Chief Clerk

House Concurrent Resolution 139

Senator Brownlee asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 139

By Freeman

Whereas, the Alta High School basketball team has won the Iowa Class A High School basketball championship; and

Whereas, the Alta High School basketball team has completed a perfect season with twenty-six consecutive victories; and

Whereas, the Alta High School basketball team has displayed the utmost in spirit and teamwork, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Sixty-fourth General Assembly, Second Regular Session, extend its heartiest congratulations to the Alta Cyclones, their coaches, cheerleaders, teachers and school administrators and to their families and loyal friends who encouraged and supported the Cyclones through the regular season and during the tournament; and

Be It Further Resolved, That the members of the Sixty-fourth General Assembly, Second Regular Session, commend the Cyclones for their splendid example of sportsmanship, fair play and athletic prowess which took them to the highest place in Iowa high school basketball, winning the Class A championship and becoming Iowa's number one team in Class A; and

Be It Further Resolved, That a copy of this concurrent resolution be sent to Coach Allen Koster and the Alta High School basketball team.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent to take up for consideration House File 1140.

House File 1140

On motion of Senator Neu, House File 1140, a bill for an act to establish a commission on the status of women and to define its powers and duties, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Neu moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1140) the vote was:

Ayes, 41:

Anderson	Gaudineer	Messerly	Rabedeaux
Bass	Glenn	Miller	Rhodes
Brownlee	Graham	Milligan	Riley
Carlson	Griffin	Mowry	Shaff
Coleman	Gross	Neu	Shawver
Conklin	Keith	Nicholson	Smith
Curran	Kennedy	Ollenburg	Stephens
Davis	Kyhl	Palmer	Tapscott
DeKoster	Lamborn	Potgeter	Van Drie
Doderer	Laverty	Potter	Van Gilst
Erskine			

Nays, 4:

Arbuckle	Balloun	Gilley	Hill
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Absent or not voting, 5:

Briles	Schaben	Thordsen	Walsh
Robinson			

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

House File 1129

On motion of Senator Miller, House File 1129, a bill for an act relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Miller moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1129) the vote was:

Ayes, 31:

Arbuckle	Glenn	Messerly	Rhodes
Carlson	Graham	Miller	Riley
Coleman	Griffin	Milligan	Schaben
Conklin	Gross	Mowry	Smith
DeKoster	Hill	Nicholson	Stephens
Doderer	Kennedy	Palmer	Tapscott
Gaudineer	Lamborn	Potter	Van Drie
Gilley	Laverty	Rabedeaux	

Nays, 10:

Anderson	Erskine	Potgeter	Shawver
Balloun	Kyhl	Shaff	Van Gilst
Bass	Ollenburg		

Absent or not voting, 9:

Briles	Davis	Neu	Thordsen
Brownlee	Keith	Robinson	Walsh
Curran			

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

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 119, providing for payment of the expenses of members of the General Assembly attending committee meetings between sessions.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 120, providing for the President of the Senate and the Speaker of the House of Representatives to receive a gift of a desk similar to those now being used in their official capacity during the Sixty-fourth General Assembly.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 121, authorizing the President of the Senate and the Speaker of the House of Representatives to determine the policies necessary for the closing of the 1972 session of the General Assembly and the reconvening of the 1973 session of the General Assembly.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 122, providing that the Legislative Council determine the priorities of the resolutions, calling for interim studies, not adopted by the Second Session of the Sixty-fourth General Assembly.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1196, a bill for an act relating to the planning for and conversion of Terrace Hill for use as a governor's mansion.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE MESSAGE CONSIDERED

House File 1196, a bill for an act relating to the planning for and conversion of Terrace Hill for use as a governor's mansion.

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

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent that House File 1214 be withdrawn from the committee on appropriations and taken up for immediate consideration.

House File 1214

On motion of Senator Messerly, House File 1214, a bill for an act relating to funding of the merit system pay plan and making an appropriation, was taken up and considered.

Senator Messerly moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1214) the vote was:

Ayes, 41:

Arbuckle	Gaudineer	Milligan	Robinson
Balloun	Glenn	Mowry	Schaben
Briles	Griffin	Nicholson	Shaff
Brownlee	Gross	Ollenburg	Smith
Carlson	Hill	Palmer	Stephens
Coleman	Keith	Potgeter	Tapscott
Curran	Kyhl	Potter	Thordsen
Davis	Laverty	Rabedeaux	Van Drie
DeKoster	Messerly	Rhodes	Van Gilst
Doderer	Miller	Riley	Walsh
Erskin			

Nays, 4:

Anderson	Bass	Gilley	Graham
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Absent or not voting, 5:

Conklin	Lamborn	Neu	Shawver
Kennedy			

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has insisted on its amendments to House File 1156, a bill for an act creating an Iowa world exposition authority, and requests a conference committee.

Conferees on the part of the House are: the Representative from Linn, Mr. Stanley, chairman; the Representative from Calhoun, Mr. Winkelman; the Representative from Polk, Mr. Alt; and the Representative from Kosuth, Mr. Priebe.

WILLIAM R. KENDRICK, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the appointment by President Jepsen of the following conference committee on **House File 1156**, on the part of the Senate: Senators Arbuckle, chairman; Van Drie, Laverty and Coleman.

CONSIDERATION OF BILL

House File 406

On motion of Senator Keith, House File 406, a bill for an act relating to use tax, with reports of committee recommending amendment and passage, was taken up, considered, and the reports of the committee adopted.

Senator Keith withdrew the amendment filed by the committee on ways and means on June 8, 1971, and found on page 1723 of the 1971 Senate Journal.

Senator Keith withdrew the amendment filed by him on June 11, 1971, and found on page 1808 of the 1971 Senate Journal.

Senator Shaff offered the following amendment filed by the committee on ways and means on March 21, 1972:

- 1 Amend House File 406 as amended and passed by the House
- 2 by striking everything after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section four hundred twenty-three point four
- 5 (423.4), Code 1971, is amended by striking subsection two
- 6 (2)."

President Jepsen took the chair at 3:13 p.m.

REFERRED TO COMMITTEE

Senator Briles moved that House File 406 be referred to the committee on transportation.

Roll call was requested.

On the question "Shall the motion to refer to committee be adopted?" (H.F. 406) the vote was:

Rule 24 was invoked.

Ayes, 25:

Anderson	Griffin	Miller	Robinson
Balloun	Gross	Palmer	Schaben
Bass	Kennedy	Potgeter	Shawver
Briles	Lamborn	Potter	Thordsen
Coleman	Lavery	Rabedeaux	Van Drie
Curran	Messerly	Rhodes	Walsh
Gilley			

Nays, 25:

Arbuckle	Erskine	Kyhl	Riley
Brownlee	Gaudineer	Milligan	Shaff
Carlson	Glenn	Mowry	Smith
Conklin	Graham	Neu	Stephens
Davis	Hill	Nicholson	Tapscott
DeKoster	Keith	Ollenburg	Van Gilst
Doderer			

The Chair announced the result of the roll call, cast an "aye" vote to break the tie and the motion prevailed.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 406 was referred to the transportation committee.

CLIFTON C. LAMBORN

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has insisted on its amendments to House File 1279, a bill for an act authorizing exercise of purchase-option by the executive council, and requests a conference committee.

Conferees on the part of the House are: the Representative from Hardin, Mr. Welden, chairman; the Representative from Cerro Gordo, Mr. Lawson; the Representative from Calhoun, Mr. Winkelman, and the Representative from Keokuk, Mr. Dunton.

WILLIAM R. KENDRICK, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

President Jepsen announced the appointment of the following conference committee on **House File 1279**, on the part of the Senate: Senators Mowry, chairman; Carlson, Smith and Robinson.

CONSIDERATION OF BILL

Senator Conklin asked and received unanimous consent to take up for consideration House File 1196.

House File 1196

On motion of Senator Conklin, House File 1196, a bill for an act relating to the planning for and conversion of Terrace Hill for use as a governor's mansion, was taken up and considered.

Senator Shaff took the chair at 3:55 p.m.

Senator Gaudineer offered the following amendment and moved its adoption:

- 1 Amend House File 1196, by adding the
- 2 following new section:
- 3 "Sec. The executive council shall also consider
- 4 the feasibility of building a separate governor's mansion
- 5 upon the real estate owned by the state and surrounding
- 6 Terrace Hill for use as the actual residence of the governor
- 7 of the State of Iowa. Such study shall include the use of
- 8 Terrace Hill for state functions and its preservation for
- 9 the enjoyment of the public as a historical site. If it
- 10 would be more economical and feasible to build upon such real
- 11 estate a separate governor's mansion than to convert Terrace
- 12 Hill to a governor's mansion, the executive council shall
- 13 proceed with the necessary plans and specifications."

Roll call was requested.

On the question "Shall the amendment be adopted?" (H.F. 1196) the vote was:

Rule 24 was invoked.

Ayes, 23:

Balloun	Gilley	Neu	Shawver
Bass	Graham	Nicholson	Smith
Briles	Griffin	Palmer	Thordsen
Curran	Gross	Potter	Van Gilst
Doderer	Hill	Rabedeaux	Walsh
Gaudineer	Keith	Shaff	

Nays, 25:

Anderson	Erskine	Messerly	Rhodes
Arbuckle	Glenn	Miller	Riley
Brownlee	Kennedy	Milligan	Robinson
Coleman	Kyhl	Mowry	Schaben
Conklin	Lamborn	Ollenburg	Stephens
Davis	Laverty	Potgeter	Van Drie
DeKoster			

Voting present, 1:

Tapscott (under Rule 24)

Absent or not voting, 1:

Carlson

The amendment lost.

Senator Conklin moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1196) the vote was:

Ayes, 37:

Anderson	Erskine	Messerly	Rhodes
Arbuckle	Glenn	Miller	Riley
Balloun	Griffin	Milligan	Robinson
Briles	Gross	Neu	Schaben
Brownlee	Keith	Nicholson	Shaff
Carlson	Kennedy	Ollenburg	Shawver
Conklin	Kyhl	Palmer	Stephens
Davis	Lamborn	Potgeter	Van Drie
DeKoster	Laverty	Potter	Walsh
Doderer			

Nays, 10:

Bass	Gaudineer	Hill	Rabedeaux
Coleman	Gilley	Mowry	Smith
Curran	Graham		

Voting present, 1:

Tapscott (under Rule 24)

Absent or not voting, 2:

Thordsen Van Gilst

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

President Jepsen took the chair at 4:50 p.m.

CONCURRENT RESOLUTION LOST**House Concurrent Resolution 131**

Senator Briles asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

HOUSE CONCURRENT RESOLUTION 131

By Grassley, Freeman, Andersen, Taylor, Christensen, Millen,
Rex, Bennett, Mendenhall and Siglin

Whereas, state employee organizations are dedicated toward the welfare and betterment of all state employees; and

Whereas, state employee organizations find it necessary to sponsor profit making activities for the support of their organizations; and

Whereas, buildings and auditoriums on state grounds are vacant at various times; *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the General Assembly strongly urges the agencies responsible for auditoriums on state grounds, to allow state employee organizations the use of the auditoriums any time during the year as a fringe benefit provided the specified date for the activity is not in conflict with any previously or regularly scheduled activity; and

Be It Further Resolved, That the agency responsible for the auditorium shall determine the fee, if any, to charge the organizations, but the fee may not exceed the actual maintenance expenses incurred.

Division was called for.

The motion lost and the resolution failed to be adopted.

CONSIDERATION OF BILLS

Senator Lamborn asked and received unanimous consent that House File 1291 be withdrawn from the committee on appropriations and taken up for immediate consideration.

House File 1291

On motion of Senator Potgeter, House File 1291, a bill for an act relating to the establishment of an office of citizens' aide, his duties, and providing penalties and making an appropriation, was taken up and considered.

Senator Shaff offered the following amendment:

- 1 Amend House File 1291 as follows:
- 2 1. Page 2, line 21, by striking the words "legis-
- 3 lative council" and inserting in lieu thereof the word
- 4 "governor".
- 5 2. Page 2, line 24, by striking the words "legislative
- 6 council" and inserting in lieu thereof the word "governor".
- 7 3. Page 3, line 2, by striking the words "legislative
- 8 council" and inserting in lieu thereof the word "governor".

Senator Coleman offered the following amendment to the amendment and moved its adoption:

- 1 Amend the Shaff amendment filed March 23, 1972 to House File 1291
- 2 by adding after line 8 the following new division:
- 3 "4. Page 3, lines 9 and 10, by striking the words

4 "legislative council" and inserting in lieu thereof the
5 word "governor".

The amendment to the amendment was adopted.

Senator Shaff moved the adoption of the amendment as amended.

Division was called for.

The amendment as amended lost.

Senator Gaudineer offered the following amendment and moved its adoption:

1 Amend House File 1291, page 2, by striking lines 20 and
2 21 and by inserting in lieu thereof the following:
3 "Sec. 3. The minority party in each house of the
4 General Assembly, in the year of appointment, while the
5 General Assembly is in session shall meet in joint caucus
6 upon call of their respective leaders, with the approval
7 and confirmation of".

The amendment lost.

Senator Potgeter moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1291) the vote was:

Rule 24 was invoked.

Ayes, 30:

Arbuckle	Doderer	Milligan	Rhodes
Bass	Gaudineer	Mowry	Riley
Briles	Glenn	Neu	Robinson
Brownlee	Griffin	Nicholson	Shaff
Carlson	Gross	Palmer	Tapscott
Coleman	Hill	Potgeter	Van Drie
Curran	Kennedy	Potter	Walsh
DeKoster	Lamborn		

Nays, 20:

Anderson	Gilley	Messerly	Shawver
Balloun	Graham	Miller	Smith
Conklin	Keith	Ollenburg	Stephens
Davis	Kyhl	Rabedeaux	Thordsen
Erskine	Laverty	Schaben	Van Gilst

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

SENATE FILE WITHDRAWN

Senator Potgeter asked and received unanimous consent that Senate File 288 be withdrawn from further consideration of the Senate.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House Concurrent Resolution 131 failed to be adopted by the Senate.

CHARLES O. LAVERTY

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 734

Senator Walsh called up for consideration the following conference committee report and moved its adoption:

CONFERENCE COMMITTEE REPORT
ON HOUSE FILE 734

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the differences between the Senate and the House of Representatives on House File 734, a bill for an Act relating to the state's compliance with the federal highway beautification act regarding junkyards and billboard standards, and providing penalties, respectfully submit the following recommendations:

1. That the Senate amendment be amended by striking all of lines 252 through 263 of the printed amendment and inserting in lieu thereof the following:
 4. Official directional or other traffic control devices or signs. Advertising devices and notices which shall include, but not be limited to, advertising devices and notices pertaining to natural wonders, scenic and historic attractions, recreational attractions and municipal recognition signs, which shall conform with rules and regulations promulgated by the commission, provided that such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title twenty-three (23), section one hundred thirty-one (131), paragraph c of the United States Code.
2. That the Senate amendment be amended by striking from line 243 the following: ". Neither" and inserting in lieu thereof the following: ", nor".
3. Amend page 4, line 13, of the House amendment to the Senate amendment by inserting after the word "and" the words "three dollars".
4. Amend page 2, line 25, of the House amendment to the Senate amendment by inserting after the word "Act" the following: "and municipal recognition signs erected by any city or town."
5. That the Senate and House concur in the House and

Senate amendments as amended.

On the part of the Senate:	On the part of the House:
JOHN M. WALSH, Chairman	RICHARD W. WELDEN, Chairman
WAYNE D. KEITH	BARTON L. SCHWIEGER
CHARLES P. MILLER	EDGAR H. HOLDEN
	VERNON A. EWELL

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Walsh moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 734) the vote was:

Ayes, 28:

Bass	DeKoster	Kennedy	Rabedeaux
Briles	Doderer	Messerly	Rhodes
Brownlee	Gaudineer	Milligan	Riley
Carlson	Glenn	Mowry	Tapscott
Conklin	Griffin	Neu	Thordsen
Curran	Hill	Palmer	Van Drie
Davis	Keith	Potter	Walsh

Nays, 21:

Anderson	Gross	Nicholson	Shaff
Arbuckle	Kyhl	Ollenburg	Shawver
Balloun	Lamborn	Potgeter	Smith
Erskine	Laverty	Robinson	Stephens
Gilley	Miller	Schaben	Van Gilst
Graham			

Absent or not voting, 1:

Coleman

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 734 passed the Senate.

JOHN M. WALSH

Senator Van Drie asked unanimous consent that House File 734 be immediately messaged to the House.

Objection was raised.

Senator Van Drie moved that House File 734 be immediately messaged to the House.

Roll call was requested.

On the question "Shall House File 734 be immediately messaged to the House (H.F. 734) the vote was:

Ayes, 27:

Anderson	Curran	Keith	Rhodes
Arbuckle	Davis	Milligan	Riley
Balloun	Doderer	Mowry	Shaff
Bass	Gaudineer	Ollenburg	Smith
Brownlee	Glenn	Palmer	Stephens
Carlson	Graham	Potter	Van Drie
Conklin	Hill	Rabedeaux	

Nays, 22:

Briles	Kennedy	Neu	Shawver
DeKoster	Kyhl	Nicholson	Tapscott
Erskine	Lamborn	Potgeter	Thordsen
Gilley	Laverty	Robinson	Van Gilst
Griffin	Messerly	Schaben	Walsh
Gross	Miller		

Absent or not voting, 1:

Coleman

The motion prevailed.

MOTION TO SUSPEND THE RULES LOST

Senator Lamborn asked unanimous consent to take up for consideration House File 571.

Objection was raised.

Senator Hill moved that the rules be suspended to take up for consideration House File 571.

On the question "Shall the rules be suspended to take up for consideration House File 571?" (H.F. 571) the vote was:

Ayes, 16:

Anderson	Coleman	Kyhl	Schaben
Balloun	Hill	Lamborn	Stephens
Bass	Keith	Messerly	Van Drie
Briles	Kennedy	Mowry	Van Gilst

Nays, 32:

Arbuckle	Gaudineer	Neu	Riley
Brownlee	Gilley	Nicholson	Robinson
Carlson	Glenn	Ollenburg	Shaff
Conklin	Graham	Palmer	Shawver
Curran	Griffin	Potgeter	Smith
Davis	Gross	Potter	Tapscott
DeKoster	Laverty	Rabedeaux	Thordsen
Doderer	Milligan	Rhodes	Walsh

Absent or not voting, 2:

Erskine Miller

The motion to suspend the rules lost.

SENATE RESOLUTION 102

By Riley, Thordsen and Gaudineer

Whereas, a respected member of the Fourth Estate has covered the General Assembly of the State of Iowa to the enlightenment and edification of the people of our great state beginning with the year 1955; and

Whereas, said reporter has reported on the action of the Iowa Senate in an impartial manner, without favor or fear, and in the highest traditions of his journalistic calling; and

Whereas, the said journalist in question will begin his well-earned retirement on September 1, 1972, culminating in more than forty years of providing information through the medium of the printed word, and specifically, as a reporter for the Des Moines Register; and

Whereas, the people of the State of Iowa are in the debt of said journalist for his fair, accurate, and impartial reporting; *Now, Therefore*,

Be It Resolved by the Senate of the State of Iowa that this resolution express to Allan Hoschar the appreciation of the people of Iowa for the substantial contribution he has made in the legislative process through his fair, accurate, and impartial reporting of the actions of this honorable body and its several committees; and

Be It Further Resolved, that a copy of this resolution certified by the Secretary of the Senate be forwarded to the said Mr. Hoschar.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 1156

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 1156, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers, and responsibilities, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment to the Senate amendment.
2. That the Senate recede from its amendment to House File 1156, as amended and passed by the House of Representatives.
3. That House File 1156, as amended and passed by the House of Representatives be amended as follows:
 - a. Page 2, line 7, by striking the word "eleven" and inserting in lieu thereof the word "nine".
 - b. Page 2, line 9, by striking the word "Four" and inserting in lieu thereof the word "Five".
 - c. Page 2, by striking lines 17 through 21, inclusive.
 - d. Page 2, by striking lines 42 through 45, inclusive, and inserting in lieu thereof the following:

"Each member is entitled to receive his actual and necessary expenses and forty dollars compensation for each day spent in performance of authority duties."
 - e. Page 3, by striking lines 12 through 17, inclusive,

and inserting in lieu thereof the following new paragraph:

"The plan for the financing and acquisition of land for the exposition shall be approved by the executive council prior to any action on the financing and acquisition of land by the authority. Not later than thirty days from the date of the convening of the Sixty-fifth General Assembly, the plan for the development and financing of the exposition shall be submitted to the general assembly. The report shall also include any recommendations concerning the feasibility studies authorized by this section."

f. Page 3, line 43, by inserting after the period the following new sentence:

"The authority shall consider each bid of real estate offered in this state as a possible site for the exposition before making the final site selection prior to a deadline to be set by the executive council."

g. Page 4, by striking lines 17 through 19, inclusive.

h. Page 6, by inserting after line 4 the following new paragraph:

"The real property upon which any such buildings, structures, or improvements are placed shall be valued, assessed, placed upon the tax rolls and be taxed as provided by law. Notwithstanding the provisions of section four hundred twenty-seven point one (427.1) of the Code, all personal property of the authority, and all buildings, structures, and improvements placed on such land, shall be valued, assessed, placed upon the tax rolls and be taxed as provided by law from and after January 1, 1978."

i. Renumber sections and correct internal references as are necessary in accordance with this amendment.

On the part of the Senate:
CHARLES O. LAVERTY, Chairman
R. DEAN ARBUCKLE
C. JOSEPH COLEMAN
RUDY VAN DRIE

On the part of the House:
IVOR W. STANLEY, Chairman
DON D. ALT
BERL E. PRIEBE
WILLIAM P. WINKELMAN

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1279

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment to the Senate amendment.

2. That the Senate amendment to House File 1279, received from the Senate on March 22, 1972, be amended by striking from lines 3 and 4 the words "the general fund of the state of Iowa" and inserting in lieu thereof the words "any funds

available under section twenty-one point seven (21.7) of the Code”.

On the part of the Senate:

JOHN L. MOWRY, Chairman
REINHOLD O. CARLSON
MARVIN W. SMITH
CLOYD E. ROBINSON

On the part of the House:

RICHARD W. WELDEN, Chairman
MURRAY C. LAWSON
KEITH H. DUNTON

COMMUNICATION FROM THE SECRETARY OF STATE

March 23, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1069 was published in The Record, Cedar Falls, Iowa, March 14, 1972, and in the Waterloo Daily Courier, Waterloo, Iowa, March 15, 1972.

Respectfully submitted,

MELVIN D. SYNHORST
Secretary of State

By J. HERMAN SCHWEIKER
Deputy Secretary of State

EXPLANATION OF VOTE

MR. PRESIDENT: House File 1133. Explanation of vote “Present”. I am not, nor have I been in a business holding any kind of a license to sell intoxicants. I am executive director of a recreation association, many members of which could be affected by passage of this bill.

R. DEAN ARBUCKLE

REPORTS FILED

The following reports were received and placed on file with the Secretary of the Senate:

REPORT OF CHAIRMAN OF SENATE SUBCOMMITTEE ON CLAIMS

I have attempted to examine and analyze the claims contained in House File 1298. There have been no meetings of the Senate Appropriations Committee since the bill reached the Senate on March 20, 1972; hence, there has not been sufficient time or opportunity to advise the Appropriations Committee or Subcommittee on Claims as to the merits of House File 1298. I take this opportunity to do so.

Claimant 1

Jack Vincent in the amount of \$3,777.50

This claim cannot be approved since claimant has not complied with Section 25.8 of the Code of Iowa. Before my discovery that claimant failed to present his claim to State Appeals Board, I was furnished with a written statement by Colonel Howard S. Miller of the Iowa Highway Patrol opposing payment of the claim. In addition, I interviewed the claimant in the

presence of his counsel. I am far from satisfied that this claim should be paid even had claimant not presented his claim in derogation of the statutory procedure. However, the investigation by the special Attorney General assistant required by Section 25.1 may suggest some part of the claim is recognizable on the theory of quantum meruit. If the State Appeals Board denies the claim, it can be considered by the next session of the General Assembly. I suggest this claim be submitted to the State Appeals Board.

Claimant 2

Holiday Chrysler in the amount of \$27.50

This claim appears valid. However, with time running out, it does not make much sense to pass a bill, with all the time and attendant expense involved, just to pay one claim of \$27.50. It must be remembered we have no legal responsibility to pay any claim. I recommend this claim be considered and approved by the Sixty-fifth General Assembly.

Claimant 3

Robert E. Korte in the amount of \$10.00

I recommend that this claim be denied. It would set a bad precedent to refund hunting or fishing license fees.

Claimant 4

Robert E. Korte in the amount of \$10.00

I recommend that this claim be denied. It would set a bad precedent to refund hunting or fishing license fees.

Claimant 5

Cornelius Schimmel in the amount of \$9.24

I recommend this claim be denied. This is an outdated warrant issued April 8, 1955. To approve this claim is to fly in the face of Section 25.2 of the Code which contemplates outdated warrants and other claims of less than ten years.

Claimant 6

Paul Klonglan in the amount of \$4.50

I recommend this claim be denied. This man's boat burned after only a small part of the year covered by the boat license had passed. Where would we draw the line if we were to grant this man a refund? After eleven months would we then be expected to refund one-twelfth?

Claimant 7

Gilbert F. Livermore in the amount of \$325.00

This claim is more difficult in that the claimant, a dentist, had commenced removing teeth of a Medicaid recipient. Eight days prior to the complete removal of the teeth and making dentures, the recipient lost her eligibility due to marriage. The burden is on the medical vendor to determine current eligibility. This strikes me as a harsh requirement under the present state of facts, but again, where do we draw the line? When a person expects reimbursement from public tax monies for services rendered to a third party, it is probably not asking too much that he satisfy himself to the eligibility of the third party to qualify. I have no recommendation to make on this claim at this time.

Claimant 8

Sylvan Hochstedler in the amount of \$18.30

I recommend this claim be denied. This is an outdated warrant issued July 5, 1960. To approve this claim is to fly in the face of Section 25.2 of the Code which contemplates outdated warrants and other claims of less than ten years.

Claimant 9

Ronald H. Huffman in the amount of \$4.50

I recommend this claim be denied. There is no documentation in support of this claim. I might add that I wonder why anyone who purchases a boat license for \$4.50 and then, apparently, decides he doesn't need the license, would expect the state government to refund the sum. Were the amount involved somewhat larger, I could understand someone trying to do so.

TOM RILEY

Chairman of Senate Appropriations
Subcommittee on Claims

SENIOR CITIZENS' HEARINGS

The subcommittee of the Senate Social Services to study and investigate the problems of Senior Citizens in Iowa held two hearings in Room 22, State House, on March 2, 1972, and March 7, 1972. The subcommittee consisted of Senator John M. Walsh, chairman, Senator Charles Balloun, and Senator Joseph Coleman. Approximately two hundred Senior Citizens from all over the state attended the hearings.

The purpose of the hearings was to give the Senior Citizens an opportunity to bring their problems to the attention of the Iowa General Assembly.

The following problems and needs were broadly discussed:

- (1) Lower the cost of food stamps. Provisions for better availability of the Food Stamp Program, and more information on how to obtain food stamps.
- (2) Transportation needs to community services and health services.
- (3) Housing programs to meet the needs of various income levels of the senior citizens.
- (4) Some type of property tax relief necessary for those living on fixed incomes.
- (5) More adequate income support from Social Security and Old Age Assistance.
- (6) More community sponsored meal programs for senior citizens.
- (7) Identification cards for cashing Social Security checks, and for special discounts for senior citizens at stores, theaters, and restaurants.
- (8) Investigate the possibility of Medicare paying for prescription drugs.

JOHN M. WALSH

REPORT OF COMMITTEE

Senator Briles submitted the following report:

MR. PRESIDENT: Your committee on county government, to which was referred **House File 1044**, a bill for an act authorizing counties to acquire private property by condemnation for sanitary landfill purposes, begs leave

to report it has had the same under consideration and recommends the same do pass.

JAMES E. BRILES, Chairman

Order passed on file.

AMENDMENTS FILED

1 Amend the Neu amendment filed February 24, 1972, to
2 House File 571, page 3, by striking lines 19 through 22,
3 inclusive, and by renumbering the remaining sections in
4 conformity therewith.

LEE H. GAUDINEER, JR.

1 Amend the Neu amendment filed February 24, 1972 to House
2 File 571, page 4, by adding after line 16 the following new
3 subsection:
4 "When said person has distributed or sold material which
5 is, or may qualify for second class mailing privileges under
6 the rules and regulations of the United States postal service."

TOM RILEY
LEE H. GAUDINEER, JR.
JAMES A. POTGETER
CLIFTON C. LAMBORN

1 Amend the Neu amendment to House File 571, filed February
2 24, 1972, by adding the following new sections:
3 "Sec. As an alternate procedure to and in lieu
4 of criminal prosecution for violation of the public
5 offenses defined in sections two (2), three (3) and seven
6 (7) of this Act, the attorney general, or the county attorney
7 of any county wherein the public offenses were allegedly
8 committed, may seek injunctive relief against the per-
9 son, firm, or corporation it is alleged is in violation
10 of this Act by commencing an action in the name of the
11 state of Iowa upon relation to the attorney general or
12 county attorney in the district court of the county
13 wherein any of the alleged acts occurred. If such acts
14 occurred in more than one county or probably will occur
15 in more than one county, the district court of any of
16 such counties shall have jurisdiction of all the alleged
17 violations or probable violations in all counties of
18 this state as defined in this Act."
19 "Sec. The district court shall, upon applica-
20 tion of the attorney general or county attorney,
21 grant a temporary injunction enjoining any person,
22 firm, or corporation from violating this Act in
23 respect to the publication, promotion, showing, or
24 dissemination of any film, book, magazine or periodical
25 if it finds upon hearing, to be set by the court, not

Page 2

1 ex parte, that the publication, promotion, showing, or
2 dissemination would probably be in violation of this
3 Act. The defendant shall be served notice of such

4 hearing in the same manner as original notices are
5 served. The date set for such hearing shall be at
6 least three days from the date the application is
7 filed."

8 "Sec. If a temporary injunction is granted,
9 it shall be without bond and effective upon filing
10 and notification to the defendant. The action for
11 a permanent injunction shall be tried within sixty
12 days of the commencement of the action and, if not
13 so tried, any temporary injunction granted shall be
14 dissolved by operation of law, unless prior to the
15 expiration of the sixty-day period, the court finds
16 that the delay in trial was caused by the defendant
17 or is at the defendant's request. The defendant
18 shall be entitled to a trial by jury upon request."

19 "Sec. A violation of any temporary or permanent
20 injunction shall be punishable as provided in chapter
21 six hundred sixty-five (665) of the Code. Each day's
22 violation of each such injunction shall be a separate
23 violation."

LEE H. GAUDINEER, JR.

1 Amend the Griffin, Walsh amendment, filed March 9,
2 1972, to House File 1276 as follows:

3 1. Page 3, by striking lines 6 through 20, inclusive.

4 2. Page 4, by adding after line 23, the following:

5 Page 21, by adding after line 1, the following
6 new section:

7 "Sec. Chapter one hundred thirty-one (131),
8 section one hundred thirty-four (134), Acts of the Sixty-
9 fourth General Assembly, First Session, is amended by
10 adding the following new subsection:

11 5. Fees for the issuance of a wine permit shall be
12 as follows:

13 1. A class 'A' permit: one hundred dollars.

14 2. A class 'B' permit: two hundred dollars.

15 3. A Class 'C' permit shall be determined by the
16 amount of interior floor space allocated to total retail
17 sales on the premises as follows:

18 Up to two thousand five hundred square feet, seventy-
19 five dollars.

20 Two thousand five hundred square feet to five
21 thousand square feet, one hundred dollars.

22 Five thousand one square feet to ten thousand
23 square feet, one hundred fifty dollars.

24 Ten thousand one square feet to twenty thousand
25 square feet, two hundred dollars.

Page 2

1 Over twenty thousand square feet, three hundred dollars.

2 All fees for wine permits shall be payable to the
3 department. All wine permit fees collected by local
4 authorities for the retail sale of wine at the time
5 application for the permit is made shall be remitted
6 with the application to the department, and all fees
7 so collected by the department as well as class 'A'

- 8 wine permit fees collected by the department shall
 9 accrue to the general fund of the state.”
 10 3. Page 5, by adding after line 8, the following:
 11 Renumber sections and internal references
 12 to conform with this amendment.
 13 4. By renumbering the amendment to conform to
 14 this amendment.

RUDY VAN DRIE

- 1 Amend the Griffin, Walsh amendment, filed March 9,
 2 1972, to House File 1276 as follows:
 3 1. Page 3, by striking lines 6 through 20, inclusive.
 4 2. Page 4, by adding after line 23, the following:
 5 Page 21, by adding after line 1, the following
 6 new section:
 7 “Sec. Chapter one hundred thirty-one (131),
 8 section one hundred thirty-four (134), Acts of the Sixty-
 9 fourth General Assembly, First Session, is amended by
 10 adding the following new subsection:
 11 5. Fees for the issuance of a wine permit shall be
 12 as follows:
 13 1. A class ‘A’ permit: one hundred dollars.
 14 2. A class ‘B’ permit: two hundred dollars.
 15 3. A class ‘C’ permit: three hundred dollars.
 16 All fees for wine permits shall be payable to the
 17 department. All wine permit fees collected by local
 18 authorities for the retail sale of wine at the time
 19 application for the permit is made shall be remitted
 20 with the application to the department, and all fees
 21 so collected by the department as well as class ‘A’
 22 wine permit fees collected by the department shall
 23 accrue to the general fund of the state.”
 24 3. Page 5, by adding after line 8, the following:
 25 Renumber sections and internal references to

Page 2

- 1 conform with this amendment.
 2 2. By renumbering the amendment to conform to this
 3 amendment.

JOHN M. WALSH

- 1 Amend House File 1276, page 22, by striking lines
 2 27 through 35, and page 23, by striking lines 1 through
 3 21 inclusive.

JOHN M. WALSH
 JAMES BRILES
 C. JOSEPH COLEMAN
 GENE V. KENNEDY
 JAMES W. GRIFFIN, SR.
 HAROLD A. THORSEN
 CHARLES P. MILLER
 MINNETTE DODERER
 JAMES A. POTGETER
 RALPH W. POTTER
 WILLIAM D. PALMER

POINT OF ORDER

Senator Thordsen moved that the Walsh motion to reconsider the vote by which House File 734 passed the Senate be laid on the table.

Senator Van Drie moved as a substitute motion that the Walsh motion to reconsider House File 734 be taken up for immediate consideration.

Senator Glenn raised a point of order that the substitute motion by Senator Van Drie was out of order.

Senator Lamborn moved that the Senate adjourn until 8:30 a.m., Friday, March 24, 1972, which motion prevailed.

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY

SENATE CHAMBER

DES MOINES, IOWA, FRIDAY, MARCH 24, 1972

The Senate met in regular session, President pro tempore Kyhl presiding.

Prayer was offered by the Reverend C. C. Glenn, pastor of the New Virginia Christian Church, New Virginia, Iowa.

The Senate pledged allegiance to the flag.

The Journal of Thursday, March 23, 1972, was approved.

PRESENTATION OF VISITORS

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

Eleven students from Coralville Community School, Coralville, Iowa, accompanied by Mrs. Epley. Senator Doderer.

Two students, one from Paullina High School, Paullina, Iowa, and one American Field Service student from Argentina, Hector Floriani. Senator Smith.

LEGISLATIVE PHYSICIANS FOR THE DAY

Dr. Vern Schlaser, Des Moines, Iowa.

Dr. George Kern, Des Moines, Iowa.

Dr. Charles Peterson, Des Moines, Iowa.

Dr. Dennis Walter, Des Moines, Iowa.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 163, a bill for an act relating to retirement systems for policemen and firemen.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 376, a bill for an act relating to vehicle equipment requirements.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

Senate File 428, a bill for an act providing for a unified trial court.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 517, a bill for an act to revise, update and correct certain sections of Code relating to school districts and school corporations.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1038, a bill for an act relating to eminent domain.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1057, a bill for an act relating to exceptions to the time limits during which certain civil actions must be brought.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1132, a bill for an act correcting erroneous, inconsistent and obsolete sections of the Code.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1134, a bill for an act relating to the regulation of trout fishing.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1136, a bill for an act providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1171, a bill for an act relating to licensing of vehicles from which food and dairy products are sold.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1191, a bill for an act relating to business corporations.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1192, a bill for an act relating to the control of dangerous substances and the board of pharmacy.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1195, a bill for an act relating to the drawing of grand jurors.

Also: That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1206, a bill for an act relating to the method of paying state employees.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

House File 69, a bill for an act relating to errors and omissions insurance for county officers and employees.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1133, a bill for an act relating to a corrective amendment to the "Iowa Beer and Liquor Control Act."

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1198, a bill for an act relating to the appeal of a condemnation award.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1242, a bill for an act to establish a commission on compensation, expenses and salaries for elective state officials.

Also: That the House has amended Senate amendment to, concurred in Senate amendment as amended, and repassed the following bill in which the concurrence of the House was asked:

House File 1272, a bill for an act relating to bonded warehouses.

Also: That the House has concurred in Senate amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1273, a bill for an act relating to regulation of advertising and selling courses of instruction.

Also: That the House has passed the following bill in which the concurrence of the Senate is asked:

House File 1290, a bill for an act relating to the department of General Services.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 130, urging the Governor of Iowa to proceed with a statewide comprehensive conference on Iowa's future.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 137, creating a study committee to make a comprehensive study of Iowa milk and milk product standards.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 138, creating a study committee for the purpose of making a study of rules in effect for the General Assembly.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE CONCURRENT RESOLUTION 137

By Committee on Agriculture

Whereas, an overwhelming proportion of the public has a direct interest in the quality of milk and milk products, and

Whereas, Iowa produces four (4) billion pounds of milk annually, making it a major Iowa industry, and

Whereas, Iowa exports sixty-five percent of its milk production, and

Whereas, exportation of Iowa milk and milk products falls within the purview of the Federal Food and Drug Administration for standards of labeling and sanitation as well as quality, and

Whereas, said federal regulatory standards are in the process of being revised both as to form and enforcement, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, that the legislative council is authorized to create a study committee as provided by law, to conduct during the 1972-1973 legislative interim, a comprehensive study of Iowa milk and milk product standards especially, but not limited to, how they may be affected by federal laws and regulations which bear upon the production, inspection, transportation of Iowa milk and milk products in interstate commerce.

Be It Further Resolved, That said committee shall prepare and submit a report of the results of its study to the legislative council and to members of the Sixty-fifth General Assembly, First Session, the same to be accompanied by legislative bill drafts designed to carry out the recommendations of said committee.

HOUSE CONCURRENT RESOLUTION 138

By Small and Grassley

Whereas, the General Assembly of the State of Iowa is completing its fourth annual session; and

Whereas, a comprehensive study of the rules and procedures of the General Assembly has not been undertaken since the year 1968 and the report submitted in the year 1968 did not reflect the experience of Iowa General Assembly operating on an annual basis; and

Whereas, the experience of four years with annual sessions will now provide a base upon which the members of the General Assembly can critically analyze areas of strength and weaknesses regarding the rules and procedures of the General Assembly; and

Whereas, during the present session of the General Assembly procedural problems have resulted in some instances which indicate that a comprehensive analysis of rules, proceedings, and staffing may be beneficial, *Now, Therefore*,

Be It Resolved by the House of Representatives, the Senate Concurring, That the legislative council is authorized to create a study committee consisting of members of the legislative council, members of the Rules Committees of the two houses of the General Assembly, and other members of the General Assembly designated by the legislative council, representing both political parties, for the purpose of making a comprehensive study of the rules in effect for the General Assembly, procedures, and staffing for the General Assembly; and

Be It Further Resolved, That special consideration be made during the

study in regard to providing a method similar to that used in the United States Congress whereby a Rules Committee establishes a special rule for each bill and for each committee and definite standards are established regarding the manner in which proponents and opponents participate in considering legislation; and

Be It Further Resolved, That the study committee shall make a report to the legislative council prior to the convening of the General Assembly in the year 1973 and to the General Assembly meeting in the year 1973 which report shall contain recommendations concerning rule changes, legislative procedures, and legislative staffing and any bill drafts or proposed rules changes designed to carry out such recommendations.

HOUSE MESSAGES CONSIDERED

House File 1198, a bill for an act relating to the appeal of a condemnation award.

Read first time and passed on file.

House File 1290, a bill for an act relating to the capital planning commission, the department of general services, duties of the labor commissioner, and the executive council.

Read first time and passed on file.

ADOPTION OF SENATE RESOLUTION

Senate Resolution 102

Senator Riley asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

SENATE RESOLUTION 102

By Riley, Thordsen and Gaudineer

Whereas, a respected member of the Fourth Estate has covered the General Assembly of the State of Iowa to the enlightenment and edification of the people of our great state beginning with the year 1955; and

Whereas, said reporter has reported on the action of the Iowa Senate in an impartial manner, without favor or fear, and in the highest traditions of his journalistic calling; and

Whereas, the said journalist in question will begin his well-earned retirement on September 1, 1972, culminating in more than forty years of providing information through the medium of the printed word, and specifically, as a reporter for the Des Moines Register; and

Whereas, the people of the State of Iowa are in the debt of said journalist for his fair, accurate, and impartial reporting; *Now, Therefore*,

Be It Resolved by the Senate of the State of Iowa that this resolution express to Allan Hoschar the appreciation of the people of Iowa for the substantial contribution he has made in the legislative process through his fair, accurate, and impartial reporting of the actions of this honorable body

and its several committees; and

Be It Further Resolved, that a copy of this resolution certified by the Secretary of the Senate be forwarded to the said Mr. Hoschar.

The motion prevailed and the resolution was adopted.

MOTION TO TABLE WITHDRAWN

House File 734

The Chair ruled that the Glenn point of order, pending on adjournment March 23, was well taken and the substitute motion by Senator Van Drie was out of order.

Senator Thordsen withdrew his motion to table the Walsh motion to reconsider the vote by which House File 734 passed the Senate.

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

The Senate resumed session, President pro tempore Kyhl presiding.

MOTION TO RECONSIDER WITHDRAWN

Senator Walsh withdrew the following motion to reconsider filed by him on March 23:

MR. PRESIDENT: I move to reconsider the vote by which House File 734 passed the Senate.

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 1156

Senator Laverty called up the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 1156

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representatives on House File 1156, a bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers, and responsibilities, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment to the Senate amendment.
2. That the Senate recede from its amendment to House

File 1156, as amended and passed by the House of Representatives.

3. That House File 1156, as amended and passed by the House of Representatives be amended as follows:

a. Page 2, line 7, by striking the word "eleven" and inserting in lieu thereof the word "nine".

b. Page 2, line 9, by striking the word "Four" and inserting in lieu thereof the word "Five".

c. Page 2, by striking lines 17 through 21, inclusive.

d. Page 2, by striking lines 42 through 45, inclusive, and inserting in lieu thereof the following:

"Each member is entitled to receive his actual and necessary expenses and forty dollars compensation for each day spent in performance of authority duties."

e. Page 3, by striking lines 12 through 17, inclusive, and inserting in lieu thereof the following new paragraph:

"The plan for the financing and acquisition of land for the exposition shall be approved by the executive council prior to any action on the financing and acquisition of land by the authority. Not later than thirty days from the date of the convening of the Sixty-fifth General Assembly, the plan for the development and financing of the exposition shall be submitted to the general assembly. The report shall also include any recommendations concerning the feasibility studies authorized by this section."

f. Page 3, line 43, by inserting after the period the following new sentence:

"The authority shall consider each bid of real estate offered in this state as a possible site for the exposition before making the final site selection prior to a deadline to be set by the executive council."

g. Page 4, by striking lines 17 through 19, inclusive.

h. Page 6, by inserting after line 4 the following new paragraph:

"The real property upon which any such buildings, structures, or improvements are placed shall be valued, assessed, placed upon the tax rolls and be taxed as provided by law. Notwithstanding the provisions of section four hundred twenty-seven point one (427.1) of the Code, all personal property of the authority, and all buildings, structures, and improvements placed on such land, shall be valued, assessed, placed upon the tax rolls and be taxed as provided by law from and after January 1, 1978."

i. Renumber sections and correct internal references as are necessary in accordance with this amendment.

On the part of the Senate:
 CHARLES O. LAVERTY, Chairman
 R. DEAN ARBUCKLE
 C. JOSEPH COLEMAN
 RUDY VAN DRIE

On the part of the House:
 IVOR W. STANLEY, Chairman
 DON D. ALT
 BERL E. PRIEBE
 WILLIAM P. WINKELMAN

Roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 1156) the vote was:

Ayes, 28:

Anderson	Davis	Lamborn	Potgeter
Arbuckle	DeKoster	Laverty	Rabedeaux
Bass	Erskine	Messerly	Rhodes
Briles	Gilley	Milligan	Smith
Carlson	Graham	Mowry	Van Drie
Coleman	Keith	Nicholson	Van Gilst
Curran	Kyhl	Ollenburg	Walsh

Nays, 22:

Balloun	Griffin	Palmer	Shaff
Brownlee	Gross	Potter	Shawver
Conklin	Hill	Riley	Stephens
Doderer	Kennedy	Robinson	Tapscott
Gaudineer	Miller	Schaben	Thordsen
Glenn	Neu		

The motion prevailed and the conference committee report and the recommendations and amendments contained therein were adopted.

Senator Laverty moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1156) the vote was:

Ayes, 27:

Anderson	Davis	Lamborn	Rabedeaux
Arbuckle	DeKoster	Laverty	Rhodes
Bass	Erskine	Messerly	Smith
Briles	Gilley	Milligan	Van Drie
Carlson	Graham	Nicholson	Van Gilst
Coleman	Keith	Ollenburg	Walsh
Curran	Kyhl	Potgeter	

Nays, 23:

Balloun	Griffin	Neu	Shaff
Brownlee	Gross	Palmer	Shawver
Conklin	Hill	Potter	Stephens
Doderer	Kennedy	Riley	Tapscott
Gaudineer	Miller	Robinson	Thordsen
Glenn	Mowry	Schaben	

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

ADOPTION OF CONCURRENT RESOLUTION

Senate Concurrent Resolution 124

Senator Schaben called up for consideration the following resolution:

SENATE CONCURRENT RESOLUTION 124

By Schaben, Van Drie, Walsh, Miller, Tapscott, Arbuckle, Doderer, Robinson, Neu, Kennedy, Carlson, Messerly, Griffin, Rabedeaux, Palmer, Gross, Briles, Van Gilst, Rhodes, Glenn, and Gaudineer

Whereas, Senate Files 1159, 1153 and 1094 have been filed with the Second Session of the Sixty-fourth General Assembly with the intent that the passage of these bills shall result in allowing the president of the Organization of Iowa Highway Commission Employees time and office facilities; and

Whereas, the Highway Commission is a vast organization with some 4,200 employees dispersed throughout 99 counties; and

Whereas, it is essential to establish more communication and fill the gap between management and the employees; and

Whereas, the present president of the Iowa Highway Commission Employees has proved of utmost service to the employees, administration, legislators and the state of Iowa; and

Whereas, the employees as well as the Highway Commission administration have shown confidence in him; and he has used his own vacation time without any financial consideration to promote better working conditions for the people he represents; and

Whereas, the Sixty-fourth General Assembly is of unanimous opinion that legislation is not necessary to allow him time and office facilities; and

Whereas, the General Assembly feels this should be accomplished by administrative action; *Now, Therefore,*

Be It Resolved by the Senate, the House Concurring, That the General Assembly strongly urges, in the interest of employee morale, better efficiency and more output that the president of the organization of Iowa Highway Commission Employees be allowed reasonable working time to carry out his duties as president and be given office facilities pursuant to administrative action by the highway commissioners and that such president not be penalized financially or otherwise in the course of representation of the employees.

Senator Schaben offered the following amendment and moved its adoption:

- 1 Amend Senate Concurrent Resolution 124, filed
- 2 March 13, 1972, page 2, by striking from lines 6
- 3 and 7 the words "and be given office facilities pursuant
- 4 to administrative action by the highway commissioners".

The amendment was adopted.

Senator Schaben offered the following amendment and moved its adoption:

- 1 Amend Senate Concurrent Resolution 124 by striking from
- 2 line 5 the words "and office facilities" and by striking
- 3 from line 20 the words "and office facilities".

The amendment was adopted.

Senator Schaben moved the adoption of the resolution as amended and requested a roll call.

On the question "Shall the resolution as amended be adopted?"

(S.C.R. 124) the vote was:

Rule 24 was invoked.

Ayes, 27:

Anderson	Glenn	Neu	Shawver
Arbuckle	Griffin	Palmer	Tapscott
Briles	Kennedy	Potgeter	Thordsen
Carlson	Messerly	Potter	Van Drie
Coleman	Miller	Rabedeaux	Van Gilst
Curran	Milligan	Rhodes	Walsh
Doderer	Mowry	Schaben	

Nays, 22:

Balloun	Erskine	Kyhl	Riley
Bass	Gaudineer	Lamborn	Robinson
Brownlee	Gilley	Laverty	Shaff
Conklin	Graham	Nicholson	Smith
Davis	Hill	Ollenburg	Stephens
DeKoster	Keith		

Absent or not voting, 1:

Gross

The motion prevailed and the resolution as amended was adopted.

President Jepsen took the chair at 12:08 p.m.

MOTION TO SUSPEND RULES

Senator Doderer moved that the rules be suspended and the proposed Senate joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women be taken up for consideration.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 202, 1091, 1169, 1192 and 1200.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: Senate Files 202, 1091, 1169, 1192 and 1200.

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 24th day of March, 1972, sent to the Governor for his approval: Senate Files 202, 1091, 1169, 1192 and 1200.

JOHN C. RHODES, Chairman

Passed on file.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File 1194, a bill for an act relating to the Iowa Probate Code.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

House File 734, a bill for an act relating to junkyards along interstate and federal aid primary highways.

WILLIAM R. KENDRICK, Chief Clerk

On motion of Senator Lamborn, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened, President pro tempore Kyhl presiding.

Senator Lamborn asked and received unanimous consent to defer action on the pending motion by Senator Doderer, and take up for consideration the report of the conference committee on House File 1279.

ADOPTION OF CONFERENCE COMMITTEE REPORT

House File 1279

Senator Mowry called up for consideration the following conference committee report and moved its adoption:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 1279

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to consider the difference between the Senate and the House of Representa-

tives on House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council and appropriating funds therefor, respectfully submit the following recommendations:

1. That the House of Representatives recede from its amendment to the Senate amendment.

2. That the Senate amendment to House File 1279, received from the Senate on March 22, 1972, be amended by striking from lines 3 and 4 the words "the general fund of the state of Iowa" and inserting in lieu thereof the words "any funds available under section twenty-one point seven (21.7) of the Code".

On the part of the Senate:

JOHN L. MOWRY, Chairman
REINHOLD O. CARLSON
MARVIN W. SMITH
CLOYD E. ROBINSON

On the part of the House:

RICHARD W. WELDEN, Chairman
MURRAY C. LAWSON
KEITH H. DUNTON

The motion prevailed and the conference committee report and the recommendations and amendment therein were adopted.

Senator Mowry moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 1279) the vote was:

Rule 24 was invoked.

Ayes, 31:

Arbuckle	Erskine	Messerly	Robinson
Balloun	Gilley	Milligan	Shaff
Bass	Graham	Mowry	Smith
Brownlee	Hill	Neu	Stephens
Carlson	Keith	Nicholson	Thordsen
Conklin	Kyhl	Ollenburg	Van Drie
Curran	Lamborn	Potter	Van Gilst
DeKoster	Laverty	Rhodes	

Nays, 7:

Doderer	Glenn	Palmer	Tapscott
Gaudineer	Kennedy	Schaben	

Absent or not voting, 12:

Anderson	Davis	Miller	Riley
Briles	Griffin	Potgeter	Shawver
Coleman	Gross	Rabedeaux	Walsh

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

ADOPTION OF CONCURRENT RESOLUTION

Senate Concurrent Resolution 133

Senator Mowry asked and received unanimous consent to take up for consideration the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 133

By Mowry

Whereas, the Senate and the House of Representatives were authorized to employ pages during the legislative session; and

Whereas, the pages of the Senate and the House of Representatives have performed their duties and responsibilities in a competent and enthusiastic manner during the Sixty-fourth General Assembly, Second Session; and

Whereas, the members of the Senate and the House of Representatives appreciate the excellent service provided by the pages; *Now, Therefore*,

Be It Resolved by the Senate, the House Concurring: That the Secretary of the Senate and the Chief Clerk of the House of Representatives on behalf of the members of the Sixty-fourth General Assembly, Second Session, are directed to prepare a Certificate of Service for each page commending them for the excellent performance of the tasks assigned; and

Be It Further Resolved: That such Certificate of Service and a copy of the concurrent resolution be presented to each page of the Senate and the House of Representatives by the President of the Senate and the Speaker of the House.

The motion prevailed and the resolution was adopted.

President Jepsen took the chair at 1:25 p.m.

COMMITTEE OF THE WHOLE

Senator Lamborn moved that the Senate resolve itself into a committee of the whole.

Division was called for.

The motion prevailed and the Senate resolved itself into a committee of the whole.

Senator Gaudineer moved that the committee of the whole recommend that the rules be suspended for the purpose of reporting to the Senate a joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women, which motion prevailed.

On motion of Senator Lamborn, the Senate arose from the committee of the whole and resumed regular session.

HOUSE AMENDMENTS CONSIDERED

Senate File 163

Senator Potter called up for consideration Senate File 163, a bill for an act relating to retirement systems of policemen and firemen, amended by the House, and moved that the Senate concur in the following amendments:

1 Amend Senate File 163 as amended and passed by the Senate
 2 as follows:
 3 1. By striking in line 13 the word "ten" and inserting in
 4 lieu thereof the word "fifteen".
 5 2. By striking in line 16 the word "ten" and inserting in
 6 lieu thereof the word "fifteen".
 7 3. By striking lines 25 through 34 and inserting in lieu
 8 thereof the following:
 9 "eleven point six (411.6), subsection ten (10), of the
 10 Code."
 11 Sec. 3. Section four hundred eleven point six (411.6),
 12 subsection fourteen (14), Code 1971, is amended by adding
 13 the following new paragraph:
 14 'e. A retired member who became eligible for benefits
 15 under the provisions of section four hundred eleven point
 16 six (411.6), subsection one (1) but who did not serve
 17 twenty-two years and did not attain the age of fifty-five
 18 years prior to his termination of employment shall not be
 19 eligible for the annual readjustment of pensions provided
 20 for by this subsection.'

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 163) the vote was:

Ayes, 44:

Anderson	Erskine	Laverty	Rhodes
Arbuckle	Gaudineer	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Brownlee	Glenn	Mowry	Schaben
Carlson	Graham	Neu	Shaff
Coleman	Griffin	Nicholson	Smith
Conklin	Hill	Ollenburg	Stephens
Curran	Keith	Palmer	Tapscott
Davis	Kennedy	Potgeter	Thordsen
DeKoster	Kyhl	Potter	Van Drie
Doderer	Lamborn	Rabedeaux	Van Gilst

Nays, 1:

Bass

Absent or not voting, 5:

Briles	Milligan	Shawver	Walsh
Gross			

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

Senate File 376

Senator Kyhl called up for consideration Senate File 376, a bill for an act relating to vehicle equipment requirement,

amended by the House, and moved that the Senate concur in the following amendment:

- 1 Amend Senate File 376 as follows:
- 2 By inserting after line 16 the words "This
- 3 subsection shall not apply to snowmobiles as defined
- 4 in section three hundred twenty-one G point one (321G.1)
- 5 of the Code."

The motion prevailed and the Senate concurred in the House amendment.

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

On the question "Shall the bill pass?" (S.F. 376) the vote was:

Ayes, 43:

Anderson	Erskine	Messerly	Riley
Balloun	Gilley	Miller	Robinson
Bass	Glenn	Mowry	Schaben
Brownlee	Graham	Neu	Shaff
Carlson	Griffin	Nicholson	Smith
Coleman	Hill	Ollenburg	Stephens
Conklin	Keith	Palmer	Tapscott
Curran	Kennedy	Potgeter	Thordsen
Davis	Kyhl	Potter	Van Drie
DeKoster	Lamborn	Rabedeaux	Van Gilst
Doderer	Laverty	Rhodes	

Nays, none.

Absent or not voting, 7:

Arbuckle	Gaudineer	Milligan	Walsh
Briles	Gross	Shawver	

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

Senate File 1191

Senator Brownlee called up for consideration Senate File 1191, a bill for an act relating to business corporations, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1191, as amended and passed
- 2 by the Senate, as follows:
- 3 1. Page 5, by inserting after line 30 the following
- 4 paragraph:
- 5 "Special meetings of the shareholders may be
- 6 called by the president, the board of directors, the
- 7 holders of not less than one-tenth of all the shares
- 8 entitled to vote at the meeting, or such other
- 9 officers or persons as may be provided in the
- 10 articles of incorporation or the bylaws."

11 2. Page 6, by striking lines 7 through 16 and
 12 inserting in lieu thereof the following:
 13 "Sec. 9. Chapter four hundred ninety-six A
 14 (496A), Code 1971, is amended by adding the
 15 following new section:
 16 **LOANS TO EMPLOYEES AND DIRECTORS. A**
 17 corporation shall not lend money to or use its
 18 credit to assist its directors without authorization
 19 in the particular case by its shareholders, but may
 20 lend money to and use its credit to assist any
 21 employee of the corporation or of a subsidiary
 22 including any such employee who is a director of
 23 the corporation, if the board of directors decides
 24 that such loan or assistance may benefit the
 25 corporation."

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1191) the vote was:

Ayes, 43:

Arbuckle	Erskine	Messery	Rhodes
Balloun	Gilley	Miller	Riley
Bass	Glenn	Milligan	Robinson
Brownlee	Graham	Mowry	Schaben
Carlson	Griffin	Neu	Shaff
Coleman	Hill	Nicholson	Stephens
Conklin	Keith	Ollenburg	Tapscott
Curran	Kennedy	Palmer	Thordsen
Davis	Kyhl	Potgeter	Van Drie
DeKoster	Lamborn	Potter	Van Gilst
Doderer	Laverty	Rabedeaux	

Nays, none.

Absent or not voting, 7:

Anderson	Gaudineer	Shawver	Walsh
Briles	Gross	Smith	

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

Senate File 1195

Senator Miller called up for consideration Senate File 1195, a bill for an act relating to the drawing of grand jurors, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1195 as passed by the Senate by
- 2 adding the following new section:

3 "Sec. 2. Section six hundred nine point twenty-five
 4 (609.25), Code 1971, as amended by chapter two hundred
 5 sixty-five (265), Acts of the Sixty-fourth General Assembly,
 6 First Session, is amended to read as follows:
 7 609.25 GRAND JURY PANEL. A grand jury panel of twelve
 8 persons shall be drawn by the said commissioners from
 9 the grand jury box on *or before* the last secular Monday
 10 of December preceding the new calendar year, and shall
 11 be drawn in the same manner and under the same conditions,
 12 except as otherwise provided, as are specified for the
 13 drawing of said petit jury panel. Such grand jury panel
 14 shall constitute the panel from which to select the grand
 15 jurors for one year.
 16 A majority of the judges of the district court may
 17 order a second panel of twelve persons to be drawn in like
 18 manner from which a second grand jury may be selected.
 19 Such second grand jury shall serve on matters assigned to
 20 it by the foreman of the first grand jury and it shall
 21 be served by the same clerk and staff, but otherwise it
 22 shall be governed by the same law as in the case of the
 23 original grand jury panel and grand jury."

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1195) the vote was:

Ayes, 44:

Anderson	Erskine	Messerly	Rhodes
Arbuckle	Gilley	Miller	Riley
Balloun	Glenn	Milligan	Robinson
Bass	Graham	Mowry	Schaben
Brownlee	Griffin	Neu	Shaff
Carlson	Gross	Nicholson	Shawver
Coleman	Hill	Ollenburg	Stephens
Conklin	Kennedy	Palmer	Tapscott
Curran	Kyhl	Potgeter	Thordsen
Davis	Lamborn	Potter	Van Drie
DeKoster	Laverty	Rabedeaux	Van Gilst

Nays, none.

Absent or not voting, 6:

Briles	Gaudineer	Smith	Walsh
Doderer	Keith		

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

HOUSE AMENDMENT TO SENATE
AMENDMENT CONSIDERED**House File 1272**

Senator Thordsen called up for consideration House File 1272, a bill for an act relating to bonded warehouses, amended by the Senate, further amended by the House, and moved that the Senate refuse to concur in the following House amendment to the Senate amendment:

- 1 Amend the Senate amendment to House File 1272 as follows:
- 2 1. By inserting after line 5 the following:
- 3 "3. Page 8, by inserting after line 6 the following new
- 4 section:
- 5 Sec. 9. Section five hundred forty-three point thirty
- 6 (543.30), Code 1971, is amended to read as follows:
- 7 543.30 INSPECTING AND GRADING. Grain, flaxseed, or any
- 8 other fungible agricultural product stored in a warehouse
- 9 licensed under this chapter *or an unlicensed warehouse*
- 10 *pursuant to section five hundred forty-three point seventeen*
- 11 *(543.17)*, for which no separate compartment is provided,
- 12 and its identity preserved, shall be inspected and graded,
- 13 and the warehouseman, upon request, shall notify the
- 14 depositor or his delivering agent of the grade prior to
- 15 commingling it."
- 16 2. Line 6, by striking the figure "3" and inserting
- 17 in lieu thereof the figure "4".

Division was called for.

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

SUSPENSION OF RULES

Senate Joint Resolution 1008

Senator Lamborn asked unanimous consent that the rules be suspended and that Senate Joint Resolution 1008 be read the first time.

Objection was raised.

Senator Lamborn moved that the rules be suspended and that Senate Joint Resolution 1008 be read the first time.

On the question "Shall the rules be suspended and Senate Joint Resolution 1008 be read the first time?" (S.J.R. 1008) the vote was:

Ayes, 36:

Bass	Doderer	Messerly	Riley
Briles	Erskine	Miller	Robinson
Brownlee	Gaudineer	Milligan	Schaben
Carlson	Glenn	Neu	Shawver
Coleman	Gross	Ollenburg	Stephens
Conklin	Kennedy	Palmer	Tapscott
Curran	Kyhl	Potgeter	Thordsen
Davis	Lamborn	Potter	Van Gilst
DeKoster	Laverty	Rhodes	Walsh

Nays, 10:

Anderson	Gilley	Hill	Nicholson
Arbuckle	Graham	Mowry	Van Drie
Balloun	Griffin		

Absent or not voting, 4:

Keith	Rabedeaux	Shaff	Smith
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The motion having received a two-thirds majority prevailed.

INTRODUCTION OF JOINT RESOLUTION

Senate Joint Resolution 1008, by Conklin and Doderer, a joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women.

Read first time and passed on file.

CONSIDERATION OF JOINT RESOLUTION

Senator Lamborn moved that the rules be suspended and that Senate Joint Resolution 1008 be taken up for immediate consideration.

On the question "Shall the rules be suspended and Senate Joint Resolution 1008 be taken up for consideration?" the vote was:

Rule 24 was invoked.

Ayes, 36:

Bass	Gaudineer	Milligan	Robinson
Briles	Glenn	Neu	Schaben
Brownlee	Gross	Nicholson	Shawver
Carlson	Kennedy	Ollenburg	Smith
Conklin	Kyhl	Palmer	Stephens
Curran	Lamborn	Potgeter	Tapscott
Davis	Laverty	Potter	Thordsen
DeKoster	Messerly	Rhodes	Van Gilst
Doderer	Miller	Riley	Walsh

Nays, 9:

Anderson	Gilley	Griffin	Mowry
Arbuckle	Graham	Hill	Van Drie
Balloun			

Absent or not voting, 5:

Coleman
Erskine

Keith

Rabedeaux

Shaff

The motion having received a two-thirds majority prevailed.

Senator Doderer withdrew her motion to suspend the rules pending at recess.

Senate Joint Resolution 1008

On motion of Senator Lamborn, Senate Joint Resolution 1008, a joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women, was taken up and considered.

Senator Lamborn moved that the resolution be read the last time now, which motion prevailed, and the resolution was read the last time.

Senate Joint Resolution 1008, a joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women.

WHEREAS, the Ninety-second (92nd) Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and

WHEREAS, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the States and reads:

“JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE _____

“Section 1. Equality of rights under the law shall not be

denied or abridged by the United States or by any State on account of sex.

“Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“Sec. 3. This amendment shall take effect two years after the date of ratification.”

Be It Resolved by the General Assembly of the State of Iowa:

That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

Be It Further Resolved that the Governor of the State of Iowa forward certified copies of this resolution over the Seal of the State of Iowa to the Secretary of State of the United States, to the Presiding Officers of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the administrator of the United States General Services Administration.

On the question “Shall the bill pass?” (S.J.R. 1008) the vote was:

Ayes, 44:

Anderson	Doderer	Messerly	Riley
Balloun	Gaudineer	Miller	Robinson
Bass	Gilley	Milligan	Schaben
Briles	Glenn	Mowry	Shawver
Brownlee	Graham	Neu	Smith
Carlson	Griffin	Nicholson	Stephens
Coleman	Gross	Ollenburg	Tapscott
Conklin	Kennedy	Palmer	Thordsen
Curran	Kyhl	Potgeter	Van Drie
Davis	Lamborn	Potter	Van Gilst
DeKoster	Laverty	Rhodes	Walsh

Nays, 1:

Hill

Absent or not voting, 5:

Arbuckle	Keith	Rabedeaux	Shaff
Erskine			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to and the foregoing proposed amendment to the Constitution of the United States was hereby declared ratified and consented to by the Senate.

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

The Senate resumed session, President Jepsen presiding.

ADOPTION OF MOTION TO RECONSIDER

House File 406

Senator Lamborn called up the following motion to reconsider by him on March 23 and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House File 406 was referred to the transportation committee.

On the question "Shall the motion to reconsider be adopted?" (H.F. 406) the vote was:

Ayes, 40:

Anderson	Doderer	Kyhl	Rhodes
Arbuckle	Erskine	Lamborn	Riley
Balloun	Gaudineer	Laverty	Shaff
Bass	Gilley	Messerly	Smith
Briles	Glenn	Milligan	Stephens
Brownlee	Graham	Mowry	Tapscott
Carlson	Griffin	Nicholson	Thordsen
Conklin	Hill	Ollenburg	Van Drie
Davis	Keith	Potter	Van Gilst
DeKoster	Kennedy	Rabedeaux	Walsh

Nays, 3:

Gross	Miller	Robinson
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Absent or not voting, 7:

Coleman	Neu	Potgeter	Shawver
Curran	Palmer	Schaben	

The motion prevailed, and the Senate resumed consideration of House File 406, a bill for an act relating to use tax, and the following amendment by the committee on ways and means:

- 1 Amend House File 406 as amended and passed by the House
- 2 by striking everything after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section four hundred twenty-three point four
- 5 (423.4), Code 1971, is amended by striking subsection two
- 6 (2)."

Senator Shaff moved the adoption of the amendment.

Roll call was requested.

On the question "Shall the committee amendment be adopted?" (H.F. 406) the vote was:

Rule 24 was invoked.

Ayes, 19:

Arbuckle	DeKoster	Hill	Shaff
Brownlee	Doderer	Mowry	Stephens
Carlson	Gaudineer	Ollenburg	Tapscott
Conklin	Glenn	Palmer	Van Gilst
Davis	Gross	Riley	

Nays, 30:

Anderson	Graham	Miller	Robinson
Balloun	Griffin	Milligan	Schaben
Bass	Keith	Nicholson	Shawver
Briles	Kennedy	Potgeter	Smith
Coleman	Kyhl	Potter	Thordsen
Curran	Lamborn	Rabedeaux	Van Drie
Erskine	Laverty	Rhodes	Walsh
Gilley	Messerly		

Absent or not voting, 1:

Neu

The amendment lost.

Senator Walsh withdrew the amendment filed by him on June 16, 1971, and found on page 1935 of the 1971 Senate Journal.

Senator Keith withdrew the amendment filed by Senators Keith, Potter and Erskine on March 21, 1972, and found on pages 1080-1081 of the Senate Journal.

Senator Keith offered the following amendment by Senators Keith, Erskine and Potter and moved its adoption:

- 1 Amend House File 406, as amended and passed by the
- 2 House, by striking everything after the enacting clause
- 3 and inserting in lieu thereof the following:
- 4 Section 1. Section four hundred twenty-three point
- 5 four (423.4), subsection two (2), Code 1971, is amended
- 6 to read as follows:
- 7 2. Tangible personal property used *in trade or*
- 8 *business* in interstate transportation or interstate
- 9 *commerce[.]*, *provided that all vehicles as defined in*
- 10 *section three hundred twenty-one point one (§21.1)*
- 11 *of the Code, and aircraft subject to registration*
- 12 *under chapter three hundred twenty-eight (§28) of*
- 13 *the Code shall be exempt only if during the first*
- 14 *two years of use:*
- 15 *a. more than sixty-five percent of the miles*
- 16 *travelled or hours of flying time occurred outside*
- 17 *of Iowa; or*
- 18 *b. more than sixty-five percent of the total*
- 19 *revenues attributed to said vehicles or aircraft are*
- 20 *derived from interstate transportation; or*
- 21 *c. more than sixty-five percent of the property*
- 22 *tonnage transported was interstate transportation.*

On the question "Shall the Keith-Erskine-Potter amendment be adopted?" (H.F. 406) the vote was:

Rule 24 was invoked.

Ayes, 33:

Anderson	DeKoster	Lamborn	Rabedeaux
Balloun	Erskine	Laverty	Rhodes
Bass	Gilley	Messerly	Schaben
Briles	Graham	Milligan	Shawver
Brownlee	Griffin	Mowry	Smith
Carlson	Keith	Nicholson	Thordsen
Coleman	Kennedy	Potgeter	Van Drie
Curran	Kyhl	Potter	Walsh
Davis			

Nays, 16:

Arbuckle	Glenn	Ollenburg	Shaff
Conklin	Gross	Palmer	Stephens
Doderer	Hill	Riley	Tapscott
Gaudineer	Miller	Robinson	Van Gilst

Absent or not voting, 1:

Neu

The amendment was adopted.

Senator Kyhl offered the following amendment by Senators Kyhl and Keith and moved its adoption:

- 1 Amend House File 406 as amended and passed by the House
- 2 by adding the following new section:
- 3 "Sec. 2. This Act, being deemed of immediate importance,
- 4 shall take effect and be in force from and after its publication
- 5 in the Charles City Press, a newspaper published in Charles City,
- 6 Iowa, and in the Algona Kossuth County Advance, a newspaper pub-
- 7 lished in Algona, Iowa."

The amendment was adopted.

Senator Keith moved that the bill be read the last time now, which motion prevailed, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 406) the vote was:

Ayes, 32:

Anderson	Davis	Lamborn	Potter
Arbuckle	DeKoster	Laverty	Rabedeaux
Balloun	Erskine	Messerly	Rhodes
Bass	Gilley	Milligan	Schaben
Briles	Graham	Mowry	Shawver
Brownlee	Griffin	Nicholson	Smith
Carlson	Keith	Ollenburg	Thordsen
Conklin	Kyhl	Potgeter	Van Drie

Nays, 16:

Coleman	Glenn	Miller	Shaff
Curran	Gross	Palmer	Stephens
Doderer	Hill	Riley	Tapscott
Gaudineer	Kennedy	Robinson	Van Gilst

Absent or not voting, 2:

Neu

Walsh

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

MESSAGE FROM THE HOUSE

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1059, a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENTS CONSIDERED

Senate File 1059

Senator Gross called up for consideration Senate File 1059, a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities, amended by the House, and moved that the Senate refuse to concur in the following amendments:

- 1 Amend Senate File 1059 as amended and passed by the Senate
- 2 as follows:
- 3 1. Page 3, line 12, by striking the words "*or without*".
- 4 2. By adding the following new section:
- 5 Sec. 2. No funds obtained under the authority of this
- 6 Act shall be used to expand the curriculum of an area
- 7 vocational school in order for such area vocational school
- 8 within a merged area to qualify as an area community college;
- 9 nor shall the board of any merged area, through funds
- 10 obtained under the authority of this Act, approve the
- 11 establishment of any additional attendance centers which
- 12 offer liberal arts, pre-professional, or other instruction
- 13 partially fulfilling the requirements for a baccalaureate
- 14 degree.
- 15 3. By renumbering the subsequent section.

Senator Rhodes took the chair at 6:10 p.m.

Roll call was requested.

On the question "Shall the motion to refuse to concur in the House amendments be adopted?" (S.F. 1059) the vote was:

Ayes, 28:

Arbuckle	Erskine	Mowry	Schaben
Brownlee	Glenn	Palmer	Shaff
Carlson	Griffin	Potgeter	Tapscott
Coleman	Gross	Rabedeaux	Thordsen
Curran	Lamborn	Rhodes	Van Drie
Davis	Miller	Riley	Van Gilst
Doderer	Milligan	Robinson	Walsh

Nays, 21:

Anderson	Gaudineer	Kennedy	Ollenburg
Balloun	Gilley	Kyhl	Potter
Bass	Graham	Laverty	Shawver
Briles	Hill	Messerly	Smith
Conklin	Keith	Nicholson	Stephens
DeKoster			

Absent or not voting, 1:

Neu

The motion prevailed and the Senate refused to concur.

ADOPTION OF MOTION TO RECONSIDER

Senate Concurrent Resolution 124

Senator Doderer moved to reconsider the vote by which Senate Concurrent Resolution 124 was adopted by the Senate.

Senator Stephens moved that the motion to reconsider be laid on the table, and requested a roll call.

On the question "Shall the motion to reconsider be laid on the table?" (S.C.R. 124) the vote was:

Rule 24 was invoked.

Ayes, 11:

Bass	Erskine	Hill	Smith
Conklin	Gaudineer	Ollenburg	Stephens
DeKoster	Gilley	Robinson	

Nays, 36:

Anderson	Doderer	Messerly	Riley
Arbuckle	Glenn	Miller	Schaben
Balloun	Graham	Milligan	Shaff
Briles	Griffin	Mowry	Shawver
Brownlee	Gross	Palmer	Tapscott
Carlson	Kennedy	Potgeter	Thordsen
Coleman	Kyhl	Potter	Van Drie
Curran	Lamborn	Rabedeaux	Van Gilst
Davis	Laverty	Rhodes	Walsh

Absent or not voting, 3:

Keith	Neu	Nicholson
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The motion lost.

On the question "Shall the motion to reconsider be adopted?" (S.C.R. 124) the vote was:

Ayes, 28:

Anderson	DeKoster	Hill	Riley
Balloun	Doderer	Keith	Robinson
Bass	Erskine	Kyhl	Shaff
Brownlee	Gaudineer	Laverty	Shawver
Carlson	Gilley	Nicholson	Smith
Conklin	Glenn	Ollenburg	Stephens
Davis	Graham	Potgeter	Thordsen

Nays, 21:

Arbuckle	Kennedy	Mowry	Schaben
Briles	Lamborn	Palmer	Tapscott
Coleman	Messerly	Potter	Van Drie
Curran	Miller	Rabedeaux	Van Gilst
Griffin	Milligan	Rhodes	Walsh
Gross			

Absent or not voting, 1:

Neu

The motion prevailed and Senate Concurrent Resolution 124 was taken up for reconsideration.

Senator Schaben moved the adoption of the resolution.

Roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 124) the vote was:

Rule 24 was invoked.

Ayes, 23:

Anderson	Griffin	Mowry	Shawver
Arbuckle	Gross	Palmer	Tapscott
Briles	Kennedy	Potter	Van Drie
Carlson	Messerly	Rabedeaux	Van Gilst
Coleman	Miller	Rhodes	Walsh
Curran	Milligan	Schaben	

Nays, 25:

Balloun	Gaudineer	Kyhl	Riley
Bass	Gilley	Lamborn	Robinson
Brownlee	Glenn	Laverty	Shaft
Conklin	Graham	Nicholson	Smith
Davis	Hill	Ollenburg	Stephens
DeKoster	Keith	Potgeter	Thordsen
Doderer			

Absent or not voting, 2:

Erskine Neu

The motion lost and the resolution failed to be adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 1203, a bill for an act making an appropriation from the general fund of the state to the department of public defense for various capital improvements.

Also: That the House has receded from its amendment to and repassed the following bill in which the concurrence of the House was asked:

House File 1272, a bill for an act relating to bonded warehouses.

Also: That the House has adopted conference committee report and amendments contained therein and repassed the following bill in which the concurrence of the House was asked:

House File 1279, a bill for an act authorizing exercise of a purchase-option by the executive council.

WILLIAM R. KENDRICK, Chief Clerk

HOUSE AMENDMENTS CONSIDERED

Senate File 1203

Senator Messerly called up for consideration Senate File 1203, a bill for an act making an appropriation from the general fund of the state to the department of public defense for various capital improvements, amended by the House, and moved that the Senate concur in the following amendments:

- 1 Amend Senate File 1203 as passed by the Senate as
- 2 follows:
- 3 1. Page 2, line 9, by inserting before the period the
- 4 words "and as a site for the operation of an emergency
- 5 helicopter ambulance service".
- 6 2. Page 2, by inserting the following new section after
- 7 line 24:
- 8 Sec. 6. The adjutant general shall develop a plan within
- 9 the Iowa national guard for an emergency helicopter
- 10 ambulance service to transport persons who require emergency
- 11 medical treatment or require emergency transfer between
- 12 hospitals and to transport emergency medical supplies,
- 13 equipment or personnel.
- 14 The Iowa national guard shall be requested to provide the
- 15 emergency helicopter ambulance service from its available
- 16 manned helicopters when the plan is implemented on order
- 17 of the governor at the request of the Iowa highway safety
- 18 patrol, or the administrative heads of the hospitals
- 19 located in Iowa, unless the Iowa national guard does not have
- 20 a manned helicopter available or is in active service under
- 21 the armed forces of the United States.
- 22 The adjutant general shall establish policies and
- 23 procedures to carry out the provisions of this section. The
- 24 policies and procedures shall provide that the emergency
- 25 helicopter ambulance service shall be coordinated and

Page 2

- 1 supplemental to, and not competitive with conventional
- 2 ambulance services. In determining whether an emergency
- 3 exists the policies and procedures shall give reasonable
- 4 consideration to the risk of death or permanent injury
- 5 due to delayed treatment resulting from; remoteness of
- 6 an area from any hospital, the absence or unavailability
- 7 of conventional ambulance services, and the distance to be
- 8 traveled in a transfer between hospitals.
- 9 3. Page 1, line 3, by amending the title by inserting

10 after the word "improvements" the words ", and providing
11 for emergency helicopter ambulance service".

The motion prevailed and the Senate concurred in the House amendments.

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

On the question "Shall the bill pass?" (S.F. 1203) the vote was:

Ayes, 29:

Arbuckle	Erskine	Kennedy	Rabedeaux
Balloun	Gaudineer	Kyhl	Rhodes
Bass	Gilley	Lamborn	Riley
Briles	Graham	Laverty	Shawver
Carlson	Griffin	Messerly	Stephens
Curran	Hill	Miller	Van Drie
Davis	Keith	Mowry	Walsh
DeKoster			

Nays, 15:

Anderson	Glenn	Potgeter	Smith
Brownlee	Gross	Potter	Tapscott
Conklin	Milligan	Robinson	Thordeen
Doderer	Nicholson	Schaben	

Absent or not voting, 6:

Coleman	Ollenburg	Shaff	Van Gilst
Neu	Palmer		

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

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

The Senate reconvened, President Jepsen presiding.

The Chair directed the Secretary to call the roll to ascertain that a quorum was present.

ADOPTION OF CONCURRENT RESOLUTION

Senator Lamborn asked and received unanimous consent to take up the following resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION 134

By Lamborn

Be It Resolved by the Senate, the House Concurring: That the Sixty-fourth General Assembly adjourn sine die at 8:15 o'clock p.m., Friday, March 24, 1972.

The motion prevailed and the resolution was adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 23, 1972, the Governor approved and transmitted to the Secretary of State the following bill:

H. F. 1207—Relating to the hunting of migratory waterfowl, the issuance of stamps and the collection of fees.

Also:

A communication was received announcing that on March 24, 1972, the Governor approved and transmitted to the Secretary of State the following bills:

H. F. 1032—Relating to resignations of school board members.

H. F. 1045—Changing the local budget certification date of school districts.

H. F. 1075—To legalize and validate the proceedings of the Town Council of the Town of Stuart, in the counties of Adair and Guthrie, State of Iowa, in connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, Sanitary Sewer Improvement Project."

H. F. 1089—Relating to the Iowa Insurance Guaranty Association.

H. F. 1282—Relating to the creation of a physicians' assistants fund and making an appropriation therefor.

H. F. 1292—To increase the allocation for construction of state institutional roads and state park roads.

ADDENDA TO REPORT OF CHAIRMAN OF THE APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

In returning the claims files on this date to Mr. Francis R. Larew, Executive Secretary, State Appeal Board, I advised him I had been told by one attorney for Mr. Jack Vincent that the claim had not been presented to the State Appeal Board, and later, by another attorney for Mr. Vincent that a claim had been presented but not acted upon. (In fairness, it should be pointed out that the claimant was represented by different attorneys when the claim was filed with the State Appeal Board than represent him now.) Mr. Larew informed me that a claim had been presented to the State Appeal Board and denied. I asked to see the file and inquired why it had not been included with the other files delivered to the Claims Committee. I was informed that the reason was that the Jack Vincent claim is a tort claim filed under Chapter 25A and that the procedure to be followed is for the claimant to bring suit in District Court.

Therefore, I wish to amend my report of March 23, 1972, by striking the recommendation that the claimant appeal to the State Appeal Board and inserting in lieu thereof the following: "Since the claimant Jack Vincent has not exhausted his legal remedies, this claim cannot be approved at this

time. I suggest claimant consider filing suit under Chapter 25A if he wishes to pursue the matter further."

TOM RILEY, Chairman

EXPLANATION OF VOTE

MR. PRESIDENT: I was called from the building temporarily when the vote was taken on Senate Joint Resolution 1008, a joint resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women. Had I been present, I would have voted "Aye".

ALDEN J. ERSKINE

On motion of Senator Lamborn, the Senate recessed until the fall of the gavel.

The Senate reconvened, President Jepsen presiding.

MESSAGES FROM THE HOUSE

The following messages were received from the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has adopted the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1008, ratifying a proposed amendment to Constitution of the United States relative to equal rights for men and women.

Also: That the House has receded from its amendment to and repassed the following bill in which the concurrence of the House was asked:

Senate File 1059, a bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 133, directing preparation of Certificate of Service for each page of the General Assembly.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 134, adjournment sine die, Friday, March 24, 1972.

Also: That the House has amended the Senate amendment, and refused to concur in the Senate amendment as amended, the following bill in which the concurrence of the House was asked:

House File 406, a bill for an act relating to use tax.

Also: That the House has adopted conference committee report and amendments contained therein and failed to pass the following bill in which the concurrence of the House was asked:

House File 1156, a bill for an act creating an Iowa world exposition authority.

WILLIAM R. KENDRICK, Chief Clerk

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: House Files 734 and 1265.

JOHN C. RHODES
Chairman, Senate Committee
ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills: House Files 734 and 1265.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Lamborn moved that a committee of six be appointed by the President of the Senate to notify the Governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 134.

The motion prevailed and the President appointed as such committee Senators Lamborn, Balloun, Coleman, Erskine, Laverty and Walsh.

COMMITTEE TO NOTIFY THE HOUSE

Senator Kyhl moved that a committee of six be appointed by the President of the Senate to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 134.

The motion prevailed and the President appointed as such committee Senators Kyhl, Milligan, Griffin, Shaff, Van Gilst and Potter.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Rhodes, from the joint committee on enrolled bills, submitted the following report and moved its adoption:

MR. PRESIDENT: Your joint committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Joint Resolution 1008; Senate Files 85, 163, 185, 376, 428, 517, 1038, 1057, 1059, 1096, 1101, 1132, 1134, 1136, 1158, 1171, 1190, 1191, 1194, 1195, 1203, 1206, 1218.

House Joint Resolution 8; House Files 6, 10, 69, 145, 556, 711, 1001, 1038, 1047, 1082, 1101, 1127, 1129, 1133, 1140, 1143, 1196, 1214, 1219, 1242, 1247, 1258, 1259, 1272, 1273, 1279, 1283, 1286, 1291, 1297 and 1299.

JOHN C. RHODES
Chairman, Senate Committee

ELIZABETH R. MILLER
Chairman, House Committee

Report adopted.

BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he had signed in the presence of the Senate the following bills:

Senate Joint Resolution 1008; Senate Files 85, 163, 185, 376, 428, 517, 1038, 1057, 1059, 1096, 1101, 1132, 1134, 1136, 1158, 1171, 1190, 1191, 1194, 1195, 1203, 1206 and 1218.

House Joint Resolution 8; House Files 6, 10, 69, 145, 556, 711, 1001, 1038, 1047, 1082, 1101, 1127, 1129, 1133, 1140, 1143, 1196, 1214, 1219, 1242, 1247, 1258, 1259, 1272, 1273, 1279, 1283, 1286, 1291, 1297 and 1299

BILLS SENT TO THE GOVERNOR

Senator Rhodes, from the committee on enrolled bills, submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 24th day of March, 1972, sent to the Governor for his approval, Senate Joint Resolution 1008; Senate Files 85, 163, 185, 376, 428, 517, 1038, 1057, 1059, 1096, 1101, 1132, 1134, 1136, 1158, 1171, 1190, 1191, 1194, 1195, 1203, 1206 and 1218.

JOHN C. RHODES, Chairman

Passed on file.

COMMUNICATION FROM THE SECRETARY OF THE SENATE

A certified copy of Senate Memorial 227, a memorial to the Congress of the United States making application to Congress to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment relating to the choosing of a presiding officer of the Senate, adopted by the Florida Legislature in Regular Session 1972, has been received and placed on file in the office of the Secretary of the Senate.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Lamborn reported that the committee appointed to notify the office of the Governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

COMMUNICATION FROM THE GOVERNOR

The following message from the Governor was presented:

OFFICE OF THE GOVERNOR

State Capitol

Des Moines, Iowa 50319

The Honorable Roger W. Jepsen
President of the Senate
Sixty-fourth General Assembly
State Capitol
Des Moines, Iowa

Honorable Members of the General Assembly:

Ralph Waldo Emerson said that the reward of a thing well done is to have done it.

As the gavel falls on the second session of the Sixty-fourth General Assembly, your reward—as members of that Assembly—is a record of having done a number of things well, and of having done them in the shortest Iowa legislative session in 90 years.

In addressing you at the outset of this session, I presented a 25-point program of action, derived from my conviction that what is important is not how well the government is doing but how well the people are doing; I intended this program to contribute to our building of the good society here in Iowa.

I am pleased that you enacted 15 of the 25-points and some other bills I considered of prime importance, during the 75-calendar days of the session. Concerning my recommendations that were not adopted, I express disappointment. I pledge my best efforts to secure their adoption in the future—not because of personal vainglory on my part, but because I believe them to be in the best interests of Iowa.

You and I can share a feeling of accomplishment in the achievements of the session; we worked together to bring about judicial reform, environmental protection, amusement ride safety, junkyard and billboard control, home rule for municipalities, civil rights for the disabled and elderly, majority rights for new voters, a permanent ombudsman's office, drunken driver reform, a uniform fiscal year for all levels of Iowa government, a strengthened State Crime Commission, school lunch assistance, consumer protection by the State Commerce Commission, encouragement of low-rent housing, and a uniform state building code.

In those areas, for the most part, you concurred with the recommendations which I made to you in my address on January 10, 1972, at the beginning of the session.

We agreed also in the support of other constructive measures: expansion of educational television to all parts of Iowa as rapidly as possible, wise use

of the Terrace Hill mansion, protection for sellers of livestock to Iowa meat packers, reduction of residency for voting to 30 days, financial aid to the College of Osteopathic Medicine and Surgery, activation of a Physicians Assistants Fund, authorization of a uniform manual for county and city assessors, and an increase in the fund for road construction in state parks and institutions.

Certainly your action to adopt an Occupational Safety and Health Act to continue state control under provisions of the new federal law ranks as a major accomplishment. Also significant to those engaged in agriculture were the measures that provided a checkoff for our turkey producers similar to those already in existence for other major agricultural commodities in Iowa, continuing control to enable Iowa swine producers to maintain our present cholera-free status and to set up further safeguards against swine brucellosis.

For persons seeking more education, the act which regulates private trade and vocational schools and courses of instruction assures that Iowans will be spared the possibility of bilking by unscrupulous operators.

These advances in which you and I have collaborated fall into two broad categories: (1) government reform, and (2) help for people. Under the government reform heading come:

Establishment of a modern court system which will replace an archaic judicial structure. This will instill in Iowans greater confidence and respect for our system of justice.

Establishment of a Department of Environmental Quality to better control air and water pollution, solid waste disposal and chemical technology. This action is in the interest of environmental protection.

Adoption of a municipal home rule code that will give municipalities more freedom to govern themselves by changing the concept of municipal law from one in which cities can do only those things specifically authorized by state law to one in which cities can do anything not specifically prohibited by state law.

Establishment of a permanent Office of Citizens' Aide (ombudsman) granting, at long last, statutory recognition of a Citizens' Aide that I created by Executive Order in 1970. The Ombudsman is the people's hope for unraveling the red-tape, for remedying the oversights, and repairing the injustices of government.

Establishment of a uniform fiscal year (July 1 through the following June 30) for all political subdivisions of the state, to be consistent with federal and state fiscal years.

An appropriation to the Iowa Crime Commission to match federal funds as provided by the Omnibus Crime Control Act.

A Uniform State Building Code that sets minimum standards for construction.

Revision of election laws reducing in-the-state voter residency requirements to 30 days.

Direction for the Director of Revenue to prepare and issue an appraisal manual to all county and city assessors to help achieve more uniform values.

Under the heading of "help for people", we have made this session noteworthy for the following:

Amusement ride safety by requiring inspection of most rides and concessions so that an amusement park will be a place for children's laughter, not for parents' tears.

Appropriation for the continued rapid expansion of our Educational Television Network to all parts of our state.

Regulation of billboards and junkyards along primary highways, by requiring removal of those now within 660 feet of such highways, forbidding the construction of new billboards visible from such highways, and requiring the screening of junkyards within 1,000 feet of those roadways.

Civil rights for the disabled, prohibition of age discrimination in employment, and authorization for use of school lunch facilities by senior citizen organizations.

Granting of adult rights at age 19 which, while falling short of conferring majority status to all our new voters, is a significant step in recognizing the importance of young people and the responsibilities they will shoulder.

Drunken driver rehabilitation through schools for persons convicted to earn back the privilege of operating motor vehicles on our roadways.

Appropriation of \$575,000 for matching funds in the school breakfast, lunch and minimal equipment programs.

Authorization for the Commerce Commission to fix the interest rate on public utility refunds to benefit the customers.

Granting to local governing bodies the authority to provide low-rent family public housing.

Protection for sellers of livestock to Iowa meat packers.

Appropriation of \$500,000 to the College of Osteopathic Medicine and Surgery to help relieve the increasingly acute shortage of medical service in Iowa.

A \$400,000 increase in the allocation of road construction funds for state parks and institutions. Our state parks are a major asset, and every opportunity must be taken to make them of maximum accessibility and usefulness to the people.

Moreover, I congratulate you for having made Iowa the fourth state to ratify the proposed amendment to the United States Constitution guaranteeing equal rights to women, just as the first session of this General Assembly made Iowa, in 1971, the eleventh state to ratify the amendment lowering the voting age to 18 in all elections.

In that same vein, you are to be commended for granting statutory authority to the Governor's Commission on the Status of Women.

You are also to be congratulated for giving the voters of Iowa an opportunity to pass judgment, in the 1972 general election, on three proposed amendments to the Constitution: (1) to provide four-year terms for the Governor and other elected state officials; (2) to allow the Iowa Supreme Court to retire district court judges for disability or misconduct; and (3) to shift from constitutional to legislative responsibility the determination of lotteries in Iowa.

Much as I applaud your record of constructive action of this session, I must with equal sincerity point out the omissions that I think are unfortunate. These include:

A Department of Transportation, bonus for Viet Nam Veterans, a tighter pornography law, collective bargaining for public employees, stricter control on the issuance of concealed weapons permits, an appropriation for the school budget review committee to help schools with special problems, park user fees, removal of certain property tax exemptions, replacement of

county school boards with protection of special educational programs and a provision to deliver auxiliary services to students regardless of where they attend school.

Furthermore, action should have been taken to close the tax loopholes on the purchase of trucks and cars, create a commission to plan for an Iowa World Food Exposition and to encourage the development in Iowa of health maintenance organizations.

I will continue to explain to the people of our state the need for passage of these important proposals, which died in the Sixty-fourth General Assembly.

In conclusion, the new reapportionment plan will undoubtedly result in many new faces in the Sixty-fifth General Assembly. Several of you have already announced that you would not seek re-election for various personal reasons.

Some of you will return however. You will bring with you to the next session the lessons learned in this session.

You have seen that the people you represent—the same people I represent—are concerned primarily with the issues that touch upon quality of life and with practical means of achieving the goals which lay before us.

In your pursuit of good legislation as in other enterprises, let us proceed together with the practical wisdom of the perceptive man who said: "We should believe only in deeds; words go for nothing everywhere."

Sincerely,

ROBERT D. RAY
Governor

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Kyhl reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee discharged.

COMMITTEE FROM THE HOUSE

The committee from the House appeared and announced that the House was ready to adjourn sine die.

COMMENTS BY LIEUTENANT GOVERNOR JEPSEN

President Jepsen closed the session with the following comments:

As I rap the closing gavel for the final adjournment of the Sixty-fourth General Assembly, my mind turns in retrospect to many instances of trial and tribulation that occurred during the past four years while I served as your presiding officer.

It is difficult to put into words the deep and enduring respect that I have gained for the Senate, as a group, and each individual senator—both from the majority party and from the minority. At times, the tension crackled in the chambers and in our meeting rooms, emotions ran high as the men and

women of the Senate addressed themselves to the problems at hand. We worked hard to understand and respect each other and through the use of reason and compromise, we have attained a high measure of legislative success.

As we look at the forest, instead of the trees, the total results are obvious. The people of Iowa will remember the second session of the Sixty-fourth General Assembly as the most highly organized, productive session in the history of Iowa. I hope the super-critics who were continually attacking the legislature and the legislative leadership during the session will now responsibly acknowledge its record with equal zeal.

I thank and congratulate the leadership of the Senate of Iowa. It has been my honor and privilege to serve as your President.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 134, duly adopted, the day of March 24, 1972, having arrived, President Jepsen declared the Sixty-fourth General Assembly adjourned sine die.

SUPPLEMENT TO SENATE JOURNAL

BILLS AND RESOLUTION APPROVED SUBSEQUENT TO ADJOURNMENT

Bills and resolution approved by the Governor and transmitted to the Secretary of State after the close of the second regular session:

- S. F. 85—Creating a department of environmental quality, specifying its powers, duties, and functions, and providing penalties for violations thereof. Approved April 21, 1972.
- S. F. 163—Relating to retirement systems for policemen and firemen. Approved April 21, 1972.
- S. F. 185—Combining the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor. Approved April 22, 1972.
- S. F. 202—Relating to changing of names by individuals. Approved April 1, 1972.
- S. F. 376—Relating to vehicle equipment requirements. Approved April 22, 1972.
- S. F. 428—Providing a unified trial court having district court judges, district associate judges, and judicial magistrates; to discontinue inferior courts; to establish traffic violations offices within the district court to receive uniform traffic violation penalties; to prescribe procedures for district courts, and providing penalties. Approved April 20, 1972.
- S. F. 470—Relating to deferred compensation for governmental employees. Approved April 22, 1972.
- S. F. 517—To revise, update and correct certain sections of the Code of Iowa relating to school districts and school corporations. Approved April 22, 1972.
- S. F. 1038—Relating to eminent domain. Approved April 22, 1972.
- S. F. 1057—Relating to exceptions to the time limits during which certain civil actions must be brought. Approved April 22, 1972.
- S. F. 1059—Relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities. Approved April 22, 1972.
- S. F. 1091—Making an appropriation to the department of public instruction for the purpose of participating in certain federal programs. Approved April 1, 1972.
- S. F. 1096—Relating to tax assessment procedures. Approved April 22, 1972.
- S. F. 1101—Relating to the taxation of real estate transfers and the penalty for failure to comply. Approved April 22, 1972.

- S. F. 1132—Correcting erroneous, inconsistent, and obsolete sections of the Code of Iowa, including some penalty sections. Approved April 22, 1972.
- S. F. 1134—Relating to the regulation of trout fishing. Approved April 22, 1972.
- S. F. 1136—Providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam. Approved April 22, 1972.
- S. F. 1158—Relating to certain municipalities' pollution control facilities and sewage construction projects. Approved April 22, 1972.
- S. F. 1169—Relating to references to the Internal Revenue Code in the computation of individual and corporate income tax and franchise tax. Approved April 1, 1972.
- S. F. 1171—Related to licensing of vehicles from which food and dairy products are sold. Approved April 22, 1972.
- S. F. 1182—Appropriating funds from the general fund of the state of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units and creating a legislative advisory committee. Approved April 22, 1972, with the exception of Sections 5, 6, 7, 8, 9, 10 and 11. See Governor's item veto message.
- S. F. 1191—Relating to business corporations. Approved April 22, 1972.
- S. F. 1192—Relating to the control of dangerous substances and the board of pharmacy. Approved April 22, 1972.
- S. F. 1194—Relating to the Iowa Probate Code. Approved April 22, 1972.
- S. F. 1195—Relating to the drawing of grand jurors. Approved April 22, 1972.
- S. F. 1200—Relating to control of swine brucellosis. Approved April 1, 1972.
- S. F. 1203—Making an appropriation from the general fund of the state to the department of public defense for various capital improvements, and providing for emergency helicopter ambulance service. Approved April 22, 1972.
- S. F. 1206—Relating to the method of paying state employees. Approved April 22, 1972.
- S. F. 1218—Relating to occupational safety and health, providing appropriations to carry out the provisions of this Act, and providing penalties for violations. Approved April 20, 1972.
- S.J.R. 1008—Ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women. Approved April 21, 1972.
- H. F. 6—To establish a state building code, provide for its administration, provide for the setting of fees, and provide a penalty for violation of the code or orders issued thereunder. Approved April 21, 1972.

- H. F. 10—Relating to the maintenance of access roads. Approved April 22, 1972.
- H. F. 69—Relating to errors and omissions insurance for county officers and employees. Approved April 21, 1972.
- H. F. 107—Relating to the use of school lunch facilities by senior citizen organizations. Approved April 1, 1972.
- H. F. 145—Providing an excise tax on the sale of turkeys and providing a penalty for certain violations of this Act. Approved April 21, 1972.
- H. F. 556—Relating to actions arising out of the rendition of services under the Uniform Anatomical Gift Act. Approved April 21, 1972.
- H. F. 671—Relating to the disposal or transfer of abandoned, repairable, or stolen motor vehicles, and providing a penalty. Approved April 21, 1972.
- H. F. 711—Relating to liability arising out of the use of snowmobiles, to registration and safety regulations for snowmobiles and providing a penalty for the violation thereof. Approved April 21, 1972.
- H. F. 734—Relating to the state's compliance with the federal Highway Beautification Act regarding junkyard and billboard standards, and providing penalties. Approved March 29, 1972.
- H. F. 1001—Relating to the safety inspection and regulation of amusement rides, devices, and related electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations. Approved April 20, 1972.
- H. F. 1011—Relating to the attainment of the age of majority. Approved April 19, 1972.
- H. F. 1038—Relating to endurance contests and the penalty for participating therein. Approved April 21, 1972.
- H. F. 1047—Relating to the lending and investing powers of savings and loan associations. Approved April 21, 1972.
- H. F. 1082—Relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty. Approved April 20, 1972.
- H. F. 1101—To legalize and validate proceedings for the establishment, organization, formation, and changes in the boundaries of merged area school systems. Approved April 21, 1972.
- H. F. 1127—Relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school-related functions. Approved April 21, 1972.
- H. F. 1129—Relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less. Approved April 22, 1972.

- H. F. 1133—Making corrective amendments to the "Iowa Beer and Liquor Control Act". Approved April 21, 1972.
- H. F. 1140—Establishing a commission on the status of women and to define its powers and duties. Approved April 19, 1972.
- H. F. 1141—Relating to unfair trade practices in the business of insurance and providing a penalty. Approved April 21, 1972.
- H. F. 1143—Relating to installment loans by state banks. Approved April 21, 1972.
- H. F. 1147—Relating to the election laws and providing penalties for violations thereof. Approved March 29, 1972.
- H. F. 1196—Relating to the planning for and conversion of Terrace Hill for use as a governor's mansion. Approved April 18, 1972.
- H. F. 1203—Relating to erroneous and obsolete references in the Code of Iowa. Approved April 1, 1972.
- H. F. 1214—Relating to funding of the merit system pay plan and making an appropriation. Approved April 21, 1972.
- H. F. 1219—Related to the destruction of undesirable fish. Approved April 21, 1972.
- H. F. 1242—Establishing a commission on compensation, expenses, and salaries for elective state officials and constitutional judicial officers. Approved April 21, 1972.
- H. F. 1247—Making appropriations to the educational radio and television facility board for the purpose of making capital improvements. Approved April 20, 1972.
- H. F. 1258—Amending Chapter 183, Acts of the Sixty-fourth General Assembly relating to motor vehicle inspection. Approved April 21, 1972.
- H. F. 1259—Relating to the use of motor vehicle "registration applied for" cards. Approved April 21, 1972.
- H. F. 1265—Relating to the 1972 primary election. Approved March 31, 1972.
- H. F. 1269—Amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, First Session. Approved April 22, 1972.
- H. F. 1272—Relating to bonded warehouses. Approved April 21, 1972.
- H. F. 1273—Relating to regulation of advertising and selling of courses of instruction. Approved April 21, 1972.
- H. F. 1279—Authorizing exercise of a purchase-option by the executive council and appropriating funds therefor. Approved April 21, 1972.
- H. F. 1283—Relating to income tax of nonresidents. Approved April 21, 1972.
- H. F. 1286—Relating to the sale of real property owned by a school district. Approved April 21, 1972.

- H. F. 1291—Relating to the establishment of an office of citizens' aide, his duties, and providing penalties and making an appropriation. Approved April 20, 1972.
- H. F. 1297—Relating to continuation of the study of the state mental health institutes and the existing institutions for juveniles under the department of social services. Approved April 21, 1972.
- H. F. 1299—Making an appropriation for the purpose of implementing and administering a state building code. Approved April 21, 1972.

GOVERNOR'S VETO MESSAGE

April 22, 1972

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Local

Dear Mr. Synhorst:

Senate File 1190, Second Session of the 64th General Assembly, an act relating to the regulation of county homes, is hereby disapproved and in accordance with Article III, Section 16, Constitution of the State of Iowa is hereby transmitted to the Secretary of State.

Dignity of life belongs to all people not only to those who can afford a choice.

This bill assumes that county homes need different regulations than other similar kinds of health care facilities and that lesser standards are acceptable for patients of county homes which are not adequate for any of our other citizens.

Our Iowa Code (135C.2.1) provides for the promotion and encouragement of adequate and safe care and housing for individuals who are aged or who, regardless of age, are infirm, convalescent, or mentally or physically dependent, by both public and private agencies, by providing for the adoption and enforcement of rules, regulations and standards for the adequate care, health, welfare and safety of such individuals.

It is imperative that all patients living in Iowa health care facilities be equally protected by Iowa laws and regulations.

Only last Wednesday the legislative Rules Review Committee approved new rules under existing law.

This Act, if allowed to become law, would establish a special interest board (County Home Liaison Board) which would negotiate different rules and regulations for its own facilities, and distinctly exclude these facilities from the rules and regulations applicable to other custodial homes. No representatives of the public or of the patients are on the board, only county home staff and county supervisors.

The precedent which would be established by this law would encourage health care facilities at all levels of care to demand special interest liaison boards to advocate special classifications of rules and regulations for themselves.

If the purpose of this bill was to provide care for patients equal to minimum standards for other facilities of the same category, then the bill was not necessary. If its purpose was for lower standards then it shocks the conscience.

The bill provides for a duplication of inspection responsibilities.

There are 82 County Homes in existence in Iowa at this time, with a total of 5,980 beds. With a yearly inspection of each home required, it is also a duplication of monetary expense to maintain two inspection authorities. The State would continue to pay for one. The other would impose a new expense on counties.

Furthermore, I am advised by our Department of Social Services, that Section 3 of the bill intended to extend old age assistance for residents in "county-owned skilled nursing homes" might jeopardize federal matching funds. All such grants might be 100% state funds instead of 58% federal and 42% state.

All citizens of Iowa, including those 5,980 human beings in county homes, deserve the protection of uniform regulation in health care facilities, regardless of their financial status, mental or physical condition. To allow different and special considerations for certain custodial homes in Iowa is to ignore the common human needs of all people living in them.

Sincerely,

ROBERT D. RAY
Governor

GOVERNOR'S ITEM VETO MESSAGE

April 22, 1972

The Honorable Melvin D. Synhorst
Secretary of State
State Capitol
Local

Dear Mr. Synhorst:

I hereby transmit Senate File 1182, an act to appropriate funds from the general fund of the state of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units and creating a legislative advisory committee.

Senate File 1182 is approved April 22, 1972, with the following exceptions which I hereby disapprove.

I am unable to approve Item 5 designated as Section 5 in the Act which reads as follows:

"Sec. 5. There is hereby created a legislative advisory committee to the Iowa crime commission composed of six members. Three members shall be appointed from the senate by the lieutenant governor and three members from the house of representatives by the speaker of the house. The Iowa crime commission, prior to implementing any program, subsequent to July 1, 1972, shall consult with and receive the advice of the legislative advisory committee. The commission does not have to accept any advice offered by the committee. Prior to consulting with its legislative advisory committee the Iowa crime commission shall submit to such committee, in writing, a concise statement of the guidelines used to implement such program and the objectives to be obtained or accomplished by such program; what portion of its appropriation and allocation of federal funds will be utilized to accomplish each guideline and objective; the unit cost basis for implementing the guidelines and objectives, and any other information the committee may request."

I am unable to approve Item 6 designated as Section 6 in the Act which reads as follows:

"Sec. 6. If federal guidelines permit and the Iowa crime commission allocates the necessary funds, the legislative advisory committee shall establish a post audit evaluation of selected programs of the crime commission. The committee shall utilize the services of the legislative fiscal director who shall employ such additional personnel as is needed and supervise such personnel in accomplishing the post audit evaluation of the programs designated by the committee. Such personnel shall be the employees of the fiscal director."

I am unable to approve Item 7 designated as Section 7 in the Act which reads as follows:

"Sec. 7. The individual performing the post audit evaluation shall, in respect to each program to be evaluated, determine the number of individuals who have participated in and benefited from such program; establish a unit cost basis for accomplishing the guidelines and objectives reported pursuant to section five (5) of this Act; determine the amount spent for planning, administrative salaries, office salaries, office space, equipment, overhead, and support and the allocation thereof to each guideline and objective; determine the amount of any state and federal funds actually reaching the persons to be benefited in the form of a direct service or benefit; and determine any other criteria which will indicate if the benefits to be derived from the program are justified by the costs of such program."

I am unable to approve Item 8 designated as Section 8 in the Act which reads as follows:

"Sec. 8. The individual performing the post audit evaluation shall file a written report with the committee concerning all of his examinations and audits required in sections five (5) and seven (7) of this Act and also send a copy thereof to the Iowa crime commission and local government or combination of such units who after receiving, examining, and studying such report shall file, within a reasonable period of time, with the committee its written response thereto specifically answering any alleged illegal expenditures, unbusinesslike practices, excessive personnel, excessive personnel positions, inefficient and uneconomical implementation of a program, and any other specific criticisms and recommendations made in the report. All such reports and responses thereto shall be a public record."

I am unable to approve Item 9 designated as Section 9 in the Act which reads as follows:

"Sec. 9. The legislative advisory committee shall meet to consider the reports filed and the responses filed thereto and when there has been reported any illegal expenditures, unbusinesslike practices, utilization of excessive personnel or personnel positions, inefficient or uneconomical implementation of a program, or a program which is not accomplishing its purpose, the committee shall hold a public hearing thereon where the sworn testimony of the individual performing the post audit evaluation and personnel of the Iowa crime commission and local government or combination of such units involved shall be received, and the committee may request any other evidence or testimony it deems relevant and material."

I am unable to approve Item 10 designated as Section 10 in the Act which reads as follows:

"Sec. 10. The legislative advisory committee shall submit to the general assembly within thirty days of its next convening a written report of its audits and public hearings and any recommendations it may have based thereon."

I am unable to approve Item 11 designated as Section 11 in the Act which reads as follows:

"Sec. 11. Any general local government, a unit thereof, and combinations of such units that receive any federal or state funds pursuant to action of the Iowa crime commission shall, upon request of the legislative advisory committee to the Iowa crime commission, cooperate in the conducting of any such post audit evaluation and appear and testify upon request."

I have disapproved Sections 5, 6, 7, 8, 9, 10, and 11 of Senate File 1182 because they violate the constitutional separation of the legislative and executive branches of government. If the Legislative Advisory Committee performed its duties under these Sections and exercised the powers given to it, the Committee would be effectively acting in an executive capacity or using delegated legislative powers. In either situation, they would be acting unconstitutionally. (1963 OA6 44, June 14, 1963)

These Sections require the Iowa Crime Commission to consult with and receive the advice of the Legislative Advisory Committee prior to implementing any program. While "The Commission does not have to accept any advice offered by the Committee," it is obvious that legislative support including appropriations to the Commission may very well depend on acceptance of such "advice."

Section 6 calls for the allocation of the Iowa Crime Commission funds for the Legislative Advisory Committee to hire personnel for their own administrative direction.

Federal Bureau of the Budget Circular A-87 prohibits such expenditures.

A great deal of duplication of effort is inherent in these Sections relative to the Legislative Advisory Committee. More specifically, Section 5 requires a concise statement of guidelines, analysis of apportionment of funds to programs, unit cost basis for implementation, and submission of any other information the committee may request. Section 6 establishes a post audit evaluation of selected programs and authorizes employment of additional personnel by the legislative fiscal director. Section 11 calls upon local governments to appear and testify before the Committee.

The Iowa Crime Commission is a widely representative body. Its members includes legislators of both Houses of the General Assembly. A staff is employed which does considerable evaluation work both at the planning stage and following the awarding of grants. Funds are subject to audit review by the State Auditor and by the Federal Law Enforcement Assistance Administration, as well as by the State Crime Commission itself. Full scale audits of the Commission functions are continually being conducted by these agencies.

In addition, local crime commissions are composed of local citizens who represent both the public and private sectors. These local commissions are responsible for justification, implementation and evaluation of their programs and projects.

In addition to representation on the Commission itself by legislators, annual reports are provided to each member of the General Assembly. Information on specific grants is readily available upon request to any

legislator concerned about his district or about the Crime Commission or its activities in general. Members of the Commission and staff are already available to testify at hearings or otherwise at any reasonable time.

The Crime Commission, as is true with other agencies of state government, must be subject to close scrutiny. There are provisions for this purpose that are being used.

If this bill became law, legislators would be required to devote considerable time to commission work which would only duplicate the effort of responsible members of the Commission and staff. In addition to the usurpation of legislative power, such action would also be delaying and highly inefficient in both time and effort.

For these reasons I hereby disapprove these seven items as provided in the amendment to the Constitution of the State of Iowa adopted in 1968. All other items of Senate File 1182 are hereby approved this date.

Sincerely,

ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

April 4, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1019 was published in The Sioux County Index-Reporter, Hull, Iowa, March 16, 1972, and in The Marion Sentinel, Marion, Iowa, March 23, 1972.

I further certify that House File 367 was published in the Hampton Chronicle, Hampton, Iowa, March 23, 1972, and in the Chariton Herald-Patriot, Chariton, Iowa, March 23, 1972.

I further certify that House File 1074 was published in the Ames Daily Tribune, Ames, Iowa, March 23, 1972, and in The Boone News-Republican, Boone, Iowa, March 24, 1972.

I further certify that House File 1213 was published in The DeWitt Observer, DeWitt, Iowa, March 23, 1972, and in The Guttenberg Press, Guttenberg, Iowa, March 22, 1972.

I further certify that House File 1176 was published in the Fort Dodge Messenger and Chronicle, Fort Dodge, Iowa, March 27, 1972, and in The Washington Evening Journal, Washington, Iowa, March 23, 1972.

Respectfully submitted,

MELVIN D. SYNHORST
Secretary of State

April 13, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1147 was published in the Times-Democrat, Davenport, Iowa, April 4, 1972, and in The Muscatine Journal, Muscatine, Iowa, April 7, 1972.

I further certify that House File 1265 was published in The Muscatine Journal, Muscatine, Iowa, April 7, 1972, and in the Times-Democrat, Davenport, Iowa, April 10, 1972.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

April 27, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that House File 1071 was published in the Audubon News-Advocate, Audubon, Iowa, March 30, 1972, and in the Audubon County Journal, Exira, Iowa, April 6, 1972.

I further certify that House File 1075 was published in the Adair County Free Press, Greenfield, Iowa, April 12, 1972, and in the Guthrie Center Times, Guthrie Center, Iowa, April 12, 1972.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

May 18, 1972

Mr. Carroll Lane
Secretary of the Senate
State Capitol Building
Des Moines, Iowa 50319

I hereby certify that Senate File 1057 was published in The Story County Herald, Story City, Iowa, May 10, 1972, and in the Emmetsburg Reporter, Emmetsburg, Iowa, May 2, 1972.

I further certify that Senate File 1059 was published in The Sioux City Journal, Sioux City, Iowa, April 28, 1972, and in The Denison Bulletin, Denison, Iowa, May 2, 1972.

I further certify that Senate File 1192 was published in the Times-Democrat, Davenport, Iowa, April 28, 1972, and in the Lee Town News, Des Moines, Iowa, May 4, 1972.

I further certify that House File 1001 was published in the Lee Town News, Des Moines, Iowa, May 4, 1972, and in The Daily Gate City, Keokuk, Iowa, May 5, 1972.

I further certify that House File 1133 was published in The Bellevue Herald-Leader, Bellevue, Iowa, May 4, 1972, and in the Lee Town News, Des Moines, Iowa, May 4, 1972.

I further certify that House File 1286 was published in The Cascade Pioneer-Advertiser, Cascade, Iowa, May 4, 1972, and in The Telegraph-Herald, Dubuque, Iowa, April 28, 1972.

I further certify that Senate File 1158 was published in the Globe-Gazette, Mason City, Iowa, May 2, 1972, and in the Clear Lake Mirror-Reporter, Clear Lake, Iowa, May 3, 1972.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

APPOINTMENTS ANNOUNCED AFTER CLOSE OF SESSION
LEGISLATIVE COUNCIL

President Jepsen announced the appointment of Senator John M. Walsh, Dubuque, as a member of the Legislative Council to fill the vacancy created by the resignation of Senator Arthur A. Neu, Carroll, on April 12, 1972.

President Jepsen made the following appointments to the Legislative Council to fill vacancies created by the resignations of Senators S. J. Brownlee and John M. Walsh on May 10, 1972:

Senator John C. Rhodes, Chariton

Senator George F. Milligan, Des Moines

COMMISSION ON THE AGING

President Jepsen announced the appointment of Senator John M. Walsh to the Commission on the Aging to fill the vacancy created by the resignation of Senator John C. Rhodes, term expiring June 30, 1973.

IN MEMORIAM

Senate

CALHOUN, JOHN N. Dec. 2, 1908—Nov. 1, 1971

HICKENLOOPER, BOURKE BLAKEMORE July 21, 1896—Sept. 4, 1971

NELSON, CHARLES W. July 6, 1908—Jan. 28, 1972

JOHN N. CALHOUN

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable John N. Calhoun, begs leave to submit the following memorial:

John N. Calhoun was born at Birmingham, Iowa, on December 2, 1903. He was graduated from the Birmingham High School and from Parsons College, Fairfield, Iowa, and received his law degree from the University of Iowa in 1929, the year he was admitted to the bar. On June 25, 1929, he was married to Dorothea Rains. They had two sons, John R., of Long Beach, California, and Clifford J., of Boulder, Colorado, and a daughter, Carol, of New York, New York. He taught high school at Lockridge, Iowa, from 1923 through 1925, and after receiving his law degree in 1929, practiced law in Keosauqua, Iowa, until 1937.

He enlisted in the National Guard in 1936, and was called to duty as a master sergeant in 1941. He served approximately five and one-half years of active duty and was released in 1946 as a Lieutenant Colonel. He served on numerous general courts-martial in the Persian Gulf Command and was acting staff judge advocate at one time. Mr. Calhoun returned to the National Guard, retiring as Lieutenant Colonel in 1958 and was named honorary Colonel in 1963. He was county attorney in Des Moines County from 1951 through 1954, and president of the Des Moines County Bar Association one term.

Mr. Calhoun was a member of the First United Methodist Church, Rotary, American Legion, Veterans of Foreign Wars, and Elks.

John N. Calhoun served the State of Iowa as Senator from Van Buren and Jefferson Counties during the Forty-fifth, Forty-fifth Extra, and Forty-sixth General Assemblies.

He died on November 1, 1971.

Survivors include his wife, Dorothea; two sons, John R., and Clifford J., a daughter, Carol, and six grandchildren.

Therefore, Be It Resolved by the Senate of the Sixty-fourth General Assembly of Iowa: That in the passing of the Honorable John N. Calhoun, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his services to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

CHARLES P. MILLER, Chairman
RICHARD L. STEPHENS
WILSON L. DAVIS

Committee

The resolution was unanimously adopted.

BOURKE BLAKEMORE HICKENLOOPER

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Bourke Blakemore Hickenlooper, begs leave to submit the following memorial:

His proud parents named him Bourke Blakemore Hickenlooper when he was born on July 21, 1896, in the small Taylor County town of Blockton in Southwest Iowa. By the time he departed this life seventy-five years later, on September 4, 1971, his unusual, multi-syllabled name was rolling easily off the tongues of those in virtually every Iowa household and the man to whom it belonged had become the "winningest" political figure in the history of Iowa.

When he decided to make politics his career, Bourke Blakemore Hickenlooper realized his rather difficult-to-pronounce name might prove a vote-getting liability unless he found a way to change it into an asset. So, as a candidate for lieutenant governor, he went from door-to-door encouraging people to call him just plain "Hick". Wearing a broad grin he explained the reason why in every nook and cranny of the state by telling about the time, as a small boy, his mother sent him to the drug store in the county seat Bedford.

"I asked for a nickel's worth of assafetida and told the druggist to charge it," he'd recount. "He asked me my name. I told him it was Bourke Blakemore Hickenlooper. He asked me to say it again. I did. He said 'Here sonny, take it. It isn't worth a nickel to write assafetida and Hickenlooper on the same charge ticket.'"

From his rich, rural background, he branched out to win a degree in industrial science from Iowa State and a degree in law from the University of Iowa on his way to becoming the number one Republican on the foreign relations committee of the United States Senate and a confidant of Presidents of both political parties. He served as chairman of the Joint Atomic Energy Committee, was named a representative of the United States to the United Nations General Assembly by President Eisenhower in 1958 and to a congressional team to oversee the South Vietnam elections by President Johnson in 1966.

Only the late Senator William B. Allison, among Iowans, enjoyed a longer record of service in the Senate than Bourke Blakemore Hickenlooper and Senator Allison's record was made in the days before senators were elected by popular vote.

With his twenty-four years in the Senate, two years as Governor of Iowa, four years as Lieutenant Governor of Iowa, and four years as a State Representative from Linn county, where he established his home and law practice after returning from World War I, Senator Hickenlooper devoted thirty-four years—nearly half his lifetime—to public service.

The people of his native state, together with his colleagues in the United States Congress, held him in high esteem for his devotion to principles, his unswerving loyalty, his unquestioned integrity, and his enviable ability to get along with others. Yes, and for his enduring humility, perhaps best exhibited by the Senator on October 5, 1961 when nearly 1,200 friends from Iowa and around the nation gathered in Cedar Rapids to pay him honor.

Former Presidents Hoover and Eisenhower were among those who sent accolades, which were interspersed with spoken tributes by many of his Senate colleagues who came in person for the grand occasion.

"I wish that the many fine things that have been said about me could be fully accurate," he responded. "Friendship has a habit of putting a little more glitter on a man than actually is there."

Bourke Blakemore Hickenlooper's body rests today in a mausoleum in the Cedar Memorial Chapel of Memories in Cedar Rapids, near that of his beloved wife, Verna, who preceded him in death. A son, David, of Bloomfield, and a daughter, Mrs. Russel L. Oberlin, of Des Moines, survive.

Bourke Blakemore Hickenlooper, truly a tall Iowan among Iowans.

(The foregoing was written by Mr. Frank Nye, Associate Editor of the Cedar Rapids Gazette, at the request of the undersigned committee because of Mr. Nye's long time association with Senator Hickenlooper and Iowa politics.)

Therefore, Be It Resolved by the Senate of the Sixty-fourth General Assembly of Iowa: That in the passing of the Honorable Bourke Blakemore Hickenlooper, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

TOM RILEY, Chairman
RALPH W. POTTER
CLOYD E. ROBINSON
Committee

The resolution was unanimously adopted.

CHARLES W. NELSON

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Charles W. Nelson, begs leave to submit the following memorial:

Charles W. Nelson was born on July 6, 1908 in Packwood, Iowa. He was reared and educated in the Packwood community and attended Parsons College and the University of Iowa. On November 27, 1930, he was married to Marie Mills at Washington, Iowa. Mr. Nelson operated a hatchery in Packwood for thirty years, and at the time of his death, was owner and operator of 'Small Town Antiques' in Packwood.

He was a member of the Packwood Methodist Church, Masonic Lodge No. 104, past master of the Abingdon Masonic Lodge, El Chanon Commandery No. 28, I.N.R.I. Council No. 50, McCord Chapter No. 4, R.A.M., Kaaba Shrine and Fairfield Shrine Club.

Charles Nelson served as Republican Senator from Jefferson and Van Buren Counties during the Fifty-fifth and Fifty-sixth General Assemblies,

and as Representative from Jefferson County during the Forty-seventh and Forty-eighth General Assemblies.

At the time of his death on January 28, 1972, Mr. Nelson was survived by his widow, Marie; his twin sister, Mrs. Louise Neese, Webster City; one brother, Harlan, Birmingham; one daughter, Mrs. Keith Fawcett, Green Bay, Wisconsin; and three grandchildren.

Therefore, Be It Resolved by the Senate of the Sixty-fourth General Assembly of Iowa: That in the passing of the Honorable Charles W. Nelson, the state has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service, and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

WILSON L. DAVIS, Chairman
MINNETTE F. DODERER
CHARLES P. MILLER

Committee

The resolution was unanimously adopted.

SENATE-HOUSE COMPANION BILLS

"S" indicates the bills are Similar and/or Same Subject Matter

S.F.	H.F.								
64	1134 S	1006	1014	1047,	1058,	1100	1135,	1149	1123 S
107,		1007	1015	139	143 S	343	95 S	1151	1091
1142,	521 S	1008,	1112,	1049	1028	1102	1167	1154	524 S
139,	143,	341	100 S	1052	1104 S	1103	1166	1156	1263 S
1047	1058 S	1009	1011 S	1055	1074	1104	1171	1157	1151
218,	1003,	1011,	1110 S	1057	1086	1106,	352,	1158	1239
1037	1065 S	1080		1058	1079	1202	1300 S	1162	1244
255	350,	1013	1053 S	1059	1095	1107	1179	1166	1132,
	1285 S	1014	1035	1060	1076	1109	1093		1111 S
279	139,	1017	1043,	1061	1180 S	1113	1146	1167	1131
	1283		1063 S	1062	1289 S	1117	1120,	1178	1253
288	1122,	1020	1031	1063	1080		452 S	1179	1207,
	1291 S	1021	1084	1065	1042	1119	1152		1019 S
341,	100,	1026	1005	1066	280 S	1124	1119 S	1180	1260 S
1008	1112 S	1028	1037,	1067	1046	1125,	1175,	1186	1257
343,	95,		1030 S	1072	1070	575	733 S	1191	1170
1100	1135 S	1031	1036	1073	1056,	1126	1161	1196	1272
354	1039	1032	1007		1276 S	1131	80	1200	1270 S
459	1022 S	1036	1181 S	1075	1099 S	1138	1188 S	1201	1293
529	1101 S	1037,	1065,	1083	1114	1139	1154	1202,	1300,
575,	733,	218	1003 S	1085	1130,	1140	635	1106	352 S
1125	1175 S	1038	229		1280	1142,		1207	1052
1001	1045	1040	1068 S	1086	1089	107	521 S	1211	1140
1002	1012	1043	1072	1099	1141	1143	1156 S	1213	1296
1003	1013	1046	1048			1144	414		

RECORD OF SENATE BILLS IN SENATE

SENATE JOINT RESOLUTIONS AND SENATE FILES
PASSED AND APPROVED—60

S.J.R. 1008

S.F.

77, 85, 163, 185, 202, 203, 260, 274, 334, 376, 392, 428, 431,
470, 471, 517, 590, 593, 1005, 1008, 1013, 1014, 1019, 1023, 1026, 1030,
1038, 1046, 1057, 1059, 1069, 1070, 1087, 1091, 1096, 1101, 1110, 1125, 1132,
1134, 1136, 1148, 1158, 1169, 1171, 1172, 1182, 1188, 1191, 1192, 1194, 1195,
1198, 1200, 1201, 1203, 1206, 1213, 1218.

SENT TO SECRETARY OF STATE
S.J.R. 1008

ITEM VETO ON BILLS APPROVED BY THE GOVERNOR
S.F. 1182

BILLS VETOED BY THE GOVERNOR
S.F. 1190

S. J. R.	Page	S. J. R.	Page
3 By Walsh. A joint resolution proposing an amendment to the constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the General Assembly.		1004 By Walsh. A joint resolution to create a special interim study committee on county statutes and to make an appropriation therefor.	
Withdrawn	1085	Introduced, passed on file	457
1001 By Mowry. A joint resolution proposing an amendment to the constitution of the State of Iowa relating to the seat of government.		Referred to appropriations	459
Introduced, passed on file	127	1005 By Van Gilst. A joint resolution proposing an amendment to the constitution of the State of Iowa relating to the time laws take effect.	
Referred to constitutional amendments and reapportionment ...	138	Introduced, passed on file	475
1002 By Anderson, Arbuckle, Balloun, Bass, Briles, Carlson, Coleman, Conklin, Curran, Davis, DeKoster, Erskine, Gaudineer, Gilley, Graham, Griffin, Gross, Hill, Keith, Kennedy, Kyhl, Lamborn, Laverty, Messerly, Miller, Nicholson, Palmer, Potgeter, Potter, Rabedeaux, Rhodes, Riley, Robinson, Shawver, Smith, Stephens, Thordsen, Van Gilst and Walsh. A joint resolution proposing an amendment to the constitution of the State of Iowa which prohibits the General Assembly and any political subdivision from imposing or increasing any tax retroactively.		Referred to constitutional amendments and reapportionment ...	491
Introduced, passed on file	180	1006 By Walsh. A joint resolution proposing an amendment to the constitution of the State of Iowa to allow a property tax exemption for persons sixty-five years of age or older.	
Referred to constitutional amendments and reapportionment ...	196	Introduced, passed on file	792
1003 By Gaudineer. A joint resolution providing for a study of salaries of elective and appointive state officials.		Referred to constitutional amendments and reapportionment ...	801
Introduced, passed on file	338	1007 By Constitutional Amendments and Reapportionment. A joint resolution proposing an amendment to the constitution of the State of Iowa relating to the power of the state to contract debts.	
Referred to state government ..	351	Introduced, placed on calendar ..	834
		Steering recommends calendar ..	1061
		Passed Senate. Ayes 43, nays 7 ..	1062
		1008 By Conklin and Doderer. A joint resolution ratifying a proposed amendment to the constitution of the United States relative to equal rights for men and women.	
		Motion to suspend rules	1155
		Committee of the whole	1153
		Rule suspended	1158
		Motion to suspend rules	1163
		Motion to suspend rules prevailed	1164

S. J. R.	Page	S. F.	Page
Introduced, passed on file	1164	commission action or decisions.	
Motion to suspend rules	1164	Returned to judiciary	12
Motion to suspend rules prevailed	1165	77 By Tapscott (Bray). A bill for an act to repeal the referendum for approval of low-rent housing projects and to substitute an alternate procedure therefor.	
Motion to suspend rules withdrawn	1165	Message from House	184
Passed Senate. Ayes 44, nays 1	1166	Senate concurred	218
Explanation of vote	1176	Passed Senate. Ayes 33, nays 11	219
Reported correctly enrolled	1177	Reported correctly enrolled	373
Signed by President	1178	Signed by President	373
Sent to Governor	1178	Sent to Governor	374
Signed by Governor	1185	Signed by Governor	442
		80 By Milligan and Carlson (Alt, Hill and Kreamer). A bill for an act relating to the establishment of a municipal tax relief fund.	
		Returned to cities and towns	12
		Committee report	181
		Recommended passage	181
		Withdrawn	225
		82 By Van Gilst and Sullivan (Stokes and Dougherty). A bill for an act relating to the use of school lunch facilities by senior citizen organizations.	
		Withdrawn	906
		85 By Laverty, Erskine, Curran, Milligan and Smith (Varley, Blouin, Cochran, Miller, McCormick, Dougherty, Rodgers and Lawson). A bill for an act creating a department of environmental quality, specifying its powers, duties, and functions, and providing penalties for violations thereof.	
		Message from House	365
		Senate refused to concur	405
		Conference committee appointed	451
		Conference committee report	600
		Second conference committee appointed	600
		Message from House	399
		Second conference committee report	399
		Third conference committee appointed	996
		Third conference committee report	1029
		Third conference committee report adopted	1043
		Passed Senate. Ayes 36, nays 12	1043
		Reported correctly enrolled	1177
		Signed by President	1178
		Sent to Governor	1178
		Signed by Governor	1184
		95 By Kennedy, Smith and Thordsen (Shaw and Drake). A bill for an act relating to state land bordering on streams or lakes.	
		Returned to conservation and recreation	12
		98 By Curran, Neu, Smith and Kennedy (Shaw, Fisher of	

S. F.	Page
Greene and Drake). A bill for an act relating to fees charged by the bureau of labor for certificates of inspection.	
Returned to human and industrial relations	12
110 By Mowry and Gaudineer. A bill for an act relating to the judicial retirement system.	
Returned to appropriations	12
128 By Walsh, Thordsen and Palmer (Ellsworth, Freeman, Drake, Wells, Taylor, and Waugh). A bill for an act relating to the taxation of coin-operated laundries.	
Returned to ways and means ..	12
Committee report	772
Recommended passage	772
Returned to ways and means ..	1089
132 By Curran and Messerly. A bill for an act relating to the compensation of appointive jury commissioners.	
Returned to county government .	12
134 By Potter, Conklin, Keith, Van Gilst, Coleman, Shaff, Sullivan and Nicholson. A bill for an act relating to free distribution of the Code of Iowa to members of Iowa's congressional delegation.	
Returned to appropriations	12
144 By Thordsen, Schaben, Kennedy, Sullivan and Rabedeaux (Den Herder, Radl, and Doyle). A bill for an act relating to the board of parole.	
Returned to state government ..	12
154 By Walsh, Kyhl, Potgeter and Schaben (Tieden, Camp, Fischer of Grundy, and Harbor). A bill for an act relating to the establishment of a regional medical education board and providing an appropriation.	
Committee report	835
Recommended passage	835
Returned to appropriations	1089
163 By Cities and Towns. A bill for an act relating to retirement systems for policemen and firemen.	
Message from House	1146
Senate concurred	1159
Passed Senate. Ayes 44, nays 1	1159
Reported correctly enrolled ..	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1184
167 By Gaudineer. A bill for an act relating to juror fees.	
Returned to county government .	12
177 By Shaff, Miller, Mowry, Davis and Thordsen. A bill for an act relating to exemption from sales and use tax on tangible personal prop-	

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ty used as railroad rolling stock or materials or parts therefor.	
Withdrawn	59
184 By Nicholson, Sullivan, Walsh, Miller and Thordsen (Lawson, Knoblauch, Grassley, Millen and Hamilton). A bill for an act relating to licensing and regulation of hearing aid dealers, appropriating license fees for purposes of administration, and providing penalties for a violation.	
Returned to state government ..	12
Committee report	173
Recommended passage	173
Amendment filed	206
Committee report adopted	224
Amendments adopted	224
Motion filed to reconsider vote ..	224
Motion to reconsider vote prevailed	224
Amendments filed	225
Amendments adopted	225
Amendment filed	228
Amendments filed	243
Amendment filed	282
Motion filed to reconsider vote ..	351
Amendments filed	352
Amendment filed	419
Amendment lost	431
Amendments adopted	431
Motion filed to reconsider vote ..	431
Motion to reconsider vote prevailed	431
Amendments withdrawn	431
Amendment adopted	432
Amendments adopted	434
Amendment withdrawn	434
Motion filed to reconsider vote ..	435
Motion to reconsider vote prevailed	435
Amendment lost	436
Amendment adopted	436
Amendments withdrawn	436
Amendment filed	436
Amendment adopted	437
Amendment filed	437
Amendment lost	437
Passed Senate. Ayes 46, nays 2 ..	437
Motion filed to reconsider vote ..	438
Motion to reconsider vote laid on table	438
Motion to reconsider vote laid on table prevailed	438
185 By Miller, Briles, Thordsen and Doderer (Shaw, Holden, Lawson, Sorg, Ellsworth, Dunton, Rex, Egenes, Mendenhall, Pellett and Lipsky). A bill for an act to combine the present county fund for mental health with the state institution fund, redesignating the latter as the county mental health and institutions fund, prescribing the purposes for which such fund may be used, and authorizing a levy therefor.	
Returned to county government .	12
Committee report	392
Recommended passage	392
Committee reports adopted	489
Amendments filed	492
Amendment adopted	500
Amendment filed	500

S. F.	Page
Amendment filed	501
Amendments adopted	501
Amendment withdrawn	503
Amendment filed	503
Amendment lost	503
Passed Senate. Ayes 27, nays 15 ..	504
Message from House	1076
Senate concurred	1118
Passed Senate. Ayes 38, nays ..	1118
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1184
202 By County Government. A bill for an act relating to changing of names by individuals.	
Message from House	743
Senate concurred	1015
Passed Senate. Ayes 45, nays 1 ..	1015
Reported correctly enrolled	1155
Signed by President	1155
Sent to Governor	1156
Signed by Governor	1184
203 By County Government. A bill for an act relating to administrative rules and regulations	
Reported correctly enrolled	373
Signed by President	373
Sent to Governor	374
Signed by Governor	442
214 By Erskine, Sullivan, Curran, Potgeter, Potter, Keith, Carlson, Kyhl, Ollenburg, Messerly, Griffin, Lamborn and Balloun (Andersen). A bill for an act relating to the liability for costs resulting in the contest of election results.	
Returned to state government ...	12
220 By Stephens. A bill for an act relating to the tort liability of school districts and other governmental subdivisions.	
Returned to schools	13
223 By Briles. A bill for a act relating to licenses and the tax on the scale of tickets of admission for professional boxing and wrestling matches.	
Returned to commerce	13
Committee report	307
Recommended amendment, passage	307
Committee report adopted	452
Amendment adopted	452
Amendments lost	453
Amendment withdrawn	453
Amendments filed	453
Amendment adopted	453
Passed Senate. Ayes 34, nays 9 ..	454
230 By Coleman (Rex and Hansen). A bill for an act to provide an excise tax on the sale of turkeys and providing a penalty for certain violations of this act.	
Withdrawn	1117
237 By Conklin. A bill for a act to provide that the un-	

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authorized possession of credit cards or other credit devices is a crime.	
Returned to law enforcement ...	13
Withdrawn	59
239 By Doderer and Messerly. A bill for an act to authorize and regulate nonprofit corporations which provide prepaid comprehensive health care.	
Returned to commerce	13
260 By Briles. A bill for an act relating to weather modification in counties.	
Message from House	641
Senate concurred	711
Passed Senate. Ayes 36, nays 7 ..	711
Reported correctly enrolled	867
Signed by President	867
Sent to Governor	867
Signed by Governor	1079
263 By DeKoster and Griffin. A bill for an act to forbid the use of the highways of this state to habitual offenders of the traffic laws, and to provide punishment for those who violate the provisions of this act.	
Returned to law enforcement ..	13
274 By Riley (Dougherty, Stokes, Strand, Priebe and Schmeiser). A bill for an act relating to age discrimination in employment.	
Committee report	479
Recommended amendment, passage	479
Committee amendment	479
Steering recommends calendar ..	509
Committee report adopted	650
Committee amendment adopted ..	650
Passed Senate. Ayes 44, nays none	650
Reported correctly enrolled	898
Signed by President	898
Sent to Governor	899
Signed by Governor	1079
287 By Robinson (Lipsky). A bill for an act designating a certain water area of the Wapsipinicon river as an artificial lake and providing for the management of the lake area.	
Returned to conservation and recreation	13
288 By Potgeter and Walsh. A bill for a act to establish the office of ombudsman for the investigation of citizen complaints and certain acts of government within the state, to define his powers and duties, and to provide penalties.	
Returned to state government ..	13
Committee report	623
Recommended amendment, passage	623
Committee amendment	623
Amendment filed	706
Steering recommends calendar ..	1000
Amendment filed	1040
Withdrawn	1133

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298 By Griffin (Kreamer). A bill for an act relating to motor vehicle registration certificate containers.	
Returned to transportation	13
307 By Potter and Potgeter. A bill for an act relating to the real property tax credit provided for disabled veterans.	
Returned to ways and means ..	13
322 By Curran, Coleman, Rabedeaux and Miller (Lawson, Strand, Mayberry, Logemann, Rex, Ellsworth, Edelen, Drake, Dunton, Nielsen and Millen). A bill for an act relating to compensation for feeding prisoners in certain counties.	
Returned to county government ..	13
327 By Laverty. A bill for an act relating to construction specifications for secondary roads.	
Returned to transportation	13
329 By Laverty and Van Drie (Pierson, Middleswart, Waugh, Dougherty, Rodgers, Priebe, Roorda, Dunton and Mendenhall). A bill for an act relating to the operation of aircraft.	
Returned to transportation	13
333 By Law Enforcement. A bill for an act relating to the revocation or suspension of operators' or chauffeurs' licenses.	
Returned to law enforcement ..	13
Committee report	60
Recommended amendment, passage	60
Committee report adopted	120
Amendment adopted	120
Re-referred to law enforcement ..	121
334 By Agriculture. A bill for an act relating to the vending of foods and beverages and providing a penalty.	
Returned to agriculture	13
Committee report	60
Recommended passage	60
Committee report adopted	121
Placed on calendar under unfinished business	121
Amendment filed	124
Amendment filed	129
Amendments adopted	130
Passed Senate, Ayes 43, nays 1 ..	130
Explanation of vote	137
Message from House	490
Amendment filed	497
Amendment adopted	497
Senate concurred	498
Passed Senate, Ayes 40, nays 1 ..	498
Reported correctly enrolled	867
Signed by President	867
Sent to Governor	867
Signed by Governor	1079
336 By Gaudineer. A bill for an act relating to replevin bonds.	
Committee report	197

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Recommended amendment, passage	197
Committee amendment	197
Amendment filed	243
Committee report adopted	267
Committee amendment withdrawn	268
Amendment adopted	268
Passed Senate, Ayes 39, nays none	268
Explanation of vote	281
340 By Tapscott. A bill for an act relating to the levy of taxes for the operation and maintenance of courts.	
Committee report	1053
Recommended passage	1053
Returned to ways and means ..	1089
346 By Erskine (Tleden). A bill for an act imposing fees for the use of certain state recreational areas and providing penalties for violations.	
Returned to conservation and recreation	13
356 By Gaudineer, Kennedy and Miller. A bill for an act relating to permits to carry concealed weapons, and to provide punishment for those persons who violate the act.	
Returned to law enforcement ...	13
Committee report	80
Recommended passage	80
Amendment filed	124
Amendment filed	138
Committee report adopted	160
Amendment withdrawn	160
Amendment adopted	160
Amendment adopted	161
Amendments withdrawn	161
Amendment filed	161
Amendment lost	162
Amendment adopted	162
Passed Senate, Ayes 47, nays none	162
Motion filed to reconsider vote ..	163
Explanation of vote	173
Amendment filed	174
Motion to reconsider vote failed ..	223
360 By Thordsen, Riley, Walsh, Messerly, Curran, Gaudineer, Schaben, Van Drie, Griffin, Nicholson, Rabedeaux, Graham and Mowry. A bill for an act relating to penalties for the operation of coin machines by false means.	
Committee report	60
Recommended passage	60
Committee report adopted	121
Placed on calendar under unfinished business	121
Amendment filed	244
Returned to law enforcement ...	1089
371 By Potgeter. A bill for an act relating to the movement of vehicles with loads of excess size and weight.	
Returned to transportation	13
374 By Higher Education. A bill for an act authorizing merged areas to acquire and	

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operate student centers and parking facilities, and to finance the cost with revenue bonds.		396 By Schaben. A bill for an act related to the revocation penalty for drag racing.	
Returned to higher education ..	13	Returned to law enforcement ..	13
376 By Coleman and Kyhl. A bill for an act relating to vehicle equipment requirements.		403 By Coleman and Kyhl. A bill for an act relating to in-transit vehicles.	
Returned to transportation	13	Returned to transportation.....	13
Amendment filed	325	404 By Tapscott, Potgeter, Smith, Gaudineer, Van Gilst, DeKoster, Walsh, Briles, Schaben, Robinson, Arbuckle, Griffin, Gilley, Coleman, Palmer, Kennedy, Shawver, Erskine, Balloun, Rhodes, Miller, Nicholson and Graham (Kreamer, Andersen, Fischer of Grundy, Bennett, Doyle, Kinley, Fisher of Greene, Ellsworth, Anania, Jesse, Dunton, Drake, Franklin, Christensen, Freeman, Radl, Middleswart, Tieden, Scott, Knoblauch, Willits, Mayberry, Kruse, Roorda, Stromer, Rodgers, Patton, Priebe, Schroeder, Alt, Kennedy, Rex, Skinner and Blouin). A bill for an act to make an appropriation to the executive council for the college of osteopathic medicine and surgery, Polk county, Iowa.	
Committee report	1054	Withdrawn	737
Recommended passage	1054	410 By Potter and Keith. A bill for an act relating to the taxation of real estate transfers and the penalty for failure to comply.	
Steering recommends calendar ..	1061	Returned to ways and means	13
Committee report adopted	1069	Amendment filed	114
Point of order raised	1069	Withdrawn	391
Ruled out of order	1069	424 By Riley, Robinson, Kennedy, Gaudineer, Davis, Potter, Coleman, Walsh, and Kyhl (Doyle, Hamilton, Clark, Millen, Johnston, Radl, Stanley, Wells, Small, Mayberry and Pelton). A bill for an act relating to the establishment of civil service for deputy county sheriffs and providing penalties for violations.	
Passed Senate. Ayes 45, nays none	1069	Committee report	622
Message from Senate	1147	Recommended passage	622
Senate concurred	1160	Returned to county government ..	1089
Passed Senate. Ayes 43, nays none	1160	428 By Judiciary. A bill for an act to provide a unified trial court having district court judges, district associate judges, and judicial magistrates; to discontinue inferior courts; to establish traffic violations offices within the district court to receive uniform traffic violation penalties; to prescribe procedures for district courts, and providing penalties.	
Reported correctly enrolled	1177	Message from House	545
Signed by President	1178	Senate refused to concur	585
Sent to Governor	1178	Message from House	606
Signed by Governor	1184	Conference committee appointed ..	609
379 By Riley, Miller, Neu and Griffin. A bill for an act relating to safety standards and equipment on motor vehicles used by railroad companies, to the authority of the Iowa state commerce commission, and to provide penalties for violations.		Explanation of vote	622
Amendment filed	124		
387 By Human and Industrial Relations. A bill for an act relating to collective bargaining in public employment, providing penalties for violations, and making an appropriation therefor.			
Returned to appropriations	13		
Committee report	664		
Recommended amendment, passage	664		
Committee amendment	664		
Amendment filed	726		
Referred to state government ..	664		
Committee report	802		
Recommended passage	802		
Amendment filed	806		
Returned to state government ..	1089		
392 By Agriculture. A bill for an act relating to the eradication of hog cholera and the control and eradication of the swine diseases.			
Senate refused to concur	129		
Conference committee appointed ..	260		
Conference committee report ..	416		
Conference committee report adopted	425		
Passed Senate. Ayes 39, nays 7 ..	426		
Reported correctly enrolled	631		
Signed by President	631		
Sent to Governor	632		
Signed by Governor	705		
393 By Potter. A bill for an act relating to the use of sewer rental funds.			
Returned to cities and towns ..	13		
Withdrawn	260		

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Conference committee report . . .	907
Point of order raised	984
Point of order raised	985
Call of the Senate requested . . .	997
Call of the Senate	997
Conference committee report adopted	998
Passed Senate. Ayes 26, nays 24 .	998
Explanation of vote	1009
Explanation of vote	1052
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1184
430 By Griffin (Mollett). A bill for a act relating to sani- tary and improvement dis- tricts.	
Returned to county government . .	13
431 By Conservation and Recre- ation. A bill for an act relating to hunting restric- tions.	
Message from House	250
Amendment filed	282
Amendment filed	286
Amendments adopted	286
Senate refused to concur	286
Message from House	365
Conference committee appointed .	375
Conference committee report . . .	478
Conference committee report adopted	583
Failed to pass Senate. Ayes 24, nays 20	584
Motion filed to reconsider vote .	622
Explanation of vote	622
Point of order raised	831
Ruled out of order	831
Motion to suspend rules to re- consider vote	831
Rule suspended	832
Motion filed to reconsider vote .	832
Motion to reconsider vote pre- vaild	832
Passed Senate. Ayes 40, nays 1 . .	832
Reported correctly enrolled	1049
Signed by President	1049
Sent to Governor	1049
Signed by Governor	1109
437 By Van Drie, Griffin and Riley (Christensen, Tleden, Freeman, Mayberry, and Dunton). A bill for an act relating to cosmetology and to require the licensing of beauty salons.	
Returned to commerce	13
447 By Walsh, Griffin, Thord- sen, Messerly and Riley. A bill for an act relating to the licensing of real estate apprentice salesmen.	
Returned to commerce	13
Amendment filed	480
Amendment filed	511
466 By Commerce. A bill for an act relating to the exten- sion of credit.	
Returned to commerce	13
470 By Doderer (Fisher of Greene, Grassley, Andersen and Rex). A bill for an act relating to deferred compen-	

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sation for governmental em- ployees.	
Message from House	743
Amendment filed	773
Amendment lost	881
Senate concurred	881
Passed Senate. Ayes 39, nays 6	881
Reported correctly enrolled	1101
Signed by President	1101
Sent to Governor	1101
Signed by Governor	1184
471 By Transportation. A bill for an act relating to the an- nual registration fee for ur- ban transit company vehicles.	
Returned to transportation	13
Committee report	163
Recommended passage	163
Committee report adopted	211
Passed Senate. Ayes 36, nays 5 .	211
Reported correctly enrolled	631
Signed by President	631
Sent to Governor	632
Signed by Governor	705
472 By Transportation. A bill for an act to exempt the sales of tangible personal property to an urban transit company from the sales and use tax.	
Returned to transportation	13
Committee report	163
Recommended passage	163
Committee report adopted	212
Placed on calendar under unfin- ished business	212
Returned to transportation	1089
476 By Riley. A bill for an act relating to property un- lawfully placed on public or private property.	
Returned to judiciary	14
486 By Conklin. A bill for an act to repeal the basic science examination require- ments and to abolish the board of examiners in the basic sciences.	
Returned to state government . . .	14
488 By Transportation. A bill for an act relating to the transfer of jurisdiction or sale of real estate between state agencies and political subdivisions of the state.	
Returned to transportation	14
498 By Higher Education. A bill for an act authorizing merged areas to issue gen- eral obligation bonds for the purchase of community voca- tional school or community college buildings.	
Returned to higher education . .	14
Committee report	265
Recommended passage	265
Committee report adopted	355
Withdrawn	355
499 By State Government. A bill for an act to abolish the board of examiners in watch- making, to transfer any	

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funds remaining in the watchmakers' fund to the general fund of the state, and to repeal the requirements relating to secondhand watches.		the transfer of personal property.	
Returned to state government ..	14	Referred to judiciary	37
516 By Social Services. A bill for an act relating to age discrimination in employment, declaring certain acts to be unlawful and providing a penalty therefor.		535 By Transportation. A bill for an act relating to the taxation of motor fuel used in aircraft and the use of unclaimed tax refunds.	
Returned to social services	14	Returned to transportation.....	14
517 By Schools. A bill for an act to revise, update, and correct certain sections of the Code of Iowa relating to school districts and school corporations.		536 By Gaudineer. A bill for an act relating to the registration of motor vehicles, the use of motor vehicles, safety on public highways, insurance protection for automobile accident victims, and providing for limited use of certain motor vehicles, procedures for enforcement and penalties, and minimum standards for certain insurance policies issued in this state.	
Returned to schools	14	Referred to transportation.....	37
Committee report	510	537 By Transportation. A bill for an act relating to temporary restrictions on weight and load of motor vehicles, and to provide penalties for violation of temporary restrictions.	
Recommended passage	510	Returned to transportation	14
Amendment filed	538	540 By Transportation. A bill for an act relating to the computation of fines for violations of the maximum gross weight law for motor vehicles.	
Committee report adopted	320	Returned to transportation	14
Amendment withdrawn	320	547 By Transportation. A bill for an act relating to the operation of vehicles on Iowa's streets and roads and amending penalties for violations.	
Amendment adopted	320	Returned to transportation	14
Passed Senate. Ayes 41, nays 4 ..	321	548 By Judiciary. A bill for an act authorizing supplements to salaries for county attorneys, sheriffs and their assistants and deputies from private or federal funds.	
Reported correctly enrolled	1177	Withdrawn	48
Signed by President	1178	566 By Human and Industrial Relations. A bill for an act relating to private employment agency fees and appeals from decisions of the labor commissioner.	
Sent to Governor	1178	Returned to human and industrial relations	14
Signed by Governor	1184	Committee report	124
520 By Judiciary. A bill for an act relating to the Iowa tort claims act.		Recommended amendment, passage	124
Returned to judiciary	14	Committee report adopted	207
Committee report	392	Point of order raised	207
Recommended passage	392	Referred to state government ..	207
Amendment filed	486	Amendments filed	215
Point of order raised	487	Amendment lost	410
Ruled out of order	487	Amendment filed	411
Passed Senate. Ayes 41, nays none	487	Amendment withdrawn	411
524 By Human and Industrial Relations. A bill for an act relating to workmen's compensation coverage for state agricultural workers.		Amendment adopted	411
Returned to human and industrial relations	14	Amendment lost	412
529 By Walsh. A bill for an act to legalize and validate proceedings for the establishment, organization, formation, and changes in the boundaries of merged area school systems.			
Committee report	725		
Recommended passage	725		
Amendment filed	806		
Committee report adopted	1001		
H.F. 1101 substituted	1001		
Withdrawn	1001		
531 By Doderer (Ewell). A bill for an act relating to campaign expenses, and providing penalties.			
Referred to state government ..	37		
532 By Miller. A bill for an act relating to summary administration of small estates and			

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Amendment lost	413
Amendments withdrawn	413
Amendments filed	414
Amendment adopted	414
Amendments lost	414
Amendments filed	415
Amendment adopted	415
Amendment lost	415
Passed Senate. Ayes 32, nays 13 ..	415
Motion filed to reconsider vote ..	416
Motion to reconsider vote laid on table	416
Motion to reconsider vote laid on table prevailed	416
 567 By Human and Industrial Relations. A bill for an act to provide for a procedure allowing public employes and public employers to meet and confer to resolve disputes regarding wages, hours, and other terms and conditions of employment.	
Returned to human and industrial relations	14
 575 By Ways and Means. A bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions.	
Returned to ways and means ..	14
 590 By Appropriations. A bill for an act relating to a renal disease program and to provide an appropriation therefor.	
Message from House	585
Senate concurred	643
Passed Senate. Ayes 36, nays none	644
Explanation of vote	652
Explanation of vote	664
Reported correctly enrolled	742
Signed by President	742
Sent to Governor	742
Signed by Governor	835
 593 By Appropriations. A bill for an act to make an appropriation to the executive council for the acquisition of land and buildings, and the remodeling, construction and equipping of a medical school in counties having a population of over two hundred thousand.	
Amendment filed	681
Point of order raised	701
Ruled out of order	701
Point of order raised	712
Ruled out of order	712
Senate concurred	713
Call of the Senate requested	715
Call of the Senate	715
Passed Senate. Ayes 27, nays 22 ..	717
Motion filed to reconsider vote ..	717
Motion to reconsider vote laid on table	717
Motion to reconsider vote laid on table prevailed	718
Reported correctly enrolled	867
Signed by President	867
Sent to Governor	867
Signed by Governor	1079

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1001 By Riley. A bill for an act changing the local budget certification date of school districts.	
Introduced, passed on file	37
Referred to schools	37
 1002 By County Government. A bill for an act requiring posting of bond in conjunction with petitioning to establish a rural water district.	
Introduced, placed on calendar ..	46
Amendment filed	115
H. F. 1012 substituted	130
Withdrawn	132
 1003 By County Government. A bill for an act relating to support payments as the result of a dissolution of marriage.	
Introduced, placed on calendar ..	46
Amendment filed	139
Amendment filed	181
Amendments adopted	185
Passed Senate. Ayes 45, nays none	185
 1004 By County Government. A bill for an act relating to the valuation of certain public utilities.	
Introduced, placed on calendar ..	46
Passed Senate. Ayes 41, nays 2 ..	133
 1005 By County Government. A bill for an act relating to the military records of veterans.	
Introduced, placed on calendar ..	47
Passed Senate. Ayes 40, nays 9 ..	119
Reported correctly enrolled	484
Signed by President	484
Sent to Governor	571
Signed by Governor	663
 1006 By County Government. A bill for an act relating to disposition of obsolete instruments in the county recorder's office.	
Introduced, placed on calendar ..	47
H. F. 1014 substituted	133
Withdrawn	134
 1007 By County Government. A bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses.	
Introduced, placed on calendar ..	47
H. F. 1015 substituted	119
Withdrawn	120
 1008 By Brownlee, Ollenburg and Carlson (Fischer of Grundy, Freeman, McElroy, and Priebe). A bill for an act relating to bank holding companies, bank offices, certain real estate loans by state banks, and fees paid by state banks for management, financial advice, consultation or services, and prescribing penalties for violations.	
Introduced, passed on file	47
Referred to commerce	59
Committee report	196

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Recommended amendment, pas- sage	196	Referred to judiciary	60
Committee amendment	196	Committee report	308
Amendment filed	228	Recommended amendment, pas- sage	308
Made special order	230	Committee amendment	308
Amendments filed	283	Committee report adopted	441
Amendments filed	308	Placed on calendar under un- finished business	441
Amendment filed	309	Amendment filed	450
Special order	311	Amendment adopted	450
Committee report adopted	311	Committee amendment adopted	450
Committee amendment adopted	312	Passed Senate. Ayes 37, nays 4 ..	451
Amendment filed	312		
Amendment filed	313	1011 By Glenn. A bill for an act relating to the rate regula- tion of public utilities.	
Amendments adopted	313	Introduced, passed on file	52
Amendment withdrawn	313	Referred to commerce	60
Amendment lost	314		
Amendment withdrawn	314	1012 By Riley. A bill for an act relating to computation of personal income taxes.	
Amendment filed	314	Introduced passed on file	57
Amendment adopted	314	Referred to ways and means ...	101
Amendment lost	315		
Amendment filed	315	1013 By Commerce. A bill for an act relating to the rate of interest on public utility re- funds to customers.	
Amendment adopted	316	Introduced, placed on calendar ..	57
Ruled out of order	316	Committee amendment filed	61
Amendment filed	316	Committee amendment withdrawn ..	122
Amendment adopted	317	Amendment filed	122
Motion filed to reconsider vote ..	318	Amendment filed	125
Motion to reconsider vote failed ..	318	Amendment filed	174
Amendment withdrawn	318	Amendment withdrawn	176
Amendment adopted	318	Amendment adopted	176
Amendment filed	318	Point of order raised	176
Amendments filed	319	Amendment filed	177
Amendments adopted	319	Amendments lost	177
Amendment lost	319	Amendments filed	178
Amendments filed	320	Amendment lost	179
Amendment adopted	320	Passed Senate. Ayes 40, nays 3 ..	179
Amendment lost	320	Reported correctly enrolled	373
Amendment lost	321	Signed by President	373
Amendment filed	321	Sent to Governor	374
Amendment lost	322	Signed by Governor	442
Amendment withdrawn	322		
Passed Senate. Ayes 47, nays 2 ..	322	1014 By Robinson, Riley and Potter (Stanley, Wells, Lip- sky, Radl and Sorg). A bill for an act relating to money advances by county boards of supervisors to county conserva- tion boards from money in the county general funds.	
Motion filed to reconsider vote ..	322	Introduced, passed on file	64
Motion to reconsider vote laid on table	322	Referred to judiciary	101
Motion to reconsider vote laid on table prevailed	323	Committee report	227
Message from House	545	Recommended passage	227
Senate concurred	580	Committee report adopted	270
Passed Senate. Ayes 41, nays 3 ..	581	Passed Senate. Ayes 38, nays 5 ..	270
Motion filed to reconsider vote ..	581	Explanation of vote	281
Motion to reconsider vote laid on table	581	Message from House	490
Motion to reconsider vote laid on table prevailed	581	Senate concurred	498
Explanation of vote	622	Passed Senate. Ayes 41, nays 2 ..	499
Reported correctly enrolled	692	Reported correctly enrolled	532
Signed by President	692	Signed by President	532
Sent to Governor	692	Sent to Governor	532
Signed by Governor	835	Signed by President	532
		Sent to Governor	532
1009 By Conklin, Van Drie, Rabedeaux, Griffin, Bass, Thordsen, Curran, Shafl, Keith, Neu, Nicholson, Briles, Laverty, Shawver, Riley, Brownlee, Rhodes, Carlson, Potter, Messerly, Gilley, Gra- ham, Potgeter, Davis, Walsh and Lamborn. A bill for an act relating to the attain- ment of the age of majority.		Signed by Governor	663
Introduced, passed on file	48	Became law by publication	1008
Referred to state government	59		
Amendment filed	61	1015 By Judiciary. A bill for an act relating to expert wit- ness fees.	
Withdrawn	260	Introduced, placed on calendar ..	64
		Passed Senate. Ayes 33, nays 10 ..	135

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1016 By Graham. A bill for an act relating to the power of eminent domain of the board of a conservancy district.	
Introduced, passed on file	65
Referred to environmental preservation	101
1017 By Messerly and Conklin. A bill for an act relating to alterations and repairs to the state capitol building and to organization of the capitol planning commission.	
Introduced, passed on file	73
Referred to state government ..	101
Committee report	802
Recommended amendment, passage	802
Committee amendment	802
Returned to state government ..	1089
1018 By Gaudineer. A bill for an act relating to the age for which liability for support is required under the uniform support of dependents law.	
Introduced, passed on file	74
Referred to judiciary	101
1019 By Judiciary. A bill for an act making the violation of the Iowa commercial feed law of 1964 a misdemeanor and providing a penalty therefor.	
Introduced, placed on calendar ..	74
Amendment filed	80
Amendment adopted	186
Passed Senate. Ayes 46, nays none	186
Reported correctly enrolled	742
Signed by president	742
Sent to Governor	742
Signed by Governor	835
Became law by publication	1192
1020 By Graham, Van Gilst, Stephens, Balloun, Smith and Nicholson (Winkelman, Tieden, Strothman, Kruse, Pleron, Mendenhall, Radl, Priebe and Nielsen). A bill for an act to free property owners and others from civil liability in case of injury to trespassers.	
Introduced, passed on file	78
Referred to law enforcement ..	101
1021 By Neu. A bill for an act to provide that rural water districts shall not be subject to regulation by the Iowa State Commerce Commission.	
Introduced, passed on file	79
Referred to commerce	101
Withdrawn	486
1022 By Glenn. A bill for an act relating to computation of tax on personal and corporate income.	
Introduced, passed on file	79
Referred to ways and means ..	101
1023 By County Government. A bill for an act relating to	

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county motor vehicle registration fees.	
Introduced, placed on calendar ..	79
Amendment filed	125
Point of order raised	187
Ruled out of order	187
Passed Senate. Ayes 44, nays none	187
Explanation of vote	196
Reported correctly enrolled	403
Signed by President	404
Sent to Governor	404
Signed by Governor	442
1024 By County Government. A bill for an act relating to the employment of county relief recipients on government owned properties, parks, and recreation centers in payment for and as a condition of granting relief.	
Introduced, placed on calendar ..	79
Amendments filed	126
Amendments filed	139
Amendment lost	188
Amendments withdrawn	189
Amendments filed	189
Amendment lost	189
Amendments adopted	189
Amendment filed	190
Amendment adopted	190
Passed Senate. Ayes 36, nays 6 ..	190
1025 By Thordsen. A bill for an act relating to fees of real estate brokers and licensees.	
Introduced, passed on file	79
Referred to commerce	101
1026 By Arbuckle (Fisher of Greene). A bill for an act relating to actions arising out of injuries or damages caused by the operation of a motor boat.	
Introduced, passed on file	79
Referred to judiciary	101
Committee report	227
Recommended passage	227
Committee report adopted	271
Amendment filed	271
Placed on calendar under unfinished business	271
Amendments filed	283
Amendments adopted	287
Passed Senate. Ayes 38, nays 2 ..	288
Explanation of vote	295
Reported correctly enrolled	898
Signed by President	898
Sent to Governor	899
Signed by Governor	1079
1027 By Glenn. A bill for an act relating to election expenses.	
Introduced, passed on file	90
Referred to state government ...	138
1028 By Judiciary. A bill for an act relating to antitrust fees for prosecutors.	
Introduced, placed on calendar ...	90
Amendment filed	115
H. F. 1037 substituted	191
Withdrawn	194
1029 By Hill. A bill for an act relating to advertisement of motion pictures and providing a penalty.	

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Introduced, passed on file	117
Referred to judiciary	138
1030 By County Government. A bill for an act relating to the recording of blind, deaf and handicapped persons by the assessor.	
Introduced, placed on calendar ..	117
Amendment filed	144
Amendments filed	208
Amendments withdrawn	208
Amendments adopted	208
Passed Senate. Ayes 40, nays 1 ..	208
Message from House	569
Senate concurred	582
Passed Senate. Ayes 44, nays 1 ..	583
Explanation of vote	622
Reported correctly enrolled	692
Signed by President	692
Sent to Governor	692
Signed by Governor	835
1031 By County Government. A bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.	
Introduced, placed on calendar ..	117
H.F. 1036 substituted	209
Withdrawn	335
1032 By Milligan (Kreamer). A bill for an act relating to grounds for refusal to register motor vehicles.	
Introduced, passed on file	122
Referred to law enforcement	138
1033 By Van Drie. A bill for an act relating to state employees' benefits.	
Introduced, passed on file	123
Referred to state government ...	138
1034 By Potgeter. A bill for an act relating to facilities required of class B beer permit holders.	
Introduced, passed on file	123
Referred to law enforcement	138
Committee report	419
Recommended passage	419
Steering recommends calendar ..	1061
Amendment filed	1064
Point of order raised	1064
Ruled out of order	1064
Passed Senate. Ayes 34, nays 13 ..	1064
Motion filed to reconsider vote ..	1065
Motion to reconsider vote laid on table	1065
Motion to reconsider vote laid on table prevailed	1065
1035 By Potter. A bill for an act relating to requirements for a financing statement under article nine of the uniform commercial code.	
Introduced, passed on file	123
Referred to judiciary	138
1036 By Anderson. A bill for an act relating to the branding of livestock, providing for rules and regulations, provid-	

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ing for fees and providing a penalty for violations.	
Introduced, passed on file	123
Referred to agriculture	138
1037 By Anderson. A bill for an act relating to special deer-hunting licenses.	
Introduced, passed on file	123
Referred to conservation and recreation	138
1038 By Van Gilst. A bill for an act relating to eminent domain.	
Introduced, passed on file	123
Referred to judiciary	138
Committee report	594
Recommended passage	594
Amendment filed	726
Committee report adopted	841
Amendment adopted	841
Passed Senate. Ayes 46, nays none	841
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1184
1039 By Messerly and Conklin. A bill for an act relating to juvenile court probation services; authorizing the commissioner of social services to make payments of state funds to counties for special juvenile court probation supervision programs, providing procedures and requirements for county participation, formulas for payments to counties, promulgation of rules and making an appropriation.	
Introduced, passed on file	123
Referred to social services	138
1040 By transportation. A bill for an act to create a state department of transportation and to make an appropriation therefor.	
Introduced, referred to appropriations	127
1041 By Glenn, Kennedy, Lamborn and Potter (Doyle, Kelly, McCormick, Schwieger and Christensen). A bill for an act relating to furloughs and work release programs for inmates.	
Introduced, passed on file	131
Referred to social services	144
1042 By Lamborn, Potter, Glenn and Kennedy (McCormick, Schwieger, Christensen, Doyle and Kelly). A bill for an act relating to employees and representatives of the board of parole.	
Introduced, passed on file	140
Referred to state government ...	144
1043 By Briles (Pellett). A bill for an act relating to the tax levy for flood and erosion control.	

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Introduced, passed on file	140
Referred to ways and means	144
1044 By Riley. A bill for an act to provide an alternate method for determining the taxable values of the inventories of certain types of merchants and manufacturers.	
Introduced, passed on file	143
Referred to ways and means	144
1045 By Shawver. A bill for an act relating to trout fishing.	
Introduced, passed on file	169
Referred to conservation and recreation	181
Committee report	360
Recommended passage	360
Committee report adopted	477
Withdrawn	477
1046 By Potgeter (Welden). A bill for an act permitting the commissioner of social services to grant easements for water or sewage lines and for drainage across certain lands belonging to the state.	
Introduced, passed on file	169
Referred to judiciary	181
Amendment filed	215
Committee report	227
Recommended amendment, passage	227
Committee report adopted	271
Amendment adopted	272
Passed Senate. Ayes 42, nays none	272
Expansion of vote	281
Message from House	390
Senate concurred	405
Passed Senate. Ayes 44, nays none	405
Reported correctly enrolled	484
Signed by President	484
Sent to Governor	571
Signed by Governor	663
Became law by publication	1008
1047 By Van Gilst, Riley, Rhodes, Gaudineer, Palmer, Briles, Neu, Walsh, Kennedy, Tapscott, Glenn, Gross, Schaben and Carlson (Stokes, Dougherty, Strand, Dunton, Trowbridge, Menefee, Doyle, Mendenhall, Husak, Grassley, McCormick, Norpel, Curtis, McElroy and Andersen). A bill for an act relating to identification cards for persons sixty years of age or older.	
Introduced, passed on file	169
Referred to social services	181
1048 By Messerly. A bill for an act relating to student activity fees at the state universities.	
Introduced, passed on file	169
Referred to higher education ...	181
1049 By Riley and Balloun (Sorg and Tieden). A bill for an act permitting the sale of mobile homes.	
Introduced, passed on file	170

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Referred to commerce	181
Committee report	376
Recommended passage	376
Committee report adopted	477
Placed on calendar under unfinished business	478
Amendment filed	492
Amendment filed	511
Amendment filed	595
Amendment filed	634
Amendment filed	708
Amendments withdrawn	1020
Point of order raised	1020
Amendments filed	1021
Amendments adopted	1021
Amendment lost	1021
Passed Senate. Ayes 38, nays 6 ..	1021
1050 By Riley. A bill for an act relating to polling places used in school elections.	
Introduced, passed on file	170
Referred to schools	181
1051 By Riley. A bill for an act providing each judge in Iowa with an additional copy of the Code of Iowa and other documents.	
Introduced, passed on file	170
Referred to state government ...	181
1052 By Doderer, Conklin and Walsh. A bill for an act relating to protective eye-glass lenses.	
Introduced, passed on file	170
Referred to commerce	181
Committee report	227
Recommended passage	227
Committee report adopted	275
H. F. 1104 substituted	275
Withdrawn	276
1053 By Lamborn. A bill for an act relating to the compensation of school district treasurers.	
Introduced, passed on file	170
Referred to schools	181
1054 By Lamborn. A bill for an act relating to compensation for election judges in school elections.	
Introduced, passed on file	170
Referred to schools	181
1055 By Arbuckle (Nystrom). A bill for an act to legalize and validate proceedings of the board of directors of the united community school district in the counties of Boone and Story, State of Iowa, authorizing and providing for the sale and issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.	
Introduced, passed on file	176
Proof of publication certified ...	180
Referred to judiciary	181
Withdrawn	693

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1056 By Van Drie, Tapscott, Doderer, Rhodes, Neu, Lamborn and Briles. A bill for an act relating to legal holidays for state employees.		state highway commission employees.	
Introduced, passed on file	180	Introduced, passed on file	191
Referred to state government ..	196	Referred to state government ...	226
Amendment filed	377	Amendment filed	420
Amendment filed	493	Amendment filed	493
Committee report	680	Amendment filed	539
Recommended passage	680	1061 By Riley. A bill for an act relating to the use of those funds distributed to cities and towns out of state liquor store sales.	
Steering recommends calendar ..	1061	Introduced, passed on file	191
Committee report adopted	1066	Referred to cities and towns ...	226
Amendment withdrawn	1066	1062 By Griffin. A bill for an act relating to community improvement districts, and providing powers to issue bonds and levy taxes, with penalties.	
Amendment adopted	1066	Introduced, passed on file	194
Passed Senate. Ayes 27, nays 1 ..	1066	Referred to county government ..	226
1057 By Van Drie (Egenes). A bill for an act relating to exceptions to the time limits during which certain civil actions must be brought.		Committee report	282
Introduced, passed on file	180	Recommended passage	282
Referred to judiciary	196	Amendment filed	352
Committee report	392	Committee report adopted	355
Recommended amendment, passage	392	Referred to cities and towns ...	356
Committee amendment	392	1063 By Conklin (Kreamer). A bill for an act changing the date of school board elections to coincide with municipal elections and changing other dates to conform therewith.	
Amendment filed	468	Introduced, passed on file	215
Amendment filed	493	Referred to schools	226
Committee report adopted	723	1064 By Kennedy. A bill for an act providing for the licensing of insurance consultants and providing a penalty.	
Committee amendment withdrawn ..	723	Introduced, passed on file	217
Amendment filed	723	Referred to commerce	226
Amendments adopted	723	1065 By Kennedy, Lamborn, Potter and Glenn (Kelly, McCormick, Schwieger, Christensen and Doyle). A bill for an act relating to time served on parole.	
Passed Senate. Ayes 41, nays none	723	Introduced, passed on file	217
Reported correctly enrolled	1177	Referred to judiciary	227
Signed by President	1178	Committee report	392
Sent to Governor	1178	Recommended passage	392
Signed by Governor	1184	Steering recommends calendar ..	491
Became law by publication	1193	Committee report adopted	505
1058 By Riley. A bill for an act authorizing school districts to provide nursery school programs for certain children.		H. F. 1042 substituted	505
Introduced, passed on file	191	Withdrawn	505
Referred to schools	226	1066 By Law Enforcement. A bill for an act relating to penalties for the commission of or the attempt to commit certain crimes when armed with firearms or knives.	
1059 By Gross, (Waugh, Sargisson, Doyle and Andersen). A bill for an act relating to the authority of merged areas to borrow money in anticipation of the collection of a voted tax for school facilities.		Introduced, placed on calendar ..	225
Introduced, passed on file	191	Amendment filed	341
Amendment filed	216	Amendment lost	342
Referred to schools	226	Failed to pass Senate. Ayes 19, nays 21	342
Re-referred to higher education ..	280	Motion filed to reconsider vote ..	343
Committee report	725	Motion to reconsider vote prevailed	372
Recommended passage	725	Motion filed to reconsider vote ..	373
Committee report adopted	1070	Motion to reconsider vote prevailed	373
Amendment adopted	1070		
Passed Senate. Ayes 36, nays 11 ..	1070		
Message from House	1170		
Senate refused to concur	1171		
Reported correctly enrolled	1177		
Signed by President	1178		
Sent to Governor	1178		
Signed by Governor	1184		
Became law by publication	1193		
1060 By Van Drie, Tapscott, Doderer, Neu, Briles and Walsh (Nystrom). A bill for an act to provide overtime pay for			

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Amendment filed	381
Amendment filed	382
Amendment adopted	382
Point of order raised	383
Amendment adopted	383
Amendment filed	383
Amendment adopted	384
Passed Senate. Ayes 30, nays 16 .	384
1067 By Griffin (Andersen). A bill for an act relating to the Iowa public employees' retirement system.	
Introduced, passed on file	226
Referred to state government ..	243
1068 By Griffin, Walsh, Briles, Conklin, Anderson, Rabe-deaux, Carlson, Nicholson, Davis, Stephens, Gilley, Bal-loun, Potter, Shawver, Ar-buckle and Potgeter. A bill for an act to provide com-pensation for motor vehicle accident victims.	
Introduced, passed on file	239
Referred to commerce	243
1069 By Schools. A bill for an act relating to terms of office of county superintendents of schools.	
Introduced, placed on calendar ..	239
Amendments filed	277
Amendments adopted	277
Passed Senate. Ayes 39, nays 3 .	277
Explanation of vote	282
Reported correctly enrolled	788
Signed by President	788
Sent to Governor	789
Signed by Governor	835
Became law by publication	1139
1070 By Schools. A bill for an act relating to the approval, coordination, and supervision over electronic data process-ing for educational purposes.	
Introduced, placed on calendar ..	239
Placed on calendar under un-finished business	278
Committee amendment filed	340
Committee amendment adopted ..	340
Passed Senate. Ayes 33, nays none	340
Message from House	586
Senate concurred	719
Passed Senate. Ayes 45, nays none	719
Reported correctly enrolled	867
Signed by President	867
Sent to Governor	867
Signed by Governor	1079
1071 By Cities and Towns. A bill for an act relating to the use of funds received from the operation of parking meters.	
Introduced, placed on calendar ..	239
Re-referred to cities and towns ..	288
1072 By Van Drie. A bill for an act to provide for adjusting the pay of state employees under the Iowa merit em-ployment department accord-ing to changes in the con-sumer price index.	

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Introduced, passed on file	239
Referred to state government ..	243
1073 By Walsh, Griffin, Thord-sen, Shawver, Nicholson, Ri-ley, Kennedy, Davis, and Doderer (Trowbridge, Schwie-ger, Taylor, Tieden, John-ston, Doyle, Kelly, Shaw, Mil-len, Kehe, Camp, Priebe, Blouin, Waugh, Small, Han-sen, Ellsworth, Larson, Glu-ba, Monroe, Schwartz, Ken-nedy, Curtis, McElroy, Frank-lin, Husak, Rodgers, Lawson, Mayberry, Wyckoff, Patton, Jesse, Lipsky, Mollett, Ben-nett, Stanley, Kinley, Ewell, Wells, Norpel, Edelen, Kno-blauch, Knoke, Hill, Anania, Dougherty, Rex, Schmeiser, Radl, Bray, Clark, Logemann, Wirtz, Willits, Cochran and Skinner). A bill for an act relating to the private sale, control and distribution of wine containing not more than seventeen percent alcohol by weight, declaring cer-tain acts to be unlawful and prescribing penalties there-for.	
Introduced, passed on file	242
Referred to ways and means ..	243
Withdrawn from ways and means	1008
Returned to ways and means ..	1089
1074 By Balloun. A bill for an act to appropriate funds from the general fund of the state to the state board of regents to be used for the purchase of the midwestern college campus site and the adminis-tration-lecture hall building thereon, and to provide for a lease of the facility to Western Iowa tech-merged area XII.	
Introduced, passed on file	242
Referred to appropriations	261
1075 By Ways and Means. A bill for an act providing for an appraisal staff and ap-praisal manual in the de-partment of revenue and to make an appropriation there-for.	
Introduced, passed on file	242
Referred to appropriations	261
Withdrawn	569
1076 By Doderer, DeKoster and Potgeter. A bill for an act relating to the sale or dis-tribution of contraceptive products.	
Introduced, passed on file	242
Referred to social services	261
Committee report	419
Recommended passage	419
Amendment filed	684
Returned to social services	1089
1077 By Walsh. A bill for an act relating to lawful pick-eting in labor disputes.	

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Introduced, passed on file	242	ance guaranty association.	
Referred to human and industrial relations	261	Introduced, passed on file	274
1078 By Walsh. A bill for an act relating to the sale of alcoholic liquors on December 31, 1972.		Referred to commerce	281
Introduced, passed on file	242	Committee report	593
Referred to law enforcement	261	Recommended amendment, passage	594
1079 By Gaudineer and DeKoster. A bill for an act establishing an intermediate court of criminal appeals; providing for the appointment of judges thereto; providing for the operation of such court; and permitting the acceptance of federal funds to be utilized in the operation of all courts of record.		Committee amendment	594
Introduced, passed on file	251	Committee report adopted	869
Referred to judiciary	261	H. F. 1089 substituted	869
1080 By Neu. A bill for an act relating to the regulation of rates of public utilities.		Withdrawn	869
Introduced, passed on file	261	1087 By Judiciary. A bill for an act relating to the designation of the General Assembly and acts thereof.	
Referred to commerce	281	Introduced, placed on calendar ..	274
1081 By Doderer. A bill for an act relating to the salary of the director of the Iowa state traveling library.		Placed on calendar under unfinished business	357
Introduced, passed on file	261	Amendment filed	420
Referred to appropriations	281	Amendments filed	440
1082 By Social Services. A bill for an act relating to financial responsibility for the program of aid to the disabled.		Amendments adopted	440
Introduced, placed on calendar ..	267	Amendment withdrawn	440
Point of order raised	356	Passed Senate. Ayes 46, nays none	440
Referred to appropriations	357	Reported correctly enrolled	692
Amendment filed	360	Signed by President	692
1083 By Doderer (Lipsky, Shaw, Franklin, Egenes, Blouin, McElroy and Varley). A bill for an act relating to statutory provisions affecting the legal treatment of female persons.		Sent to Governor	692
Introduced, passed on file	273	Signed by Governor	835
Referred to judiciary	281	1088 By Judiciary. A bill for an act relating to classification of claims against estates.	
Amendment filed	353	Introduced, placed on calendar ..	274
Amendment filed	420	Amendment filed	353
1084 By Potgeter. A bill for an act relating to publications concerning the cure of venereal disease.		Amendment adopted	353
Introduced, passed on file	273	Motion filed to reconsider vote ..	353
Referred to social services	281	Motion to reconsider vote prevailed	358
1085 By Messerly and Conklin (Hansen, Grassley, Radl, Schwieger, Uban, Ewell, Duntun and Tieden). A bill for an act relating to the appropriation to the state board of regents.		Placed on calendar under unfinished business	358
Introduced, passed on file	274	Amendment filed	400
Referred to appropriations	281	Amendments adopted	400
Amendment filed	807	Passed Senate. Ayes 44, nays 1 ..	400
1086 By Griffin (Fischer of Grundy). A bill for an act relating to the Iowa insur-		1089 By Judiciary. A bill for an act relating to the grand jury.	
		Introduced, placed on calendar ..	274
		Passed Senate. Ayes 37, nays none	357
		Explanation of vote	360
		1090 By County Government. A bill for an act relating to commitment of alcohol and drug addicts.	
		Introduced, placed on calendar ..	274
		Amendment filed	327
		Amendment filed	360
		Point of order raised	388
		Ruled out of order	388
		Amendment adopted	388
		Motion filed to reconsider vote ..	389
		Motion to reconsider vote failed ..	389
		Passed Senate. Ayes 42, nays none	389
		1091 By Appropriations. A bill for an act making an appropriation to the department of public instruction for the purpose of participating in certain federal programs.	
		Introduced, placed on calendar ..	274
		Amendment filed	334
		Amendment adopted	334
		Passed Senate. Ayes 45, nays none	334
		Motion filed to reconsider vote ..	343

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Motion to reconsider vote pre- vailed	406
Motion filed to reconsider vote ..	407
Motion to reconsider vote pre- vailed	407
Amendment withdrawn	407
Amendment filed	407
Amendment adopted	407
Motion filed to reconsider vote ..	408
Motion to reconsider vote pre- vailed	408
Amendment withdrawn	409
Amendment filed	409
Amendment adopted	409
Passed Senate. Ayes 34, nays 1 ..	409
Message from House	702
Senate refused to concur	721
Message from House	882
Conference committee appointed ..	882
Conference committee report	986
Conference committee report adopted	1047
Passed Senate. Ayes 44, nays none	1047
Reported correctly enrolled	1155
Signed by President	1155
Sent to Governor	1156
Signed by Governor	1184
 1092 By Gaudineer. A bill for an act relating to nonresidents in area schools.	
Introduced, passed on file	274
Referred to higher education	281
 1093 By Gaudineer. A bill for an act relating to child labor.	
Introduced, passed on file	274
Referred to human and indus- trial relations	281
 1094 By Van Drie. A bill for an act relating to the ap- pointment of an ombudsman for the state highway com- mission.	
Introduced, passed on file	280
Referred to state government ..	295
 1095 By Conservation and Recre- ation. A bill for a act relating to the drawing to determine the number of per- sons who may receive deer hunting licenses.	
Introduced, placed on calendar ..	280
Amendment filed	328
Amendment filed	410
Amendments adopted	410
Placed on calendar under un- finished business	410
Returned to conservation and recreation	1089
 1096 By Ways and Means. A bill for an act relating to tax as- sessment procedures.	
Introduced, placed on calendar ..	280
Amendment filed	393
Amendment adopted	447
Amendment filed	447
Amendment filed	448
Amendments adopted	448
Passed Senate. Ayes 44, nays none	448
Message from House	1005
Senate concurred	1019
Passed Senate. Ayes 46, nays 2 ..	1019
Reported correctly enrolled	1177
Signed by President	1178

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Sent to Governor	1178
Signed by Governor	1184
 1097 By Riley and Robinson (Wells). A bill for a act relating to the regulation of railroads in cities and towns and providing penalties.	
Introduced, passed on file	280
Referred to transportation	295
 1098 By Anderson. A bill for an act relating to the regu- lation of public utilities.	
Introduced, passed on file	280
Referred to commerce	295
 1099 By Griffin (Ellsworth, Han- sen, Sorg, Kennedy, Priebe and Wirtz). A bill for an act relating to unfair trade practices in the business of insurance and providing a penalty.	
Introduced, passed on file	294
Referred to commerce	295
Committee report	491
Recommended amendment, pas- sage	491
Committee amendment	491
Committee report adopted	865
H. F. 1141 substituted	865
Withdrawn	867
 1100 By Doderer. A bill for an act to increase the covered wage limit under the Iowa public employees' retirement system.	
Introduced, passed on file	295
Referred to state government ..	295
 1101 By Ways and Means. A bill for an act relating to the taxation of real estate trans- fers and the penalty for failure to comply.	
Introduced, placed on calendar ..	295
Amendment filed	343
Amendment filed	350
Amendments adopted	350
Passed Senate. Ayes 41, nays 2 ..	350
Message from House	1076
Senate concurred	1093
Passed Senate. Ayes 43, nays 1 ..	1093
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1184
 1102 By Curran, Potter, Erskine, Nicholson, Kennedy, Thordsen and Walsh (Lawson, Ells- worth, Andersen and Drake). A bill for an act relating to the service tax on storage of goods.	
Introduced, passed on file	298
Referred to ways and means ...	305
Committee report	681
Recommended passage	681
Steering recommends calendar ..	800
Committee report adopted	871
Amendment filed	872
Point of order raised	872
Ruled out of order	872
Passed Senate. Ayes 37, nays 11 ..	873
 1103 By Curran, Potter, Erskine, Nicholson, Kennedy, Thord-	

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sen and Walsh (Lawson, Ellsworth, Andersen and Drake). A bill for an act relating to the taxation of income from interstate commerce.		sell Jondle and Florence M. Jondle.	
Introduced, passed on file	298	Introduced, placed on calendar ..	310
Referred to ways and means	305	Proof of publication certified	324
1104 By Curran (Lawson). A bill for an act relating to governmental immunity and the operation of snowmobiles.		Passed Senate. Ayes 42, nays 1 ..	473
Introduced, passed on file	298	Reported correctly enrolled	898
Referred to judiciary	305	Signed by President	898
1105 By Riley. A bill for an act relating to eminent domain procedures.		Sent to Governor	899
Introduced, passed on file	298	Signed by Governor	1079
Referred to judiciary	305	1111 By Judiciary. A bill for an act relating to the compensation of members of the General Assembly.	
1106 By Riley (Wyckoff and Ellsworth). A bill for an act relating to Viet Nam veterans' service compensation fund, authorizing the state of Iowa to become indebted in the amount of twenty-eight million dollars and providing for the issue and sale of bonds of the state in evidence thereof, and providing for the imposition, levy, and collection of a direct annual tax sufficient to pay the principal and interest of the bonds and providing a penalty.		Introduced, placed on calendar ..	311
Introduced, passed on file	298	Amendment filed	377
Referred to ways and means ...	305	Amendment filed	444
1107 By Griffin (Knocke). A bill for an act to provide for police reserve units in cities with populations over five thousand.		Point of order raised	474
Introduced, passed on file	299	Ruled out of order	474
Referred to cities and towns	305	Passed Senate. Ayes 44, nays 1 ..	474
1108 By Briles. A bill for an act prohibiting certain businesses from engaging in the production of cattle or hogs and providing penalties.		Motion filed to reconsider vote ..	478
Introduced, passed on file	304	Amendment filed	518
Referred to commerce	305	Motion to reconsider vote prevailed	829
1109 By Rhodes, Riley and Van Gilst (Dunton, Strand, Mendenhall, Dougherty, Trowbridge, Menefee, Doyle, Middleswart, Husak, Norpel, McElroy, Strothman, Stokes, Sargisson and Schwartz). A bill for an act relating to qualification for employment benefits under the Iowa public employees retirement system.		Amendment adopted	830
Introduced, passed on file	304	Passed Senate. Ayes 47, nays none	830
Referred to social services	305	1112 By Riley. A bill for an act relating to public utilities furnishing communications services to the public for compensation.	
1110 By Judiciary. A bill for an act to legalize a transfer of real property from the board of directors of the Prairie community school district, Gowrie, Iowa to Rus-		Introduced, passed on file	311
		Referred to commerce	324
		1113 By Riley, Gilley, Shawver and Kennedy (Mendenhall, Tieden, Menefee, McElroy and Kehe). A bill for an act relating to the conversion of the commercial television network under the control of the state board of regents.	
		Introduced, passed on file	311
		Referred to commerce	324
		1114 By Riley. A bill for an act relating to penalties for operating a motor vehicle while intoxicated.	
		Introduced, passed on file	311
		Referred to law enforcement	324
		1115 By Riley and Van Gilst. A bill for an act relating to recovery of old age assistance payments from responsible relatives.	
		Introduced, passed on file	311
		Referred to social services	324
		1116 By County Government. A bill for an act providing for the payment of county election expenses.	
		Introduced, placed on calendar ..	316
		Withdrawn	644
		1117 By County Government. A bill for an act relating to notification of property owners of adjustment of real property assessments.	
		Introduced, placed on calendar ..	316
		H. F. 1120 substituted	476
		Withdrawn	500
		1118 By Potgeter and Walsh. A bill for an act to repeal	

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sections relating to the taxing and licensing of dogs by counties and the domestic animal fund.	
Introduced, passed on file	316
Referred to ways and means ...	324
1119 By Shawver (Ewell). A bill for an act relating to the merger of county and joint county school systems and to limit their taxing powers.	
Introduced, passed on file	316
Referred to schools	325
1120 By Conklin. A bill for an act relating to universities governed by the state board of regents.	
Introduced, passed on file	316
Referred to higher education ...	325
1121 By Milligan and Gaudineer. A bill for an act relating to the state central committees of political parties.	
Introduced, passed on file	317
Referred to state government ..	325
1122 By Doderer and Anderson. A bill for an act relating to the establishment of a birth defects institute and specifying its powers and duties.	
Introduced, passed on file	317
Referred to state government ..	325
1123 By Walsh. A bill for an act relating to beer advertising.	
Introduced, passed on file	317
Referred to commerce	325
1124 By Conklin. A bill for an act relating to inheritance taxes, providing for the passing of property held jointly or as tenants in the entirety, and providing a marital deduction.	
Introduced, passed on file	330
Referred to judiciary	351
1125 By Ways and Means. A bill for an act to change the fiscal year of cities and towns, counties, and other political subdivisions.	
Introduced, placed on calendar ..	330
Committee amendment filed	394
Committee amendment adopted ..	403
Amendment filed	403
Amendment adopted	403
Amendments filed	420
Amendments adopted	429
Passed Senate. Ayes 45, nays none	429
Motion filed to reconsider vote ..	442
Motion to reconsider vote withdrawn	454
Reported correctly enrolled	742
Signed by President	742
Sent to Governor	742
Signed by Governor	835
1126 By Rhodes, Briles, Anderson, Laverty and Gaudineer (Rodgers, Roorda, Siglin, Christensen, Doyle, Dougherty, Middleswart, Moffitt, Kel-	

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ly, Varley and Pierson). A bill for an act relating to judicial redistricting and judicial nominating commissions.	
Introduced, passed on file	338
Referred to judiciary	351
1127 By Anderson. A bill for an act relating to the discharge of firearms on secondary roads.	
Introduced, passed on file	338
Referred to county government ..	351
1128 By Gaudineer. A bill for a act relating to child labor and providing penalties for violating the child labor law.	
Introduced, passed on file	338
Referred to human and industrial relations	351
1129 By Gaudineer. A bill for an act relating to the dispensing and sale of prescription drugs.	
Introduced, passed on file	338
Referred to social services	360
1130 By Van Gilst. A bill for an act relating to old-age and survivors' insurance, and making an appropriation therefor.	
Introduced, passed on file	343
Referred to appropriations	351
1131 By Riley and Van Gilst. A bill for an act relating to liens on real estate owned by old age assistance recipients.	
Introduced, passed on file	343
Referred to social services	351
1132 By Judiciary. A bill for an act correcting erroneous, inconsistent, and obsolete sections of the Code of Iowa, including some penalty sections.	
Introduced, placed on calendar ..	343
Amendment filed	468
Amendment adopted	688
Passed Senate. Ayes 43, nays none	689
Explanation of vote	705
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1185
1133 By DeKoster. A bill for an act relating to municipal tort liability.	
Introduced, passed on file	343
Referred to judiciary	351
Committee report	725
Recommended passage	725
Returned to judiciary	1089
1134 By Conservation and Recreation. A bill for an act relating to the regulation of trout fishing.	
Introduced, placed on calendar ..	345
Passed Senate. Ayes 33, nays 1 ..	477
Reported correctly enrolled	1177
Signed by President	1178

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Sent to Governor	1178	1143 By Iowa Development. A bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers, and responsibilities.	
Signed by Governor	1185	Introduced, referred to state government	359
1135 By Robinson and Gross. A bill for an act relating to the termination of contracts with school teachers.		Committee report	535
Introduced, passed on file	347	Recommended passage	535
Referred to schools	351	Steering recommends calendar ..	705
1136 By Rabedeaux. A bill for an act providing financial benefits for the education of children of persons classified as prisoners of war or missing in action in Viet Nam.		H. F. 1156 substituted	745
Introduced, passed on file	348	Withdrawn	753
Referred to ways and means	351	1144 By Van Gilst. A bill for an act relating to tort liability due to acts or omissions of directors, officers, employees, and members of nonprofit corporations.	
Committee report	625	Introduced, passed on file	371
Recommended passage	625	Referred to judiciary	376
Referred to appropriations	622	1145 By Hill and Potgeter. A bill for an act relating to fees for legal assistance employed by the executive council and claims against the state.	
Committee report	705	Introduced, passed on file	374
Recommended passage	706	Referred to state government ..	376
Steering recommends calendar ..	1071	1146 By Shawver. A bill for an act to provide for the construction and reconstruction of state and interstate controlled-access highways, to provide for the payment of the cost, and to authorize the borrowing of money and the issuance of bonds for that purpose.	
Committee report adopted	1090	Introduced, passed on file	374
Passed Senate. Ayes 47, nays none	1090	Referred to transportation	376
Explanation of vote	1110	1147 By Anderson. A bill for an act relating to motor vehicle registration reciprocity.	
Reported correctly enrolled	1177	Introduced, passed on file	374
Signed by President	1178	Referred to transportation	376
Sent to Governor	1178	1148 By Human and Industrial Relations. A bill for an act relating to the civil rights of physically and mentally handicapped persons.	
Signed by Governor	1185	Introduced, placed on calendar ..	381
1137 By Kennedy (Shaw and Knoke). A bill for an act establishing a workmen's compensation court, amending related sections providing penalties and amending penal sections.		Steering recommends calendar ..	491
Introduced, passed on file	348	Amendment filed	494
Referred to state government ..	351	Amendment adopted	502
1138 By Van Drie. A bill for an act relating to state participation in group insurance programs for state employees.		Passed Senate. Ayes 38, nays none	503
Introduced, passed on file	351	Message from House	797
Referred to state government ..	351	Senate concurred	877
Amendment filed	494	Passed Senate. Ayes 44, nays none	877
1139 By Van Drie. A bill for an act relating to vacation time for state employees.		Reported correctly enrolled	1049
Introduced, passed on file	351	Signed by President	1049
Referred to state government ..	351	Sent to Governor	1049
1140 By Gross. A bill for an act to amend the uniform commercial code, relating to rights of a holder of certain instruments.		Signed by Governor	1109
Introduced, passed on file	351	1149 By Briles (Rex and Pelton). A bill for an act relating to salaries of certain county officers.	
Referred to commerce	351	Introduced, passed on file	385
1141 By Riley and Van Gilst. A bill for an act relating to payments for old age assistance grants, and to make an appropriation therefor.		Referred to county government ..	413
Introduced, passed on file	354	Committee report	510
Referred to appropriations	376	Recommended passage	510
1142 By Gross. A bill for an act relating to tax exemptions allowed for veterans.		Steering recommends calendar ..	1000
Introduced, passed on file	359		
Referred to ways and means	376		

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Committee report adopted	1012
Passed Senate. Ayes 44, nays 2 .	1013
1150 By County Government. A bill for an act relating to motor vehicle registration fees.	
Introduced, placed on calendar .	386
Returned to county government .	1089
1151 By Graham, Potgeter, Walsh and Potter (Winkelman, Curtis, Nielsen, Rodgers, Tieden, Roorda, Husak, Knoblauch, Waugh, Scott, Mayberry, Wirtz and Cochran). A bill for an act to exempt the storage of grain from the tax on services.	
Introduced, passed on file	386
Referred to ways and means . .	418
1152 By Van Drie (Egenes). A bill for an act authorizing shuttle carrier service without a certificate of public convenience and necessity.	
Introduced, passed on file	390
Referred to commerce	418
1153 By Van Drie. A bill for an act relating to the establishment of a state highway commission employee representative.	
Introduced, passed on file	390
Referred to transportation . . .	418
1154 By Arbuckle, Carlson, Conklin, Davis and Riley. A bill for an act relating to the practice of optometry and providing penalties.	
Introduced, passed on file	390
Referred to social services . . .	459
1155 By Tapscott, Walsh, Robinson and Kennedy. A bill for an act to increase the compensation of members of the General Assembly and the lieutenant governor, to remove the provisions relating to per diem pay for members of the General Assembly, and to abolish the budget and financial control committee.	
Introduced, passed on file	398
Referred to state government . .	418
1156 By Tapscott. A bill for an act relating to the publishing of names and providing a penalty.	
Introduced, passed on file	398
Referred to social services	418
1157 By Potgeter (Ellsworth). A bill for an act relating to regulation of premium rates for credit life and credit accident and health insurance.	
Introduced, passed on file	398
Referred to commerce	418
1158 By Iowa Development. A bill for an act relating to certain municipalities' pollution control facilities and sewage construction projects.	
Introduced, placed on calendar .	398

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Referred to cities and towns . . .	418
Placed on calendar	443
Steering recommends calendar .	509
Passed Senate. Ayes 40, nays 1 .	688
Explanation of vote	705
Message from House	1086
Senate concurred	1095
Passed Senate. Ayes 46, nays none	1096
Reported correctly enrolled . . .	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1185
Became law by publication	1193
1159 By Van Drie. A bill for an act to provide office space and a leave of absence for officers of certain state public employee organizations.	
Introduced, passed on file	408
Referred to state government . .	442
Amendment filed	494
Committee report	805
Recommended amendment, passage	805
Committee amendment	805
Returned to state government . .	1089
1160 By Van Drie. A bill for an act relating to leave of absence by reason of sickness or injury for state employees.	
Introduced, passed on file	408
Referred to state government . .	442
1161 By Riley. A bill for an act relating to platting.	
Introduced, passed on file	408
Referred to cities and towns . .	442
1162 By Nicholson (Gluba). A bill for an act to require passenger restraining devices in school buses, and providing a penalty for non-compliance with the requirement.	
Introduced, passed on file	408
Referred to transportation	442
1163 By Riley and Van Gilst. A bill for an act relating to the commission on the aging.	
Introduced, passed on file	408
Referred to social services	442
1164 By Walsh. A bill for an act relating to persons sixty-five years of age and older, allowing use of facilities and equipment by, and prohibiting discrimination against such persons.	
Introduced, passed on file	432
Referred to social services	442
1165 By Walsh. A bill for an act to make an appropriation to the department of social services to provide services to senior citizens.	
Introduced, passed on file	432
Referred to appropriations	443
1166 By Walsh, Shawver, Kennedy and Gilley (Ellsworth, Menefee, Mendenhall, McCormick, Taylor, Blouin, Tieden	

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and Patton). A bill for an act to make an appropriation to merged area I for the purpose of implementing the provisions of law requiring an area vocational attendance center.		1173 By Doderer (Pelton and Bray). A bill for an act relating to the Iowa commission on alcoholism and providing for a comprehensive program for the treatment, education, and rehabilitation of alcoholics in Iowa.	
Introduced, passed on file	433	Introduced, passed on file	484
Referred to appropriations	443	Referred to state government ...	491
1167 By Walsh (Ellsworth). A bill for an act making an appropriation to the Iowa liquor control commission for a state liquor store in Dubuque, Iowa.		1174 By Doderer. A bill for an act relating to the qualifications of police and fire chiefs.	
Introduced, passed on file	433	Introduced, passed on file	484
Referred to appropriations	443	Referred to cities and towns ...	491
1168 By Walsh. A bill for an act relating to fishing licenses and fees.		Amendment filed	511
Introduced, passed on file	433	1175 By Kennedy and Gaudineer. A bill for an act relating to the transfer of authority and responsibility for enforcing laws and regulations concerning certain motor vehicles to the department of public safety.	
Referred to conservation and recreation	443	Introduced, passed on file	488
1169 By Ways and Means. A bill for an act relating to references to the internal revenue code in the computation of individual and corporate income tax and franchise tax.		Referred to transportation	491
Introduced, placed on calendar .	441	1176 By Potgeter. A bill for an act relating to taxation of corporate income.	
Passed Senate. Ayes 46, nays none	471	Introduced, passed on file	501
Reported correctly enrolled	1155	Referred to ways and means ...	509
Signed by President	1155	1177 By Riley. A bill for an act relating to the preparation of legislative bills for consideration by the General Assembly.	
Sent to Governor	1156	Introduced, passed on file	501
Signed by Governor	1185	Referred to state government ...	509
1170 By Agriculture. A bill for an act relating to the department of agriculture and inspection services.		1178 By Social Services. A bill for an act relating to the use of ambulance services at university hospital.	
Introduced, placed on calendar ..	469	Introduced, placed on calendar .	514
Placed on calendar under unfinished business	828	H. F. 1253 substituted	824
Amendment filed	836	Withdrawn	824
Amendment filed	861	1179 By Conservation and Recreation. A bill for an act relating to the hunting of migratory waterfowl, the issuance of stamps, and the collection of fees.	
Amendment withdrawn	901	Introduced, placed on calendar ..	517
Amendment adopted	901	H. F. 1207 substituted	868
Passed Senate. Ayes 36, nays none	901	Withdrawn	868
1171 By Agriculture. A bill for an act related to licensing of vehicles from which food and dairy products are sold.		1180 By Judiciary. A bill for an act relating to exemptions from execution and providing penalties.	
Introduced, placed on calendar .	469	Introduced, placed on calendar .	517
Passed Senate. Ayes 44, nays none	819	Returned to judiciary	1089
Reported correctly enrolled	1177	1181 By Appropriations. A bill for an act relating to the Iowa liquor control commission appropriation.	
Signed by President	1178	Introduced, placed on calendar .	527
Sent to Governor	1178	Passed Senate. Ayes 41, nays none	568
Signed by Governor	1185	1182 By Appropriations. A bill for an act to appropriate	
1172 By Conservation and Recreation. A bill for an act relating to the authority of the state conservation commission and providing a penalty.			
Introduced, placed on calendar ..	475		
Passed Senate. Ayes 41, nays 2 ..	742		
Reported correctly enrolled	898		
Signed by President	898		
Sent to Governor	899		
Signed by Governor	1079		

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funds from the general fund of the State of Iowa to the Iowa crime commission for the purpose of matching federal funds to support certain activities within local government units and creating a legislative advisory committee.	
Introduced, placed on calendar ..	527
Amendments filed	573
Amendment filed	595
Amendment filed	625
Amendment adopted	647
Point of order raised	647
Amendment filed	647
Amendments adopted	648
Amendments lost	648
Passed Senate. Ayes 39, nays 1 ..	649
Reported correctly enrolled	1101
Signed by President	1101
Sent to Governor	1101
Signed by Governor	1185
Item veto	1189
 1183 By Thordsen. A bill for an act establishing an examination fee for real estate salesman or broker examinations.	
Introduced, passed on file	527
Referred to commerce	572
 1184 By Ways and Means. A bill for an act relating to the payment of the tax equivalent on industrial projects supported by cities and towns.	
Introduced, placed on calendar ..	527
Passed Senate. Ayes 42, nays none	699
 1185 By Conservation and Recreation. A bill for an act relating to the rule-making authority of the state conservation commission and penalties for violations of such rules.	
Introduced, placed on calendar ..	534
Amendment filed	573
Returned to conservation and recreation	1089
 1186 By Ways and Means. A bill for an act relating to urban renewal projects and bonds.	
Introduced, placed on calendar ..	541
H. F. 1257 substituted	699
Withdrawn	701
 1187 By Van Drie. A bill for an act to establish a board of electronic service examiners to register electronics service personnel and to provide a penalty for violation of this act.	
Introduced, passed on file	570
Referred to state government	572
 1188 By Appropriations. A bill for an act relating to the publication of educational and scientific reports by the state archaeologist.	
Introduced, placed on calendar ..	588
Passed Senate. Ayes 39, nays none	649
Reported correctly enrolled	867

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Signed by President	867
Sent to Governor	867
Signed by Governor	1079
 1189 By Appropriations. A bill for an act relating to the use and method of allocating funds appropriated for programs administered by the Iowa commission on alcoholism and making an appropriation.	
Introduced, placed on calendar ..	588
Amendment filed	655
Amendment lost	659
Amendments filed	659
Amendments adopted	659
Amendment filed	660
Amendments lost	660
Amendment filed	661
Call of the Senate requested	661
Call of the Senate	661
Call of the Senate lifted	662
Amendment adopted	662
Passed Senate. Ayes 31, nays 11 ..	662
Motion filed to reconsider vote ..	662
Motion to reconsider vote failed ..	724
 1190 By County Government. A bill for an act relating to the regulation of county homes.	
Introduced, placed on calendar ..	593
Committee amendment filed	625
Amendment filed	884
Amendment filed	885
Committee amendment adopted ..	903
Amendments lost	904
Point of order raised	904
Amendment adopted	904
Amendment filed	904
Amendment filed	905
Amendment lost	905
Passed Senate. Ayes 40, nays 7 ..	905
Explanation of vote	989
Message from House	1096
Senate concurred	1097
Passed Senate. Ayes 40, nays 5 ..	1097
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Vetoed by Governor	1188
 1191 By Judiciary. A bill for an act relating to business corporations.	
Introduced, placed on calendar ..	608
Amendment filed	773
Amendment adopted	839
Passed Senate. Ayes 36, nays none	839
Motion filed to reconsider vote ..	873
Motion to reconsider vote withdrawn	1017
Message from House	1147
Senate concurred	1161
Passed Senate. Ayes 43, nays none	1161
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1185
 1192 By Law Enforcement. A bill for an act relating to the control of dangerous substances and the board of pharmacy.	
Introduced, placed on calendar ..	621
Amendment filed	726

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Amendment filed	773	county systems, or equivalent	
Amendment filed	807	intermediate units for aux-	
Amendment filed	837	iliary services to nonpublic	
Amendments adopted	870	school students.	
Amendment withdrawn	870	Introduced, placed on calendar ..	687
Passed Senate. Ayes 47, nays		Amendment filed	727
none	871	Amendment filed	773
Reported correctly enrolled	1155	Returned to schools	1089
Signed by President	1155	1200 By Agriculture. A bill for	
Sent to Governor	1156	an act relating to control of	
Signed by Governor	1185	swine brucellosis.	
Became law by publication	1193	Introduced, placed on calendar ..	691
1193 By Social Services. A bill		Steering recommends calendar ..	1061
for an act relating to region-		Passed Senate. Ayes 33, nays 5 ..	1067
al medical educational facili-		Reported correctly enrolled	1155
ties.		Signed by President	1155
Introduced, placed on calendar ..	642	Sent to Governor	1156
Amendment filed	861	Signed by Governor	1185
Returned to social services	1089	1201 By Appropriations. A bill	
1194 By Judiciary. A bill for		for an act to appropriate	
an act relating to the Iowa		funds to the state highway	
Probate Code.		commission for designated	
Introduced, placed on calendar ..	651	capital improvement pro-	
Passed Senate. Ayes 39, nays		grams.	
none	840	Introduced, placed on calendar ..	698
Reported correctly enrolled	1177	Passed Senate. Ayes 44, nays	
Signed by President	1178	none	793
Sent to Governor	1178	Reported correctly enrolled	898
Signed by Governor	1185	Signed by President	898
1195 By County Government. A		Sent to Governor	899
bill for an act relating to the		Signed by Governor	1079
drawing of grand jurors.		1202 By Ways and Means. A bill	
Introduced, placed on calendar ..	651	for an act relating to Viet-	
Passed Senate. Ayes 45, nays		nam veterans' service com-	
none	840	penetration fund, authorizing	
Message from House	1147	the State of Iowa to become	
Senate concurred	1162	indebted in the amount of	
Passed Senate. Ayes 44, nays		twenty-eight million dollars	
none	1162	and providing for the issue	
Reported correctly enrolled	1177	and sale of bonds of the	
Signed by President	1178	state in evidence thereof,	
Sent to Governor	1178	and providing for the im-	
Signed by Governor	1185	position, levy, and collection	
1196 By Commerce. A bill for		of a direct annual tax suffi-	
an act relating to bonded		cient to pay the principal	
warehouses.		and interest of the bonds	
Introduced, placed on calendar ..	651	and providing a penalty.	
Amendment filed	706	Introduced, placed on calendar ..	702
Steering recommends calendar ..	1000	Amendment filed	727
H. F. 1272 substituted	1026	Amendment filed	773
Withdrawn	1027	Amendment filed	776
1197 By Van Gilst. A bill for an		Motion to return to committee ..	818
act relating to abandoned		Motion failed	818
railroad right-of-way.		1203 By Appropriations. A bill	
Introduced, passed on file	651	for an act making an ap-	
Referred to transportation	664	propriation from the general	
1198 By Ways and Means. A		fund of the state to the	
bill for an act to allow cities		department of public defense	
and towns to extend agree-		for various capital improve-	
ments to refrain from an-		vements, and providing for	
nexing specifically described		emergency helicopter am-	
territory.		bulance service.	
Introduced, placed on calendar ..	663	Introduced, placed on calendar ..	720
Passed Senate. Ayes 49, nays		Amendment filed	842
none	722	Amendment lost	843
Reported correctly enrolled	898	Passed Senate. Ayes 31, nays 17 ..	843
Signed by President	898	Motion filed to reconsider vote ..	843
Sent to Governor	899	Motion to reconsider vote laid on	
Signed by Governor	1079	table	843
1199 By Schools. A bill for an		Motion to reconsider vote laid on	
act relating to reimburse-		table prevailed	844
ment to local school districts,		Message from House	1172
county school systems, joint		Senate concurred	1174
		Passed Senate. Ayes 29, nays 15 ..	1174
		Reported correctly enrolled	1177
		Signed by President	1178

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Sent to Governor	1178
Signed by Governor	1185
1204 By Appropriations. A bill for an act making an appropriation to the Iowa law-enforcement academy for the construction of a building.	
Introduced, placed on calendar ..	720
Amendment filed	807
Amendment adopted	844
Passed Senate. Ayes 29, nays 16 .	844
1205 By Appropriations. A bill for an act relating to the salaries of the members of the Iowa state commerce commission and the director of the Iowa state traveling library.	
Introduced, placed on calendar .	720
Amendment filed	784
Amendment filed	785
Point of order raised	847
Referred to appropriations	848
Amendment filed	861
Amendments filed	862
1206 By State Government. A bill for an act relating to the method of paying state employees.	
Introduced, placed on calendar .	744
Passed Senate. Ayes 40, nays none	1000
Reported correctly enrolled	1177
Signed by President	1178
Sent to Governor	1178
Signed by Governor	1185
1207 By Commerce. A bill for an act relating to the deposit and use of fees collected by the Iowa state commerce commission.	
Introduced, placed on calendar .	744
Withdrawn	792
1208 By Judiciary. A bill for an act to prohibit discrimination by licensing associations.	
Introduced, placed on calendar ..	751
Passed Senate. Ayes 41, nays none	1002
1209 By Anderson and Arbuckle. A bill for an act to provide for cost-of-living adjustments after retirement under the Iowa public employees' retirement system.	
Introduced, passed on file	788
Referred to social services	801
1210 By Law Enforcement. A bill for an act relating to benefits under the peace officers' retirement system.	
Introduced, placed on calendar ..	798
Steering recommends calendar ..	1061
Amendment filed	1062
Amendment adopted	1063
Passed Senate. Ayes 48, nays none	1063
1211 By Judiciary. A bill for an act to establish a commission on the status of women and to define its powers and duties.	

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Introduced, placed on calendar ..	798
Returned to judiciary	1089
1212 By State Government. A bill for an act relating to health maintenance organizations.	
Introduced, placed on calendar .	798
Steering recommends calendar ..	1000
Amendment filed	1041
Amendment filed	1050
Amendments filed	1054
Points of order raised	1071
Motion to return to committee ..	1072
Motion failed	1072
Amendment lost	1073
Amendments withdrawn	1073
Amendment adopted	1073
Point of order raised	1074
Ruled out of order	1074
Motion to suspend rules to re-consider vote	1074
Motion to suspend rules to re-consider vote failed	1075
Placed on calendar under unfinished business	1075
Amendments filed	1080
Returned to state government ..	1089
1213 By Appropriations. A bill for an act relating to the appropriation of the office of the geological survey.	
Introduced, placed on calendar ..	834
Passed Senate. Ayes 45, nays 3 .	848
Reported correctly enrolled	1049
Signed by President	1049
Sent to Governor	1049
Signed by Governor	1109
1214 By Appropriations. A bill for an act relating to reimbursement to local school districts, county school systems, joint county systems, or equivalent intermediate units for auxiliary services to non-public school students and to make an appropriation therefor.	
Introduced, placed on calendar ..	835
Amendments filed	849
Amendment lost	849
Amendment lost	850
Amendments filed	851
Amendments adopted	851
Amendment lost	851
Amendments filed	852
Amendment adopted	852
Amendment lost	852
Amendments filed	853
Amendments adopted	853
Amendment filed	855
Amendment adopted	857
Passed Senate. Ayes 36, nays 11 .	857
1215 By Human and Industrial Relations. A bill for an act relating to workmen's compensation for loss of hearing.	
Introduced, placed on calendar ..	835
Returned to human and industrial relations	1089
1216 By Van Gilst. A bill for an act relating to property tax relief for the elderly and providing penalties for violations.	

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Introduced, passed on file	375	Introduced, referred to appropri-	986
Referred to ways and means	990	ations	986
1217 By Schools. A bill for an		Committee report	1009
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6, 10, 30, 69, 107, 145, 217, 219, 227, 254, 367, 391, 412,
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SENT TO SECRETARY OF STATE
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<p>2 By Holden. A joint resolution proposing an amendment to the constitution of the State of Iowa relating to the appropriation of fines as provided by law.</p> <p>Committee report 144 Recommended passage 144 Committee report adopted 210 Passed Senate. Ayes 43, nays none 211 Signed by President 323</p> <p>8 By Ellsworth. A joint resolution proposing an amendment to the constitution of the State of Iowa repealing the prohibition against lotteries in order that they may be regulated by the General Assembly.</p> <p>Withdrawn from constitutional amendments and reapportionment 472 Placed on calendar 472 Steering recommends calendar 1071 Passed Senate. Ayes 26, nays 23 1084 Signed by President 1178</p> <p>9 By Grassley, Camp, Fischer of Grundy and Pelton. A joint resolution relating to the effective date of laws.</p> <p>Received, passed on file 240 Referred to constitutional amendments and reapportionment ... 243</p> <p>14 By Iowa Development. A joint resolution creating a committee to study the use of land and other related resources.</p> <p>Returned to state government ... 14</p>		<p>1004 By Constitutional Amendments and Reapportionment. A joint resolution proposing an amendment to the constitution of the State of Iowa to provide means for the General Assembly to convene itself into special session between regular sessions.</p> <p>Received, passed on file 275 Referred to constitutional amendments and reapportionment ... 281 Committee report 308 Recommended passage 308 Committee report adopted 386 Passed Senate. Ayes 38, nays none 387 Signed by President 545</p>	
		<p>H. F.</p> <p>6 By Camp, Mayberry and Lawson (Griffin, Schaben, Arbuckle and Potgeter). A bill for an act to establish a state building code, provide for its administration, provide for the setting of fees, and provide a penalty for violation of the Code or orders issued thereunder.</p> <p>Committee report 261 Recommended amendment, passage 262 Committee amendment 262 Amendment filed 328 Committee report adopted 362 Placed on calendar under unfinished business 362 Amendments filed 378 Point of order raised 384 Referred to state government ... 384</p>	<p>Page</p>

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145 By Rex and Hansen. A bill for an act to provide an ex- cise tax on the sale of tur- keys and providing a penalty for certain violations of this act.	
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178 By Law Enforcement. A bill for an act relating to a requirement that persons ac- cused of having committed crimes together stand trial together, unless justice re- quires otherwise.	
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235 By Shaw, Fisher of Greene and Drake (Neu, Curran, Smith and Thordsen). A bill for an act relating to re- hearing and appeal pro- cedures from Iowa state com- merce commission action or decisions.	
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254 By Shaw. A bill for an act relating to the rate of interest which may be paid by a real estate investment trust.	
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287 By Rex, Ellsworth and Schmeiser. A bill for an act relating to the labeling of seed corn containers.	
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289 By Social Services. A bill for an act relating to the	

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391 By Agriculture. A bill for an act relating to the bonding of operators of slaughterhouses buying cattle, hogs, or sheep, and the bonding of agents, dealers, or brokers of such operators, and providing a penalty.		Returned to state government ..	15
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		472 By Lawson. A bill for an act relating to local boards of health.	
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495 By Knoke. A bill for an act relating to aid to dependent children and providing penalties for violations.	
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527 By Agriculture. A bill for an act relating to inspection fees for weights and measures.	
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539 By Grassley and Shaw. A bill for an act to define administrative rules.	
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 680 By Conservation and Rec- reation. A bill for an act to clarify the status of law enforcement officers appointed by the state conservation commission.	
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 684 By Ways and Means. A bill for an act relating to en- forcement of the motor fuel tax laws.	
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 687 By County Government. A bill for an act relating to the authority of the auditor of state.	
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 695 By Appropriations. A bill for an act to appropriate from the motor vehicle fuel tax fund for the biennium beginning July 1, 1971 and ending June 30, 1973, to the state comptroller.	
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Message from House	1086
Senate concurred	1094
Passed Senate. Ayes 46, nays 1 ..	1094
Signed by President	1178
 726 By Conservation and Rec- reation. A bill for an act imposing damage liability for the unlawful destruction, tak- ing, or possession of wild- life owned by the state of Iowa.	
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Signed by President	1177	Amendment filed	249
1001 By Human and Industrial Relations. A bill for an act relating to the safety inspec- tion and regulation of amuse- ment rides, devices, and re- lated electrical equipment, providing for the imposition and collection of inspection fees, and providing penalties for violations.		Committee amendments adopted .	249
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Steering recommends calendar	705	Amendments filed	253
Amendment filed	727	Amendments withdrawn	253
Amendment filed	728	Amendments lost	253
Committee report adopted	737	Amendment adopted	254
Amendment adopted	739	Amendment withdrawn	254
Committee amendment lost	740	Amendment filed	254
Amendment adopted	741	Point of order raised	254
Placed on calendar under unfin- ished business	741	Ruled out of order	255
Amendments filed	785	Amendment withdrawn	255
Amendment adopted	789	Amendment lost	255
Amendment filed	790	Point of order raised	256
Amendment adopted	790	Ruled out of order	256
Amendments lost	790	Amendment withdrawn	256
Amendment adopted	791	Committee amendment filed	256
Amendment filed	791	Point of order raised	257
Amendment withdrawn	791	Ruled out of order	257
Point of order raised	791	Amendment withdrawn	257
Amendment lost	791	Amendments filed	257
Passed Senate. Ayes 46, nays 2 .	791	Amendment adopted	257
Motion filed to reconsider vote .	792	Amendment adopted	258
Motion to reconsider vote failed .	878	Amendment filed	258
Signed by President	1178	Amendment adopted	259
1006 By Doyle. A bill for an act relating to the breaking and entering of vending ma- chines, and providing a pen- alty.		Committee amendment adopted .	259
Received, passed on file	159	Passed Senate. Ayes 41, nays 8 .	259
Referred to law enforcement	181	Motion filed to reconsider vote .	259
Committee report	443	Motion to reconsider vote laid on table	259
Recommended amendment, pas- sage	443	Motion to reconsider vote laid on table prevailed	260
Committee amendment	443	Explanation of vote	261
1011 By State Government. A bill for an act relating to the attainment of the age of majority.		Message from House	455
Received, passed on file	74	Senate refused to concur	485
Amendments filed	81	Explanation of vote	491
Referred to state government	101	Message from House	534
Committee amendment filed	115	Conference committee appointed .	534
Amendment filed	139	Call of the Senate requested . . .	753
Amendment filed	164	Call of the Senate	753
Committee report	197	Conference committee report . . .	754
Recommended amendment, pas- sage	197	Point of order raised	770
Committee amendment	197	Conference committee report adopted	770
Amendment filed	206	Passed Senate. Ayes 31, nays 18 .	770
Made special order	209	Signed by President	1123
Amendment filed	229	1012 By County Government. A bill for an act requiring post- ing of bond in conjunction with petition to establish a rural water district.	
Amendments filed	244	Received, passed on file	117
Special order	247	Substituted for S. F. 1002	130
Committee report adopted	247	Amendment filed	131
Committee amendments adopted .	248	Amendment adopted	131
		Failed to pass Senate. Ayes 22, nays 23	132
		Motion filed to reconsider vote .	143
		Motion to reconsider vote pre- vailed	336
		Passed Senate. Ayes 42, nays 1 .	336
		Signed by President	545
		1014 By County Government. A bill for an act relating to disposition of obsolete instru- ments in the county record- er's office.	
		Received, passed on file	123
		Substituted for S. F. 1006	133

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Passed Senate. Ayes 42, nays none	134
Signed by President	323
1015 By County Government. A bill for an act relating to disposition of obsolete copies of hunting, fishing and trapping licenses.	
Received, passed on file	89
Substituted for S. F. 1007	119
Passed Senate. Ayes 47, nays none	120
Signed by President	323
1016 By Camp and Lipsky. A bill for an act relating to the use of fees and funds received by the Iowa Soldiers Home.	
Received, passed on file	123
Referred to appropriations	138
Committee report	215
Recommended passage	215
Committee report adopted	269
Passed Senate. Ayes 45, nays none	270
Explanation of vote	281
Signed by President	323
1032 By Pellett, Grassley, Waugh, Tieden, Stromer, Rodgers and Radl. A bill for an act relating to resignations of school board members.	
Received, passed on file	246
Referred to schools	261
Committee report	573
Recommended passage	573
Amendment filed	707
Committee report adopted	826
Amendment adopted	826
Passed Senate. Ayes 46, nays none	827
Signed by President	1060
1033 By Commerce. A bill for an act relating to the regulation of liquid transport carriers.	
Received, passed on file	131
Referred to transportation	181
1036 By County Government. A bill for an act requiring the posting of a bond in conjunction with a petition to establish a private sanitary district, and the funding of preliminary expenses of such district.	
Received, passed on file	170
Amendment filed	182
Substituted for S. F. 1031	209
Amendment adopted	209
Placed on calendar under unfinished business	209
Passed Senate. Ayes 41, nays 1	335
Signed by President	545
1037 By Judiciary. A bill for an act relating to antitrust fees for prosecutors.	
Received, passed on file	159
Amendment filed	174
Substituted for S. F. 1028	191
Point of order raised	192
Amendments filed	192
Amendment adopted	192
Amendment filed	193

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Points of order raised	193
Amendment adopted	194
Passed Senate. Ayes 39, nays 7	194
1038 By Clark. A bill for an act relating to endurance contests and the penalty for participating therein.	
Received, passed on file	546
Referred to judiciary	572
Committee report	725
Recommended passage	725
Steering recommends calendar	1121
Committee report adopted	1122
Passed Senate. Ayes 41, nays 5	1122
Signed by President	1178
1039 By Clark (DeKoster and Potgeter). A bill for an act relating to the issuance of new birth certificates for persons born outside the United States and adopted in Iowa.	
Received, passed on file	457
Referred to judiciary	459
1042 By Kelly, McCormick, Schwieger, Christensen and Doyle (Kennedy, Lamborn, Potter and Glenn). A bill for an act relating to time served on parole.	
Received, passed on file	457
Substituted for S. F. 1065	505
Passed Senate. Ayes 33, nays 11	505
Motion filed to reconsider vote	518
Amendment filed	627
Motion to reconsider vote failed	831
Signed by President	873
1044 By County Government. A bill for an act authorizing counties to acquire private property by condemnation for sanitary landfill purposes.	
Received, passed on file	442
Referred to county government	459
Committee report	1141
Recommended passage	1142
1045 By Lipsky (Riley). A bill for an act changing the local budget certification date of school districts.	
Received, passed on file	247
Referred to schools	261
Committee report	726
Recommended passage	726
Committee report adopted	889
Passed Senate. Ayes 43, nays none	889
Signed by President	1060
1047 By Alt. A bill for an act relating to the lending and investing powers of savings and loan associations.	
Received, passed on file	372
Referred to commerce	376
Committee report	572
Recommended amendment, passage	572
Committee amendment	573
Committee report adopted	854
Committee amendment adopted	854
Passed Senate. Ayes 45, nays none	855
Signed by President	1178

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1052 By Commerce. A bill for an act relating to the deposit and use of fees collected by the Iowa State Commerce Commission.		connection with the award of a contract for the construction of a project designated as the "1971 Stuart, Iowa, sanitary sewer improvement project".	
Received, passed on file	163	Proof of publication certified	196
Referred to commerce	181	Received, passed on file	457
Committee report	227	Referred to judiciary	459
Recommended passage	227	Committee report	726
Committee report adopted	276	Recommended passage	726
Passed Senate. Ayes 42, nays none	276	Committee report adopted	890
Explanation of vote	282	Passed Senate. Ayes 42, nays none	890
Signed by President	545	Signed by President	1060
1057 By Law Enforcement. A bill for an act relating to the use of snowmobiles on railroad rights-of-way.		1078 By Pierson. A bill for an act relating to the placing of permit numbers on containers of agricultural seeds.	
Received, passed on file	280	Received, passed on file	359
Referred to law enforcement	295	Referred to agriculture	376
Committee report	419	1082 By Lipsky and Christensen. A bill for an act relating to a course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, providing for the revocation of drivers licenses, providing for fees and providing a penalty.	
Recommended passage	419	Received, passed on file	399
Steering recommends calendar	509	Referred to schools	418
Committee report adopted	687	Committee report	836
Motion to table	687	Recommended passage	836
Motion to table lost	687	Steering recommends calendar	1101
Placed on calendar under unfinished business	687	Committee report adopted	1122
Returned to law enforcement	1089	Passed Senate. Ayes 36, nays 8	1123
1071 By Pellett. A bill for an act to legalize the indebtedness of the Audubon county agricultural society and to provide an annual tax to pay said indebtedness.		Signed by President	1178
Proof of publication certified	180	1084 By Agriculture. A bill for an act to provide that rural water districts shall not be subject to regulation by the Iowa state commerce commission.	
Received, passed on file	359	Received, passed on file	251
Referred to judiciary	376	Referred to agriculture	261
Committee report	510	Committee report	307
Recommended passage	510	Recommended passage	307
Committee report adopted	823	Committee report adopted	472
Passed Senate. Ayes 34, nays 11	823	Passed Senate. Ayes 43, nays none	472
Signed by President	873	Signed by President	545
1074 By Nystrom. A bill for an act to legalize and validate proceedings of the board of directors of the United Community school district in the counties of Boone and Story, State of Iowa, authorizing and providing for the sale and issuance of school building bonds and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.		1087 By Commerce. A bill for an act to prescribe a penalty for violation of laws relating to the registration of a motor carrier's interstate transportation service.	
Proof of publication certified	196	Received, passed on file	260
Received, passed on file	433	Referred to transportation	281
Referred to judiciary	443	1089 By Fischer of Grundy (Griffin). A bill for an act relating to the Iowa insurance guaranty association.	
Committee report	492	Received, passed on file	518
Recommended passage	492	Amendment filed	837
Committee report adopted	693	Substituted for S. F. 1086	869
Passed Senate. Ayes 39, nays none	693	Amendment withdrawn	869
Signed by President	845	Passed Senate. Ayes 46, nays none	869
1075 By Varley. A bill for an act to legalize and validate the proceedings of the town council of the town of Stuart, in the counties of Adair and Guthrie, State of Iowa, in		Signed by President	1060

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1098 By Ellsworth. A bill for an act related to the contents of a safety deposit box or other security enclosure of a decedent.	
Received, passed on file	457
Referred to commerce	459
1099 By Ways and Means. A bill for an act providing for an appraisal staff and appraisal manual in the department of revenue, and to make an appropriation therefor.	
Received, passed on file	408
Referred to appropriations	443
Committee report	518
Recommended passage	518
Committee report adopted	568
Passed Senate. Ayes 41, nays 2 ..	568
Signed by President	845
1101 By Grassley. A bill for an act to legalize and validate proceedings for the establishment, organization, formation, and changes in the boundaries of merged area school systems.	
Received, passed on file	846
Substituted for S. F. 529	1001
Passed Senate. Ayes 40, nays none	1001
Signed by President	1178
1104 By Social Services. A bill for an act relating to protective eyeglass lenses.	
Received, passed on file	273
Substituted for S. F. 1052	275
Amendment filed	275
Amendment adopted	275
Passed Senate. Ayes 40, nays 3 ..	275
Motion filed to reconsider vote ..	280
Explanation of vote	281
Amendment filed	328
Amendment filed	353
Motion to reconsider vote pre- vailed	363
Amendment adopted	363
Amendment adopted	364
Passed Senate. Ayes 43, nays 1 ..	364
Signed by President	545
1117 By Commerce. A bill for an act relating to the annual report of the commissioner of insurance.	
Received, passed on file	359
Referred to commerce	376
Committee report	573
Recommended passage	573
Committee report adopted	827
Passed Senate. Ayes 42, nays none	827
Signed by President	873
1120 By County Government. A bill for an act relating to notification of property owners of adjustment of real property assessments.	
Received, passed on file	359
Substituted for S. F. 1117	476
Placed on calendar under unfin- ished business	476
Amendment filed	495
Amendment adopted	499

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Passed Senate. Ayes 33, nays 8 .	499
Signed by President	845
1127 By Logemann. A bill for an act relating to a penalty for the possession or consumption of alcoholic liquors or beer on public school property or while attending school-related functions.	
Received, passed on file	490
Referred to schools	491
Committee report	680
Recommended amendment, pas- sage	680
Committee amendment	680
Amendment filed	685
Steering recommends calendar ..	800
Committee report adopted	874
Committee amendment adopted ..	874
Amendment adopted	874
Passed Senate. Ayes 46, nays none	874
Motion filed to reconsider vote ..	878
Amendment filed	991
Motion to reconsider vote failed ..	1017
Signed by President	1178
1128 By Commerce. A bill for an act relating to the annual certificate of authority of insurance companies.	
Received, passed on file	399
Referred to commerce	418
Committee report	573
Recommended passage	573
1129 By County Government. A bill for an act relating to a maximum mileage payment for members of the board of supervisors in counties of forty thousand population or less.	
Received, passed on file	359
Referred to county government ..	376
Committee report	510
Recommended passage	510
Steering recommends calendar ..	1101
Committee report adopted	1125
Passed Senate. Ayes 31, nays 10 ..	1126
Signed by President	1178
1133 By State Government. A bill for an act making corrective amendments to the "Iowa Beer and Liquor Control Act" by defining the phrase "intoxicating liquor"; changing the term of office of council members; allowing certain special permit holders to buy alcohol direct from distiller or wholesaler; amending the qualifications for the holding of certain special liquor permits; defining the authority of local issuing bodies upon initial issuance of liquor licenses and retail beer permits; changing the license fees for hotels and motels located outside corporate limits of cities and towns; correcting the omission of the words "and tax" in provisions relating to air common carriers; providing	

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that certain refund provisions apply to all classes of retail beer permittees ; providing notification of the transfer of location of the licensed premises for the retail sale of beer and liquor to the department and establishing a transfer fee by regulation; redefining areas in which retail licenses and permits may be granted; redefining the term "grocery store"; eliminating a conflict in population factors; making uniform the time a penalty of license suspension might last for all classes of beer permit holders and the holders of certificates of compliance by brewers and importers of malt beverages; and, by providing that books of accounts and records of beer permittees shall be open to inspection by the enforcement division of beer and liquor department of public safety during normal business hours.		Received, passed on file	651
Received, passed on file	374	Referred to commerce	664
Referred to state government	376	Committee report	771
Committee report	594	Recommended passage	771
Recommended amendment, passage	595	Steering recommends calendar	1000
Committee amendment	595	Committee report adopted	1005
Amendment filed	685	Passed Senate. Ayes 28, nays 4	1005
Steering recommends calendar	1101	Signed by President	1178
Committee report adopted	1120	1147 By State Government. A bill for an act relating to the election laws and providing penalties for violations thereof.	
Committee amendment adopted	1120	Received, passed on file	372
Amendment lost	1121	Referred to state government	376
Passed Senate. Ayes 33, nays 14	1121	Amendment filed	422
Explanation of vote	1139	Amendment filed	423
Signed by President	1178	Amendment filed	480
1140 By Shaw, Lipsky, McElroy, Sargisson, Egenes, Franklin, Miller and Mayberry. A bill for an act to establish a commission on the status of women and to define its powers and duties.		Amendment filed	495
Received, passed on file	858	Made special order	534
Referred to judiciary	1092	Committee report	535
Committee report	1111	Recommended amendment, passage	535
Recommended passage	1111	Committee amendment	535
Committee report adopted	1125	Amendments filed	574
Passed Senate. Ayes 41, nays 4	1125	Amendment filed	575
Signed by President	1178	Amendments filed	597
1141 By Ellsworth, Hansen, Sorg, Kennedy, Priebe and Wirtz (Griffin). A bill for an act relating to unfair trade practices in the business of insurance and providing a penalty.		Amendments filed	598
Received, passed on file	518	Special order	601
Amendments filed	729	Committee report adopted	601
Amendment filed	807	Committee amendment adopted	602
Substituted for S. F. 1099	865	Amendment withdrawn	602
Amendments adopted	866	Committee amendment lost	602
Passed Senate. Ayes 47, nays none	866	Committee amendments adopted	603
Signed by President	1123	Amendment adopted	603
1143 By Freeman. A bill for an act relating to installment loans by state banks.		Amendment filed	604
		Amendment adopted	604
		Committee amendments adopted	604
		Committee amendment lost	606
		Amendment filed	609
		Amendment adopted	609
		Committee amendment lost	609
		Committee amendment adopted	610
		Amendment lost	613
		Amendment adopted	613
		Amendment withdrawn	613
		Committee of the whole	616
		Call of the Senate requested	617
		Call of the Senate	617
		Amendment adopted	618
		Amendment lost	618
		Amendment lost	619
		Point of order raised	619
		Amendments adopted	620
		Amendment lost	620
		Amendment withdrawn	620
		Motion filed to reconsider vote	621
		Amendments filed	627
		Amendments filed	628
		Amendments filed	629
		Amendments adopted	635
		Amendments withdrawn	635
		Point of order raised	636
		Ruled out of order	636
		Point of order raised	637
		Amendment lost	637
		Amendment adopted	638
		Motion to reconsider vote failed	638
		Amendment filed	638
		Point of order raised	639
		Amendment adopted	639
		Amendment withdrawn	639
		Amendment filed	640
		Amendment lost	641
		Passed Senate. Ayes 42, nays 7	641
		Explanation of vote	652
		Message from House	833

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Senate concurred	834
Passed Senate. Ayes 38, nays 2 ..	834
Signed by President	1123
1156 By Iowa Development. A bill for an act creating an Iowa world exposition authority, and specifying its purposes, powers and responsibilities.	
Received, passed on file	658
Substituted for S. F. 1143	745
Point of order raised	746
Amendments filed	746
Amendments adopted	746
Amendments filed	747
Amendment lost	747
Amendments adopted	747
Amendment adopted	748
Amendments filed	748
Amendment lost	749
Amendments filed	749
Amendment withdrawn	749
Amendment adopted	750
Call of the Senate requested	750
Call of the Senate	750
Motion to substitute	751
Motion to substitute prevailed ..	751
Amendment withdrawn	751
Amendment filed	751
Amendments filed	752
Amendments lost	752
Amendment adopted	752
Passed Senate. Ayes 27, nays 22 ..	753
Motion filed to reconsider vote ..	801
Message from House	1096
Senate refused to concur	1099
Motion filed to reconsider vote ..	1110
Motion to reconsider vote with- drawn	1118
Conference committee appointed ..	1128
Conference committee report ..	1137
Message from House	1128
Conference committee report adopted	1153
Passed Senate. Ayes 27, nays 23 ..	1153
1169 By Law Enforcement. A bill for an act requiring a report of the disposition of all persons whose arrest has been reported to the division of criminal investigation and the bureau of identification.	
Received, passed on file	386
Referred to law enforcement ..	418
Amendment filed	423
Committee report	1010
Recommended passage	1010
1176 By Environmental Preservation. A bill for an act relating to the department of soil conservation.	
Received, passed on file	457
Referred to environmental pres- ervation	459
Committee report	518
Recommended passage	518
Amendment filed	729
Committee report adopted	825
Point of order raised	825
Amendment lost	825
Passed Senate. Ayes 35, nays 10 ..	825
Signed by President	873
1181 By Agriculture. A bill for an act relating to livestock,	

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providing for rules and regu- lations and providing a pen- alty for violations.	
Received, passed on file	488
Referred to agriculture	491
1196 By Dunton, Alt, Sargisson, Hansen, Kruse, Taylor, Mon- roe, Andersen, Bennett, Clark, Edelen, Ellsworth, Gluba, Hill, Jesse, Kelly, Kreamer, Larson, Logemann, McCor- mick, McElroy, Millen, Miller, Moffitt, Nystrom, Radl, Small, Sorg, Stanley, Uban, Waugh, Willits, Winkelman, Wirtz and Drake. A bill for an act relating to the planning for and conversion of Terrace Hill for use as a governor's mansion.	
Received, passed on file	1127
Amendment filed	1130
Amendment lost	1131
Passed Senate. Ayes 37, nays 10 ..	1131
Signed by President	1178
1198 By Judiciary. A bill for an act relating to the appeal of a condemnation award.	
Received, passed on file	1150
1199 By Social Services. A bill for an act to clarify legal settlement of minor children residing in institutions.	
Received, passed on file	457
Referred to judiciary	459
1200 By Social Services. A bill for an act relating to post- mortem examinations.	
Received, passed on file	457
Referred to social services	459
1203 By Judiciary. A bill for an act relating to erroneous and obsolete references in the Code of Iowa.	
Received, passed on file	457
Referred to judiciary	459
Committee report	594
Recommended passage	594
Committee report adopted	1004
Passed Senate. Ayes 37, nays none	1004
Signed by President	1123
1207 By Conservation and Rec- reation. A bill for an act relating to the hunting of migratory waterfowl, the is- suanace of stamps, and the col- lection of fees.	
Received, passed on file	588
Substituted for S. F. 1179	868
Passed Senate. Ayes 29, nays 14 ..	868
Signed by President	1060
1213 By Appropriations. A bill for an act making an appro- priation to the office of secre- tary of state to defray ex- penses relating to the ad- ministration of election laws.	
Received, passed on file	488
Referred to appropriations	491
Committee report	706

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Recommended passage	706	Amendment adopted	796
Amendment filed	729	Amendments filed	796
Committee report adopted	793	Points of order raised	796
Points of order raised	794	Ruled out of order	796
Ruled out of order	794	Amendment adopted	797
Passed Senate. Ayes 43, nays 3 ..	794	Passed Senate. Ayes 48, nays 1 ..	797
Signed by President	845	Signed by President	1178
1214 By Appropriations. A bill for an act relating to funding of the merit system pay plan and making an appropriation. Received, referred to appropri- ations	1029	1249 By Social Services. A bill for an act relating to eligi- bility for old-age assistance. Received, passed on file	859
Passed Senate. Ayes 41, nays 4 ..	1127	Referred to social services	861
Signed by President	1178	 	
1219 By Conservation and Recre- ation. A bill for an act related to the destruction of undesirable fish. Received, passed on file	546	1253 By Social Services. A bill for an act relating to the use of ambulance services at Uni- versity hospital. Received, passed on file	692
Referred to conservation and recre- ation	572	Substituted for S. F. 1178	824
Committee report	801	Passed Senate. Ayes 45, nays none	824
Recommended passage	801	Signed by President	873
Committee report adopted	1011	 	
Passed Senate. Ayes 39, nays 1 ..	1012	1257 By Ways and Means. A bill for an act relating to urban renewal projects and bonds. Received, passed on file	692
Signed by President	1178	Substituted for S. F. 1186	699
 		Passed Senate. Ayes 43, nays 2 ..	700
1220 By State Government. A bill for an act authorizing the use of electronic voting sys- tems. Received, passed on file	546	Motion filed to reconsider vote ..	700
Referred to county government ..	652	Motion to reconsider vote laid on table	700
Re-referred to state government ..	801	Motion to reconsider vote laid on table failed	701
Committee report	836	Motion filed to reconsider vote ..	705
Recommended passage	836	Motion to reconsider vote with- drawn	722
 		Signed by President	845
1242 By State Government. A bill for an act to establish a commission on compensation, expenses, and salaries for elective state officials and constitutional judicial offi- cers. Received, passed on file	835	1258 By Transportation. A bill for an act to amend chapter 183, Acts of the Sixty-fourth General Assembly relating to motor vehicle inspection to extend the time within which a vehicle failing inspection must be repaired, to require inspection upon the trans- fer of a motor vehicle, to lengthen the period within which a motor vehicle must be inspected prior to trans- fer, to provide for adminis- trative appeal, and to permit the regrooving of specially designed tires. Received, passed on file	570
Referred to state government ..	861	Referred to transportation	572
Committee report	990	Committee report	771
Recommended amendment, pas- sage	990	Recommended passage	771
Committee amendment	990	Amendment filed	991
Steering recommends calendar ..	1071	Committee report adopted	1002
Points of order raised	1085	Amendment adopted	1003
Committee report adopted	1089	Passed Senate. Ayes 37, nays none	1003
Committee amendment adopted ..	1089	Signed by President	1178
Passed Senate. Ayes 39, nays 5 ..	1089	 	
Explanation of vote	1110	1259 By Transportation. A bill for an act relating to the use of motor vehicle "registra- tion applied for" cards. Received, passed on file	692
Signed by President	1178	Referred to transportation	705
 		Committee report	772
1247 By Appropriations. A bill for an act making appropri- ations to the educational radio and television facility board for the purpose of making capital improvements. Received, passed on file	621	Recommended passage	772
Referred to appropriations	652	Committee report adopted	1003
Committee report	706	 	
Recommended passage	706	1259 By Transportation. A bill for an act relating to the use of motor vehicle "registra- tion applied for" cards. Received, passed on file	692
Amendment filed	730	Referred to transportation	705
Amendment filed	733	Committee report	772
Amendment filed	785	Recommended passage	772
Committee report adopted	795	Committee report adopted	1003
Amendment filed	795	 	
Amendments lost	795		
Amendment withdrawn	795		

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Passed Senate. Ayes 37, nays none	1004
Signed by President	1178
1260 By Judiciary. A bill for an act relating to exemptions from execution and providing penalties.	
Received, passed on file	600
Referred to judiciary	1092
Committee report	1111
Recommended passage	1111
1265 By State Government. A bill for an act relating to the 1972 primary election.	
Received, passed on file	692
Referred to state government	705
Committee report	805
Recommended passage	805
Amendment filed	807
Steering recommends calendar	883
Amendment filed	885
Amendment filed	886
Committee report adopted	890
Amendment adopted	891
Amendment withdrawn	893
Amendment lost	894
Amendment lost	895
Amendment filed	895
Amendment adopted	896
Passed Senate. Ayes 48, nays 2	896
Signed by President	1177
1269 By Schools. A bill for an act amending the state school foundation program in chapter one hundred sixty-five (165), Acts of the Sixty-fourth General Assembly, first session, by including in the definition of fall enrollment those resident pupils attending public schools in another district or state and out-of-state pupils attending public schools in the district, and including attendance at special education programs as well as classes; excluding from miscellaneous income reimbursement received from programs provided under section two hundred fifty-seven point twenty-six (257.26) of the Code; permitting a school district to increase its costs for the single school year beginning July 1, 1972, by the amount its federal aid increases over the previous year, and to exclude the increased amount from miscellaneous income; excluding from miscellaneous income beginning July 1, 1973, all federal aids and reimbursements; correcting the definition of district cost and defining total expenditures for the current year; clarifying the method of determining maximum district cost; correcting the method of determining additional school district property tax levy; redefining the procedure for the school budget review com-	

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mittee to authorize an increase in maximum millage when a nonpublic school closes; clarifying the duties of the school budget review committee in reviewing school budgets; and correcting the limitation on costs incurred under section two hundred fifty-seven point twenty-six (257.26) of the Code, for which reimbursement may be claimed.	
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Committee report	801
Recommended passage	802
Steering recommends calendar	883
Committee report adopted	897
Amendment filed	897
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1272 By Commerce. A bill for an act relating to bonded warehouses.	
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Amendment filed	786
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Amendment filed	837
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Amendment filed	991
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Amendment withdrawn	1103
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1275 By Judiciary. A bill for an act relating to dissolution of marriage.	
Received, passed on file	846
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Received, passed on file	698
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Referred to appropriations	725
1282 By Appropriations. A bill for an act relating to the creation of a physicians' assistants fund and making an appropriation therefor.	
Received, passed on file	698
Referred to appropriations	725
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Use of weed seed in commercial feed. HF 1062, Priebe.
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(Also see Liquor Control Commission)

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Provide a standing appropriation to commission on alcoholism from liquor profits. HF 1208, Uban, et al.

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Prohibit administration of drugs to horses, penalties. HF 1125, Winkelman and Tieden.

Prohibit processors and distributors of beef or pork products from engaging in the production of cattle or hogs, penalties. SF 1108, Briles.

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- Conversion of Terrace Hill for use as governor's mansion, appropriation. HF 1196, Dunton, et al.
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Appropriate to public instruction, participation in federal breakfast, lunch and minimal equipment programs. SF 1091, appropriations.

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ARCHITECTS—**General**

Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)

Construction of private and public buildings and facilities, accessible and functional for handicapped. HF 1121, Blouin.

Establish office of state architect within department of general services. HF 1124, Alt.

AREA VOCATIONAL SCHOOLS—

(See Schools, sub-ref. Area—Area Vocational)

ARMED FORCES—

(See Military and/or Public Defense)

ASSESSMENTS—**General**

Notification, by county assessors, not later than March 15th, valuation of property. HF 452, Schmeiser, et al.; (Similar subject matter as HF 1120, county government; SF 1117, county government.)

Establish a moratorium on increases in assessment of real property, except for equalization between counties, etc. HF 1090, Winkelman.

Issue an appraisal manual to all county and city assessors by department of revenue. HF 1099, ways and means; SF 1075, ways and means. S.

Tax assessment procedures. SF 1096, ways and means.

Apportionment of property valuation of certain electric power generating plants. HF 1148, Kehe and Fischer of Grundy; HF 1277, ways and means. Similar subject matter.

Recording of documents for each special assessment project, etc., for cities and towns. HF 1178, Rex.

ASSESSORS—**General**

Notification, by county assessors, not later than March 15th, valuation of property. HF 452, Schmeiser, et al.; (Similar subject matter as HF 1120, county government; SF 1117, county government.)

Issue an appraisal manual to all county and city assessors by department of revenue. HF 1099, ways and means; SF 1075, ways and means. S. Tax assessment procedures. SF 1096, ways and means.

ATTORNEY GENERAL—

General

Eliminate payment of a portion of the fines in antitrust suits to county attorneys and the attorney general. HF 1030, Blouin; SF 1028, judiciary; HF 1037, judiciary. S. (HF 1030 similar).
Provide pamphlet on laws re alcoholic beverages, distribute to all high schools. HF 1066, Rodgers.
State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.

ATTORNEYS—

General

Fees for legal assistance employed by executive council and claims against the state. SF 1145, Hill and Potgeter. Increase salaries of county attorneys. HF 1209, Knoke.

AUCTIONS—

General

Casual farm auction sales, disposition of proceeds. HF 1067, Pellett. Definition of casual sales. HF 1083, Scott.

AUDITOR OF STATE—

General

Extend for an additional year funds appropriated for implementing an inventory and accounting system by liquor control commission. SF 1181, appropriations.

AUTOMOBILES—

(See Motor Vehicles and Liability)

AUTOPSY—

General

Postmortem examinations. HF 1200, social services.

AWARDS—

General

Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.

BALLOTS—

(See Elections)

BANKING—

General

Bank offices, discontinue if more than one bank is established. HF 100, Sorg, et al.; SF 341, Griffin; SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy. (Similar subject matter)
Bank holding companies, bank offices, etc., re loans, fees paid, etc. SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy; HF 100, Sorg, et al.; SF 341, Griffin. (Similar subject matter)
Delivery to a co-owner of the contents of a safety deposit box after having been reported to department of revenue. HF 1098, Ellsworth; HF 1190 Blouin. (Same)
Inducements to open or add to savings accounts, penalties. HF 1109, Fischer of Grundy.
Eliminate time limits and dollar amount limits on installment loans by banks. HF 1143, Freeman.
Taxation of financial institutions, deduction of franchise tax shall not be allowed. HF 1246, ways and means.
Method of paying state employees, bank. SF 1206, state government.
Division of Iowa into different federal reserve districts. HCR 132; H.J. 1113, 1266 adopted; S.J. 1023, 1116 adopted.

BARBERS AND BARBERING—

General

Regulation of advertising and selling courses of instruction. HF 499, Grassley, et al.; HF 1273, commerce. (Similar subject matter)

BEER—

(See Alcoholic Beverages)

BENEFITS—

General

State employees transferring from a nonmerit system job to merit system job entitled to state employee benefits. SF 1033, Van Drie.
Increase per diem pay for appointive members of advisory investment board of IPERS, also change retirement dates and benefits. HF 1046, Anderson; SF 1067, Griffin; HF 1093, Dunton, et al. (Same subject matter)

Provide financial benefits for education of children of persons classified as prisoners of war or missing in action in Viet Nam. SF 1136, Rabedeaux.
 Increase benefits for unemployment compensation. HF 1248, Gluba, et al.

BEVERAGES—**General**

Vending machines, breaking and entering of. HF 1006, Doyle.

BILLS—**General**

Allow any citizen of Iowa to submit a proposed bill to the legislative service bureau. SF 1177, Riley.

BOARD OF REGENTS—

(See Regents, Board of)

BOARD OF REVIEW—

(See Assessments and/or Property)

BOATS—

(See Watercraft)

BONDS—**General**

Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.

Petitioning for a rural water district, bond required. SF 1002, county government; HF 1012, county government.

Cigarette retailers, eliminate bonding of. HF 1027, Uban, et al.

Petitioning for a private sanitary district, bond required. SF 1031, county government; HF 1036, county government.

Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.

Establish a highway construction fund, construction and reconstruction of state and interstate controlled-access highways, issuance of bonds, etc. SF 1146, Shawver.

Authorize cities and towns to issue revenue bonds in connection with pollution control. SF 1158, Iowa development; HF 1239, Lawson.

Cities and Towns

(See Cities and Towns, sub-ref. Bonds)

Schools

(See Schools, sub-ref. Bonds)

BOUNDARIES—**General**

Legalize establishment, organization, formation, and changes in the boundaries of merged area school systems. SF 529, Walsh; HF 1101, Grassley. Similar.

BOUNTIES—

(See Animals, sub-ref. General)

BOXING—

(See Sports)

BRANDING—

(See Animals, sub-ref. Farm and/or General)

BRUCELLOSIS—

(See Animals, sub-ref. Diseases)

BUDGETS—**General**

Change local budget certification date of school districts. SF 1001, Riley; HF 1045, Lipsky.

Change fiscal year of cities and towns, counties, and other political subdivisions. SF 1125, ways and means; HF 1175, ways and means. (HF 733 and SF 575 similar subject matter)

BUILDINGS—**General**

Use of state buildings by state employee organizations. HF 1061, Nystrom.

Construction of private and public buildings and facilities, accessible and functional for handicapped. HF 1121, Blouin.

Establish office of state architect within department of general services. HF 1124, Alt.

Exempt sales by school districts of structures erected by students from property value limitations, sec. 297.22 of Code. HF 1159, Ellsworth; HF 1286, ways and means.

Planning of a new state agriculture building, appropriation. HF 1278, agriculture.
 Allow executive council to purchase the GMC building, appropriation. HF 1279, appropriations.
 Construction of a building at law-enforcement academy, appropriation. SF 1204, appropriation.
 Study need, financing and planning for construction of a state office building, appropriation. HF 1295, appropriations.
 Implementation and administering state building code, appropriation for. HF 1299, appropriations.
 General Assembly urges allowing state employee organizations the use of state buildings and auditoriums when available. HCR 131; H.J. 1090, 1358 adopted; S.J. 1131-1132 failed, 1134.

BUILDINGS AND GROUNDS, STATE—

General

Use of state buildings by state employee organizations. HF 1061, Nystrom.
 Planning of a new state agriculture building, appropriation. HF 1278, agriculture.

BUSES—

(See Motor Vehicles, sub-ref. Buses and/or Schools, sub-ref. Buses and/or Transportation)

CAPITAL IMPROVEMENTS—

General

Appropriation to educational radio and television facility board for capital improvements. HF 1247, appropriations.
 Designated capital improvement programs, highway commission, appropriation. SF 1201, appropriations; HF 1293, appropriations.
 Public defense, appropriation for various capital improvements. SF 1203, appropriations.

CAPITOL IMPROVEMENTS—

General

Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)

CAPITOL PLANNING COMMISSION—

General

Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)
 Establish office of state architect within department of general services. HF 1124, Alt.
 Study need, financing and planning for construction of a state office building, appropriation. HF 1295, appropriations.

CARRIERS—

(See Common Carriers)

CENTRAL COMMITTEES—

General

Strike requirement state central committee of a political party consist of one man and one woman from each congressional district. SF 1121, Milligan and Gaudineer.
 Authorize a presidential preferential primary election in Iowa. HF 1186, Freeman and Blouin.

CERTIFICATES—

General

Issuance of new birth certificates for persons born outside the U.S. and adopted in Iowa. SF 354, DeKoster and Potgeter; HF 1039, Clark.
 Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.
 Annual certificate of authority of insurance companies, extend review time. HF 1128, commerce.

CHARITABLE INSTITUTIONS AND ORGANIZATIONS—

General

Property now exempt from taxation if used for commercial purposes to be taxed. HF 678, Cochran; HF 1106, Scott. (Similar)

CHIEF CLERK—

General

Interim expenses for the Chief Clerk of the House. HR 101; H.J. 1326, 1358, adopted.

CHILDREN—

(See Minors)

CIGARETTES—
(See Tobacco)**CITIES AND TOWNS—****General**

- Bank offices, discontinue if more than one bank is established. HF 100, Sorg, et al.; SF 341, Griffin; SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy. (Similar subject matter)
- Qualifications for city employees under civil service, conscientious objectors. HF 273, Bray, et al.; HF 1115, Small. (Same subject matter)
- State or its political subdivisions not liable regarding use of snowmobiles in road ditches, etc. HF 1055, Scott, et al.
- Emergency lighting system for use during a power failure, certain public places. HF 1064, Scott.
- Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Anderson, et al.
- Change date of school board elections to coincide with municipal elections, etc. HF 1080, Kreamer; SF 1063, Conklin.
- Cities and towns must allocate at least 20% of the funds distributed to them from state liquor store sales to treatment and rehabilitation of alcoholics and drug abusers. SF 1061, Riley; HF 1180, Knoke. Similar.
- Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.
- Use of funds received from parking meters. SF 1071, cities and towns.
- Age qualifications for elective public office. HF 1116, Kehe, et al.
- Regulation of railroads in cities and towns, penalties. SF 1097, Riley and Robinson. (SF 285 similar subject matter)
- Establish collection stations for recyclable materials. HF 1136, Kehe.
- Provide for police reserve units in cities with populations over 5,000. SF 1107, Griffin; HF 1179, Knoke.
- Municipal tort liability—includes employees, officers, school board members, etc., notices. SF 1133, DeKoster.
- Change fiscal year of cities and towns, counties, and other political subdivisions. SF 1125, ways and means; HF 1175, ways and means. (HF 733 and SF 575 similar subject matter)
- Recording of documents for each special assessment project, etc., for cities and towns. HF 1178, Rex.
- Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.
- Exempt from tax on sales and services; those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.
- Authorize cities and towns to issue revenue bonds in connection with pollution control. SF 1158, Iowa development; HF 1239, Lawson.
- City or town may support medical facilities. HF 1222, Winkelman.
- Provide that 10% of the gross sales of liquor stores be distributed to cities and towns—1% to counties. HF 1241, Gluba, et al.
- Qualifications of police and fire chiefs. SF 1174, Doderer.
- All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.
- Distribution of motor vehicle registration fees by county treasurers. HF 1255, Holden.
- Provide for assessment of penalties and interest on delinquent payment of the tax equivalent on industrial projects, cities and towns. SF 1184, ways and means.
- Allow cities and towns to extend agreements to refrain from annexing specifically described territory. SF 1198, ways and means.

Bonds

- Urban renewal projects and bonds. HF 1257, ways and means; SF 1186, ways and means.

Councils

- Election laws penalties. HF 1147, state government.
- Urban renewal projects and bonds. HF 1257, ways and means; SF 1186, ways and means.

Ordinances

- Permit cities and towns, by ordinance, to require platting. SF 1161, Riley.

Streets

- Raise allocation from road use tax fund to street construction fund of cities and towns, lower others. HF 1238, Gluba.

CITIZENS' AIDE—**General**

- Establish an office of citizens' aide, penalties, appropriation. SF 288, Potgeter and Walsh; HF 1122, Winkelman, et al.; HF 1291, appropriations. (Same subject matter)

CIVIL ACTIONS—**General**

- Exceptions to time limits during which certain civil actions must be brought. SF 1057, Van Drie; HF 1086, Egenes.

Civil liability for criminal acts, restitution to victims of crimes. HF 1201, Strothman.
 Person found guilty of a crime can not deny act in a civil action for damages. HF 1202, Strothman.
 Provide that motor vehicle accident reports are inadmissible in evidence. HF 1205, Kreamer.

CIVIL RIGHTS—**General**

Persons disqualified from being electors. HJR 1005, Blouin.
 Prohibit wage discrimination on the basis of sex. HF 1142, Shaw, et al.
 Civil rights of physically and mentally handicapped persons. SF 1148, human and industrial relations.
 Prohibit discrimination by licensing associations. SF 1208, judiciary.

CIVIL SERVICE—**General**

Qualifications for city employees under civil service, conscientious objectors. HF 273, Bray, et al.; HF 1115, Small. (Same subject matter)
 Qualifications of police and fire chiefs. SF 1174, Doderer.

CLAIMS—**General**

Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.
 Free copy of an individual's military record furnished for perfecting any claim. SF 1005, county government.
 Change classification of claims, for public assistance, against estates, mentally ill. SF 1038, judiciary.
 State responsible for damage caused by negligent or wrongful acts of its wards under age 18. HF 1158, Husak.
 Fees for legal assistance employed by executive council and claims against the state. SF 1145, Hill and Potgeter.
 Settlement of claims, appropriation. HF 1298, appropriations.
 Rejected claims be considered by Senate and House, approval. HCR 128; H.J. 1062, 1281 adopted; S.J. 1044, 1121 adopted.

CODE—CODE EDITOR—**General**

Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)
 Free copy of Code to juvenile court referee. HF 1041, Kelly.
 Provide each judge in Iowa with an additional copy of the Code and other documents. SF 1051, Riley.
 Correct erroneous, inconsistent, and obsolete sections of the Code, including some penalty sections. SF 1132, judiciary.
 Correct erroneous and obsolete references in the Code. HF 1203, judiciary.
 Implementation and administering state building code, appropriation for. HF 1299, appropriations.

COLLECTIONS—**General**

Provide that certain actions by collection agencies are unlawful, penalties. HF 1182, Stromer.

COLLECTIVE BARGAINING—

(See Labor and/or Employment and/or State Government, sub-ref. Employees)

COLLEGES—UNIVERSITIES**General**

Student activity fees, universities, require list of purposes for. SF 1048, Messerly.
 Purchase of the midwestern college campus site, etc., appropriation. SF 1074, Balloun.
 Urge board of regents establish a college of criminal justice at the University of Northern Iowa. HCR 105; H.J. 251.
 Urge crime commission to designate a portion of federal funds to the University of Northern Iowa for establishing a college of criminal justice. HCR 106; H.J. 252.
 Attendance center for an area vocational school shall be located in a county having a city of 50,000 or more population. HF 1137, Schroeder and Knoke.
 Require board of regents to itemize student fees, permit student to elect which fees he will pay regarding services, etc. HF 1138, Schroeder.
 Permit students, after 1 year in residence at a state university, to take as much as 3 quarters of work at any other state university, same tuition and credits, etc. SF 1120, Conklin.
 Provide financial benefits for education of children of persons classified as prisoners of war or missing in action in Viet Nam. SF 1136, Rabe-deaux.

- Tuition grants for veterans of Vietnam conflict. HF 1185, Freeman.
 Extend congratulations to the University of Iowa on the 125th anniversary of its founding. SCR 112; S.J. 506, 527 adopted; H.J. 777 adopted.
 Extend congratulations to the University of Iowa on the 125th anniversary of its founding. HCR 116 H.J. 631.
 Urge board of regents to investigate possibilities of establishing a college of criminal justice. HCR 121; H.J. 868, 964 adopted; S.J. 714, 1119 adopted.

COMMERCE--**General**

- Bank offices, discontinue if more than one bank is established. HF 100, Sorg, et al.; SF 341, Griffin; SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy. (Similar subject matter)
 Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.
 Regulation of advertising and selling courses of instruction. HF 499, Grassley, et al.; HF 1273, commerce. (Similar subject matter)
 Consumer contacts, etc., must be marked "consumer instrument". HF 635, Taylor, et al.; SF 1140, Gross.
 Voting by absentee ballots by members of credit unions. HF 1023, Bennett.
 Cigarette retailers, eliminate bonding of. HF 1027, Uban, et al.
 Sale of mobile homes on Sundays. HF 1028, Sorg and Tieden; SF 1049, Riley and Balloun.
 Lending and investing powers of savings and loan associations, mobile homes, etc. HF 1047, Alt.
 Self-service filling stations, authorization, regulation, and inspection of. HF 1059, Schroeder, et al.
 Delivery to a co-owner of the contents of a safety deposit box after having been reported to department of revenue. HF 1098, Ellsworth; HF 1190, Bloun. (Same)
 Bank holding companies, bank offices, etc., regarding loans, fees paid, etc. SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy; HF 100, Sorg, et al.; SF 341, Griffin. (Similar subject matter)
 Unfair trade practices in insurance, penalties. HF 1141, Ellsworth, et al.; SF 1099, Griffin.
 Taxation of income from interstate commerce, exemptions. SF 1103, Curran, et al.; HF 1166, Lawson, et al.
 Regulation of premium rates for credit life and credit accident and health insurance. HF 1151, Ellsworth; SF 1157, Potgeter; (HF 676 similar subject matter).
 Business corporations, use of similar names, signatures, meetings, mergers, etc. HF 1170, Kelly; SF 1191, judiciary.
 Powers of the commissioner of insurance. HF 1211, Freeman.
 Either county mutual insurance associations or their agents send required notice to policyholders before premiums due. HF 1216, Hansen.
 Abandoned railroad right-of-way, revert to state. HF 1237, Small. (HF 626, HF 1168, HF 1177, HF 1189, and HF 1215 all refer to abandoned railroad right-of-way)

COMMISSION--

- Rate regulation of public utilities, public hearings, etc. SF 1011, Glenn; HF 1110, Gluba; SF 1080, Neu; SF 1098, Anderson. (Same and similar subject matter)
 Rate of interest on public utility refunds to customers. SF 1013, commerce; HF 1053, commerce. S.
 Rural water districts not subject to regulation by commerce commission. SF 1021, Neu; HF 1084, agriculture.
 Regulation of liquid transport carriers. HF 1033, commerce.
 Fees collected by commerce commission deposited to general fund. HF 1052, commerce; SF 1207, commerce.
 Registration of a motor carrier's interstate transportation service, penalized if not registered with commerce commission. HF 1087, commerce.
 Restrict application of the Iowa insurance guaranty association act to nonlife companies and reciprocal or interinsurance exchanges, annual or special meetings, etc. HF 1089, Fischer of Grundy; SF 1086, Griffin.
 Insurance companies insuring against loss from liability, motor vehicle accidents, must offer additional first party benefits, etc. HF 1094, Kelly.
 Annual certificate of authority of insurance companies, extend review time. HF 1128, commerce.
 Abandoned railroad right-of-way, state option to buy. HF 1168, Lawson.
 Abandoned railroad right-of-way, revert to former owner. HF 1177, Scott.
 Railroads must file annually with commerce commission intention to abandon railroad right-of-way. HF 1189, Schwieger.
 Authorize shuttle carrier service without a certificate of public convenience and necessity. SF 1152, Van Drie; HF 1230, Egenes.
 Transfer of authority and responsibility regarding certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.
 Storage of agricultural products without receipts, single license for 2 or more warehouses if, bonded warehouses. HF 1272, commerce; SF 1196, commerce.

Increase salary of the director of the traveling library and members of commerce commission, 1972-73. SF 1205, appropriations.

COMMISSIONERS—

Insurance

Restrict application of the Iowa insurance guaranty association act to nonlife companies and reciprocal or interinsurance exchanges, annual or special meetings, etc. HF 1089, Fischer of Grundy; SF 1086, Griffin.

Licensing of insurance consultants, penalties. SF 1064, Kennedy.

Annual report of insurance commissioner, change date for. HF 1117, commerce.

Unfair trade practices in insurance, penalties. HF 1141, Ellsworth, et al.; SF 1099, Griffin.

Regulation of premium rates for credit life and credit accident and health insurance. HF 1151, Ellsworth; SF 1157, Potgeter; (HF 676 similar subject matter)

Registration requirements, dealers and salesman, securities, etc., cease and desist orders, public information, penalties. HF 1194, Freeman, et al.

Powers of the commissioner of insurance. HF 1211, Freeman.

Labor

Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.

Public Health

Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.

Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.

Migratory labor camps, requirements, etc. HF 1221, Gluba.

Establish a state county liaison board re county homes. SF 1190, county government.

COMMON CARRIERS—

General

Registration of a motor carrier's interstate transportation service, penalized if not registered with commerce commission. HF 1087, commerce.

Motor vehicle registration reciprocity. SF 1147, Anderson.

COMMUNICATIONS—

(Also see Schools, sub-ref. Radio and TV)

General

Confidential communications and the press. HF 1118, Kelly.

Conversion of WOI-TV for use of the educational radio and television facility board. HF 1146, Mendenhall, et al.; SF 1113, Riley, et al.

Allow telephone and telegraph companies to establish separate scales of rates and charges for persons 65 or older and handicapped—qualifications. SF 1112, Riley.

Committee to study state-owned communication facilities, submit report. SCR 110; S.J. 478, 481.

Appropriation to educational radio and television facility board for capital improvements. HF 1247, appropriations.

Establish a board of electronic service examiners, etc. SF 1187, Van Drie.

Commend WOI for providing excellent public service in broadcasting the proceedings of the General Assembly. HCR 142; H.J. 1446.

COMMUNITY IMPROVEMENT DISTRICTS—

General

Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.

COMPENSATION—

General

Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.

Maximum amount of mileage compensation paid county supervisors. HF 474, Duntun; HF 1129, county government. (Similar subject matter)

Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.

Compensation of switchboard operators, SCR 101—S.J. 10 adopted; H.J. 6, 44 adopted.

Compensation of school district treasurers. SF 1053, Lamborn.

Compensation for election judges in school elections. SF 1054, Lamborn.

Compensation for motor vehicle accident victims, no fault. SF 1068, Griffin, et al.

Compensation of members of the General Assembly, vacancies. SF 1111, judiciary.

COMPTROLLER OF STATE—**General**

- Create Iowa egg fund, promote marketing of eggs, excise tax for. SF 255, Coleman; HF 350, Rex; HF 1285, agriculture. (Similar subject matter)
- Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.
- Use of fees and funds received by soldiers home. HF 1016, Camp and Lipsky. State participation in group life insurance programs for state employees. SF 1138, Van Drie; HF 1188, Nystrom. (Very similar.)
- Provide a standing appropriation to commission on alcoholism from liquor profits. HF 1208, Uban, et al.
- Funding merit system pay plan, appropriation. HF 1214, appropriations. That the comptroller issue a statement that the State of Iowa in no way endorses goods or services and endorsement was from an individual. HCR 113; H.J. 526, 603 adopted; S.J. 489, 491.
- Establish a board of electronic service examiners, etc. SF 1187, Van Drie.
- Method of paying state employees, bank. SF 1206, state government.
- Reimbursement to local school districts, county school systems, joint county systems, etc., for auxiliary services to nonpublic school students. SF 1199, schools; SF 1214, appropriations. (SF 1214 has appropriation) Very similar.
- Permit a school corporation to transfer surplus moneys if approved by voters. SF 1217, schools.

CONDEMNATION—**General**

- Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.
- Authorize counties to acquire private property by condemnation for sanitary landfill purposes. HF 1044, county government.
- Written application to condemn property and assess damages, these duties to be performed by clerk of court in each county. SF 1105, Riley.
- Condemnation appeals, party appealing shall have the burden of proof. HF 1198, judiciary.

CONGRESS OF THE UNITED STATES—**General**

- That the General Assembly designate one day each session to meet with Iowa congressmen to discuss subjects of mutual concern. HCR 104; H.J. 196.
- Urge congress to settle west coast dock strike and provide permanent procedures for settlement of transportation disputes, etc. HCR 109; H.J. 300.
- Urge congress to settle west coast strike, adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes, etc. SCR 104; S.J. 195, 228, 243, 267, 300-304 adopted, 306; H.J. 299.
- Lower age qualifications for offices of president, vice president, U.S. senator, and representative to legal voting age. HJR 1008, Ewell and Gluba.

CONGRESSIONAL DISTRICTS—**General**

- Strike requirement state central committee of a political party consist of one man and one woman from each congressional district. SF 1121, Milligan and Gaudineer.

CONSCIENTIOUS OBJECTORS—**General**

- Qualifications for city employees under civil service, conscientious objectors. HF 273, Bray, et al.; HF 1115, Small. (Same subject matter)

CONSERVANCY DISTRICTS—

(See Conservation)

CONSERVATION—

(Also see Soil Conservation)

General

- Money advances by county boards of supervisors to county conservation boards. SF 1014, Robinson, et al.; HF 1035, Stanley, et al.
- Power of eminent domain of the board of a conservancy district. SF 1016, Graham.
- Establish land preserves, etc. HF 1195, Winkelman.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri River. SCR 113; S.J. 507, 710-711 adopted; H.J. 964, 1281 adopted.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri River. HCR 117; H.J. 632.

Commission

- Issuance of special deer hunting licenses to spouse of landowners and tenants, etc. SF 218, Potgeter; HF 1003, Andersen; SF 1037, Anderson; HF 1065, Middleswart; HF 1096, Campbell. (Same subject matter)
- Hunting of migratory game birds, issuance of stamps, collection of fees, penalties, etc. HF 1207, conservation and recreation; SF 1179, conservation and recreation; HF 1019, Kelly and Hansen. Similar.
- Trout fishing, must have special badge. SF 1045, Shawver.
- Removal of undesirable or injurious fish from inland waters, issue permit to an individual. HF 1108, Tieden; HF 1219, conservation and recreation.
- Drawing to determine number of persons receiving deer hunting licenses, preference to owners. SF 1095, conservation and recreation.
- Prohibit establishing an open season for hunting of birds and animals with a firearm during open season for deer. HF 1150, Wyckoff.
- Conservation commission authority to establish method of taking trout. SF 1134, conservation and recreation.
- Reversion to the state of abandoned railroad right-of-way, use of. HF 1215, Freeman and Campbell.
- Designate protected water areas. HF 1233, Tieden.
- Deer-hunting licenses. HF 1235, conservation and recreation. (HF 1003, HF 1065, HF 1096, HF 1150, SF 218, SF 385, SF 431, SF 1037, and SF 1095—these bills combined and/or singularly contain same and similar subject matter as HF 1235)
- Provide required statutory guidelines for adoption of administrative rules by conservation commission, penalty. SF 1172, conservation and recreation.
- Provide guidelines for adoption of administrative rules by conservation commission re water navigation regulations, etc., penalties. SF 1185, conservation and recreation.

CONSERVATION COMMISSION—
(See Conservation, sub-ref. Commission)

CONSTABLES—
(See Officers)

CONSTITUTIONAL AMENDMENTS—
General

- Establish seat of government at state center. SJR 1001, Mowry.
- Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Anderson, et al.
- Equality of rights. HJR 1001, Uban, et al.
- Age qualification of members of the General Assembly. HJR 1002, Hill, et al.
- Age qualification of the governor, lieutenant governor, and members of the General Assembly. HJR 1003, Ewell, et al.
- Provide means for the General Assembly to convene itself into special session. HJR 1004, constitutional amendments and reapportionment.
- Persons disqualified from being electors. HJR 1005, Blouin.
- Apportionment of the General Assembly based on population, etc. HJR 1007, Shaw, et al.
- Lower age qualifications for offices of president, vice president, U.S. senator, and representative to legal voting age. HJR 1008, Ewell and Gluba.
- Effective date of laws passed by the General Assembly. SJR 1005, Van Gilst.
- Allow a property tax exemption for persons 65 years or older. SJR 1006, Walsh.
- Deletion of word 'direct' thereby allowing state to impose taxes other than property tax, re debts. SJR 1007, constitutional amendments and reapportionment.
- Ratify amendment to constitution of the United States relative to equal rights for men and women. SJR 1008, Conklin and Doderer.

CONSTRUCTION—
General

- Construction of private and public buildings and facilities, accessible and functional for handicapped. HF 1121, Blouin.
- Issuance of environmental impact states redevelopment projects affecting the environment. HF 1223, Winkelman.

CONSUMER—
General

- Consumer contracts, etc., must be marked 'consumer instrument'. HF 635, Taylor, et al.; SF 1140, Gross.
- Committee to study legislative regulation of consumer credit charges in Iowa, submit report. HCR 141; H.J. 1327.
- Committee to study legislative regulation of consumer credit charges in Iowa, submit report. SCR 132; S.J. 1110.

CONTESTS—
General

- Endurance contests or marathons, repeal prohibition against. HF 1038, Clark.

CONTRACEPTIVE PRODUCTS—

General

Remove prohibition against the sale or distribution of contraceptive products. SF 1076, Doderer, et al.

CONTRACTS—

General

Consumer contracts, etc., must be marked 'consumer instrument'. HF 635, Taylor, et al.; SF 1140, Gross.
 Disposition of obsolete instruments in the county recorder's office. SF 1006, county government; HF 1014, county government.
 Forfeiture of real estate contracts, vendee also pay cost of preparation. HF 1051, Kelly.
 Shorten duration of contracts of county superintendents of schools. SF 1069, schools.
 Clarify procedures followed in the termination of a teacher's contract. SF 1135, Robinson and Gross.
 Regulate private trade, business, and correspondence schools, penalty. HF 1231, Kelly and Larson.

CONVENTIONS—

General

Joint convention January 10, 1972 at 1:45 p.m., Governor Ray's state of the state message. HCR 101; H.J. 2 adopted; S.J. 10 adopted.
 Strike requirement state central committee of a political party consist of one man and one woman from each congressional district. SF 1121, Milligan and Gaudineer.

CO-OPERATIVE ASSOCIATIONS—

General

Tax exemptions allowed on income of farmers and fruit growers cooperatives. SF 1176, Potgeter.

CORPORATIONS—

General

Tort liability due to acts or omissions of directors, officers, etc. of nonprofit corporations. HF 414, Kreamer; SF 1144, Van Gilst.
 Taxation of income from interstate commerce, exemptions. SF 1103, Curran, et al.; HF 1166, Lawson, et al.
 Prohibit processors and distributors of beef or pork products from engaging in the production of cattle or hogs, penalties. SF 1108, Briles.
 Business corporations, use of similar names, signatures, meetings, mergers, etc. HF 1170, Kelly; SF 1191, judiciary.
 Tax exemptions allowed on income of farmers and fruit growers cooperatives. SF 1176, Potgeter.
 Offer or acceptance of gratuities in business transactions, value of \$25 or more a violation. HF 1266, county government.

COSMETOLOGY—

General

Regulation of advertising and selling courses of instruction. HF 499, Grassley, et al.; HF 1273, commerce. (Similar subject matter)

COUNCILMEN—

(See Cities and Towns, sub-ref. Councils)

COUNCILS—

(See Cities and Towns, sub-ref. Councils)

COUNTIES—

General

Notification, by county assessors, not later than March 15th, valuation of property. HF 452, Schmeiser, et al. (Similar subject matter as HF 1120, county government; SF 1117, county government)
 Identification cards for persons 60 years of age or older. HF 143, Stokes and Strand; SF 139, Sullivan and Van Gilst; HF 1058, Stokes, et al.; SF 1047, Van Gilst, et al. (Same subject matter)
 Petitioning for a rural water district, bond required. SF 1002, county government; HF 1012, county government.
 Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.
 Publication of notice within a county by highway commission prior to commencement of construction or improvements on a highway. HF 1026, Fischer of Grundy.
 Authorize counties to acquire private property by condemnation for sanitary landfill purposes. HF 1044, county government.
 Require council of social services prepare a list of all deaf, blind, and severely handicapped persons. SF 1030, county government.
 Petitioning for a private sanitary district, bond required. SF 1031, county government; HF 1036, county government.
 State or its political subdivisions not liable re use of snowmobiles in road ditches, etc. HF 1055, Scott, et al.

- Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Anderson, et al.
- Change date of school board elections to coincide with municipal elections, etc. HF 1080, Kreamer; SF 1063, Conklin.
- Age qualifications for elective public office. HF 1116, Kehe, et al.
- Increase salaries of certain county officers. HF 1123, Rex and Pelton; SF 1149, Briles. Very similar.
- Commitment of alcohol and drug addicts, also private facilities. SF 1090, county government.
- Establish collection stations for recyclable materials. HF 1136, Kehe.
- Written application to condemn property and assess damages, these duties to be performed by clerk of court in each county. SF 1105, Riley.
- Taxing and licensing of dogs by counties, repeal sections relating to. SF 1118, Potgeter and Walsh.
- Change fiscal year of cities and towns, counties, and other political subdivisions. SF 1125, ways and means; HF 1175, ways and means. (HF 733 and SF 575 similar subject matter)
- Exempt from tax on sales and services—those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.
- Expenditure of county funds for membership in certain county officers associations. HF 1206, Knoke.
- Liens imposed on real estate owned by persons, or persons responsible for, receiving care at county expense shall not be subject to the limitation of actions. HF 1224, Winkelman and Rex.
- Create interim study committee on county statutes, appropriation. SJR 1004, Walsh.
- Provide that 10% of the gross sales of liquor stores be distributed to cities and towns—1% to counties. HF 1241, Gluba, et al.
- Provide for a comprehensive program for treatment, education, and rehabilitation of alcoholics. SF 1173, Doderer.
- All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.
- Drawing of grand jurors, counties having less than 12 election precincts. SF 1195, county government.
- Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county government.
- Attorneys**
- Eliminate payment of a portion of the fines in antitrust suits to county attorneys and the attorney general. HF 1030, Blouin; SF 1028, judiciary; HF 1037, judiciary. S. (HF 1030 similar)
- Increase salaries of county attorneys. HF 1209, Knoke.
- Auditors**
- Change local budget certification date of school districts. SF 1001, Riley; HF 1045, Lipsky.
- Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.
- Election laws, penalties. HF 1147, state government.
- Conservation**
- Money advances by county boards of supervisors to county conservation boards. SF 1014, Robinson, et al.; HF 1035, Stanley, et al.
- Funds**
- Expenditure of county funds for membership in certain county officers associations. HF 1206, Knoke.
- Homes**
(See Homes, sub-ref. County)
- Recorder**
- Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government; HF 1134, Winkelman. (Similar subject matter)
- Disposition of obsolete instruments in the county recorder's office. SF 1006, county government; HF 1014, county government.
- Disposition of obsolete copies of hunting, fishing and trapping licenses. SF 1007, county government; HF 1015, county government.
- Recording of documents for each special assessment project, etc., for cities and towns. HF 1178, Rex.
- Issuance of special registration certificates to snowmobile dealers and manufacturers, etc., fees. HF 1192, Stromer.
- Social Welfare**
- Computation of old age assistance grants, appropriation. SF 42, Conklin; SF 1141, Riley and Van Gilst. Similar.
- Employment of county relief recipients on county government owned properties, etc. SF 1024, county government.
- Juvenile court probation services, department of social services contribute, counties participate, etc., appropriation. SF 1039, Messerly and Conklin.
- Counties not financially responsible for aid to the disabled program. SF 1082, social services.

- Recovery of old age assistance payments, delete certain provision of code. SF 1115, Riley and Van Gilst.
- Collection of support payments for welfare recipients, state pay share to counties. HF 1164, Camp.
- Handicapped persons entering any kind of institution or facility to obtain needed care or treatment retains legal settlement he had at the time he entered. HF 1212, Logemann, et al.
- Old-age assistance recipients may reside in a county home which qualifies as a skilled nursing home. HF 1249, social services.
- Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. (Similar subject matter)

Supervisors, Board of

- Maximum amount of mileage compensation paid county supervisors. HF 474, Dunton; HF 1129, county government. (Similar subject matter)
- Reports of utility company valuations and mileage to city, town, and township trustees unnecessary, repeal sections. SF 1004, county government.
- Money advances by county boards of supervisors to county conservation boards. SF 1014, Robinson, et al.; HF 1035, Stanley, et al.
- Appointment of certain township officers by county board of supervisors. HF 1025, Knoblauch.
- Flood and erosion control, all taxable property outside of incorporated cities to be taxed. SF 1043, Briles; HR 1072, Pellett.
- Legalize indebtedness of Audubon County agricultural society, extend levy. HF 1071, Pellett.
- Statutory provisions affecting the legal treatment of female persons. HF 1114, Lipsky et al.; SF 1083, Doderer.
- Election laws, penalties. HF 1147, state government.
- Permit boards of supervisors to prohibit discharge of any firearms on any road or highway under their jurisdiction. SF 1127, Anderson.
- Expenditure of county funds for membership in certain county officers associations. HF 1206, Knoke.
- Provide that 10% of the gross sales of liquor stores be distributed to cities and towns—1% to counties. HF 1241, Gluba, et al.
- Number of members on county boards of supervisors and their terms. HF 1250, county government.
- Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. (Similar subject matter)
- Establish a state county liaison board re county homes. SF 1190, county government.

Treasurer

- Eliminate prescribed form by public safety re odometer mileage statements. HF 1004, Monroe.
- Grounds for refusal to register motor vehicles. HF 1007, Kreamer; SF 1032, Milligan.
- Motor vehicle registration fees, county treasurer retain. SF 1023, county government.
- Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.
- Create a county election expense fund, county treasurer. SF 1116, county government.
- Registration fees on motor vehicles be based on value. SF 1150, county government.
- Distribution of motor vehicle registration fees by county treasurers. HF 1255, Holden.

Sheriffs

- Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county government.

COUNTIES—SPECIFIC—

Adair

- Legalize proceedings of Stuart, Adair and Guthrie counties, award of a contract for construction of a sanitary sewer improvement project. HF 1075, Varley.

Audubon

- Legalize indebtedness of Audubon county agricultural society, extend levy. HF 1071, Pellett.

Boone

- Legalize proceedings of the united community school district in issuing school building bonds. SF 1055, Arbuckle; HF 1074, Nystrom.

Clay

- Legalize and validate proceedings of board of directors of Iowa Lakes Community College (Emmet, Dickinson, Clay, Palo Alto, and Kossuth). SF 263, Keith.
- Legalize proceedings of the town council of Peterson, Clay county, special assessments and issuance of street improvement bonds. SF 425, Milligan.

- Clinton**
 Legalize proceedings of the city of DeWitt, Clinton county. SF 71, Shaff; HF 83, Camp.
- Dickinson**
 Legalize and validate proceedings of board of directors of Iowa Lakes Community College (Emmet, Dickinson, Clay, Palo Alto, and Kossuth). SF 263, Keith.
- Emmet**
 Legalize and validate proceedings of board of directors of Iowa Lakes Community College (Emmet, Dickinson, Clay, Palo Alto, and Kossuth). SF 263, Keith.
- Guthrie**
 Legalize proceedings of Stuart, Adair and Guthrie counties, award of a contract for construction of a sanitary sewer improvement project. HF 1075, Varley.
- Hardin**
 Remodeling of the Hardin county court house, Eldora, legalize proceedings of board of supervisors. SF 539, state government.
 Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Potgeter.
- Henry**
 Legalize sale of certain land in Henry county. HF 516, Strothman.
- Ida**
 Property tax levies for basic school tax in Ida, Johnson, and Kossuth counties. SF 462, ways and means.
- Johnson**
 Property tax levies for basic school tax in Ida, Johnson, and Kossuth counties. SF 462, ways and means.
- Kossuth**
 Legalize and validate proceedings of board of directors of Iowa Lakes Community College (Emmet, Dickinson, Clay, Palo Alto, and Kossuth). SF 263, Keith.
 Property tax levies for basic school tax in Ida, Johnson, and Kossuth counties. SF 462, ways and means.
- Lee**
 Permit cities, not less than 13,000 nor more than 17,000 population, located on a navigable river, construction of a waste treatment facility. (Keokuk). SF 538, cities and towns; HF 707, cities and towns.
- Linn**
 Designating a certain water area of the Wapsipinicon River as an artificial lake. SF 287, Robinson; HF 437, Lipsky.
- Marion**
 Legalize authorization and issuance of water revenue bonds, Bussey. HF 557, cities and towns; SF 469, cities and towns.
- Marshall**
 Legalize and validate procedures re sale of real estate by West Marshall Community School district, Marshall and Story counties. SF 277, Mowry.
- Mills**
 Rest areas, Mills and Pottawattamie counties. HF 236, state government.
- Montgomery**
 Legalize and validate proceedings of Red Oak, Montgomery county, purchase of property for off-street parking. SF 129, Bass.
- Palo Alto**
 Legalize and validate proceedings of board of directors of Iowa Lakes Community College (Emmet, Dickinson, Clay, Palo Alto, and Kossuth). SF 263, Keith.
- Polk**
 Legalize sale of a portion of the Wright school site, Des Moines, Polk County. SF 426, Milligan; HF 555, Kreamer.
 Legalize proceedings of Delaware Township trustees, Polk County, certain elections authorizing a tax levy for fire protection purposes and issuance of bonds. HF 515, Skinner.
 Legalize intergovernmental corporation boundary agreement between Clive and Windsor Heights. HF 565, Alt.
- Pottawattamie**
 Rest areas, Mills and Pottawattamie counties. HF 236, state government.
- Poweshiek**
 Legalize and validate procedures of Poweshiek county board of supervisors for repair and remodeling of the jail. HF 716, judiciary.
- Shelby**
 Reimburse city of Harlan for expenses incurred, re site for proposed Western Iowa College. SF 101, Schaben.

Story

Legalize and validate procedures re sale of real estate by West Marshall Community School district, Marshall and Story counties. SF 277, Mowry.

Legalize proceedings of the United Community School district in issuing school building bonds. SF 1055, Arbuckle; HF 1074, Nystrom.

Wapello

Commission for government, number of councilmen, Ottumwa. SF 541, cities and towns.

COURT—**(Also see Judiciary)****General**

Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.

Additional penalties for commission of, or attempt to commit crimes when armed with firearms. HF 280, Fischer of Grundy; SF 1066, law enforcement. (Same subject matter)

Issuance of new birth certificates for persons born outside the U.S. and adopted in Iowa. SF 354, DeKoster and Potgeter; HF 1039, Clark.

Dissolution of marriage, support, etc. HF 405, Doyle, et al.; HF 1275, judiciary, similar subject matter—contains some of the same sections.

Tort liability due to acts or omissions of directors, officers, etc. of nonprofit corporations. HF 414, Kreamer; SF 1144, Van Gilst.

Grounds for refusal to register motor vehicles. HF 1007, Kreamer; SF 1032, Milligan.

Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.

Increase expert witness fees. SF 1015, judiciary.

Provide each judge in Iowa with an additional copy of the Code and other documents. SF 1051, Riley.

Exceptions to time limits during which certain civil actions must be brought. SF 1057, Van Drie; HF 1086, Egenes.

State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.

Provide for the court in neglected, dependent, etc. child cases to have access to school records, etc. HF 1088, Dunton.

Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.

Age qualifications for elective public office. HF 1116, Kehe, et al.

Confidential communications and the press. HF 1113, Kelly.

Written application to condemn property and assess damages, these duties to be performed by Clerk of Court in each county. SF 1105, Riley.

Require report of the disposition of all persons whose arrest has been reported to criminal investigation and bureau of identification. HF 1169, law enforcement.

Municipal tort liability—includes employees, officers, school board members, etc., notices. SF 1133, DeKoster.

Establish a workmen's compensation court. SF 1137, Kennedy; HF 1236, Shaw and Knoke.

Reduce time when certain court records may be destroyed. HF 1271, judiciary.

Service of notice—increase value of property surviving spouse may take—prior will of remarried couple, reinstated—estates, equitable relief, separate action—appointment of guardians or conservators for those incapable of caring for themselves—and disclaimer in intestate estates, etc. SF 1194, judiciary.

Drawing of grand jurors, counties having less than 12 election precincts. SF 1195, county government.

District

Grand jury panel may be drawn before last Monday in December. SF 1089, judiciary.

Election laws, penalties. HF 1147, state government.

Judicial redistricting and judicial nominating commissions. HF 1161, Rodgers, et al.; SF 1126, Rhodes, et al.

Juvenile

Free copy of Code to juvenile court referee. HF 1041, Kelly.

Juvenile court probation services, department of social services contribute, counties participate, etc., appropriation. SF 1039, Messerly and Conklin.

Allows persons 14 and 15 to work in certain occupations, badge no longer required, also certain occupations approved by labor commissioner, juvenile court judge and superintendent of schools. SF 1128, Gaudineer. (HF 171 similar subject matter)

Municipal

Provide for an additional municipal judge to handle alcohol related cases, federal funds. HF 1187, Doyle, et al.

Supreme

State of the judicial department message by chief justice of supreme court. HF 1069, Kelly.

Committee to study structure of the Iowa supreme court, need for changes or for alternative appeals courts, submit report. SCR 105; S.J. 226, 492, 509, 589-590 adopted; H.J. 856, 1037 adopted.
 Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.

CREDIT—**General**

Committee to study legislative regulation of consumer credit charges in Iowa, submit report. HCR 141; H.J. 1327.
 Committee to study legislative regulation of consumer credit charges in Iowa, submit report. SCR 132; S.J. 1110.

CREDIT UNIONS—**General**

Voting by absentee ballots by members of credit unions. HF 1023, Bennett.

CRIME—**(Also see Law Enforcement)****General**

Additional penalties for commission of, or attempt to commit crimes when armed with firearms. HF 280, Fischer of Grundy; SF 1066, law enforcement. (Same subject matter)
 Malicious damage to property, penalties. HF 1191, Blouin.
 Civil liability for criminal acts, restitution to victims of crimes. HF 1201, Strothman.
 Person found guilty of a crime can not deny act in a civil action for damages. HF 1202, Strothman.
 Increase dollar amount necessary for the commission of a felony. HF 1254, law enforcement.

Commission

Urge crime commission to designate a portion of federal funds to the University of Northern Iowa for establishing a college of criminal justice. HCR 106; H.J. 252.
 Social services urged to apply for subgrants available from crime commission for hiring of additional counselors and parole agents HCR 108; H.J. 300, 791 adopted; S.J. 565.
 Urge social services to apply for subgrants available from Iowa crime commission for the hiring of additional counselors and parole agents. SCR 107; S.J. 391, 418.
 Establish office of penal and correctional complaints. HF 1229, Small, et al.
 Appropriate funds to the crime commission for matching federal funds. SF 1182, appropriations.

CRIMINAL PROCEDURE—**General**

Require report of the disposition of all persons whose arrest has been reported to criminal investigation and bureau of identification. HF 1169, law enforcement.

CUSTODY—**(See Minors and/or Court)****DAIRY—****(See Foods, sub-ref. Dairy)****DAMS—****(Also see Water)****General**

Required approved soil conservation practices on land in the watershed upstream from proposed dams, U.S. Army Corps of Engineers. HJR 1006, Winkelman, et al.

DATA PROCESSING—**General**

Approval, coordination, and supervision over electronic data processing for educational purposes in cooperation with general services. SF 1070, schools.
 Authorize use of electronic voting systems. HF 1220, state government.

DAYLIGHT TIME—**(See Time)****DEBTS—****General**

Provide that certain actions by collection agencies are unlawful, penalties. HF 1182, Stromer.
 Exemptions from execution, debtors, and providing penalties. SF 1180, judiciary; HF 1260, judiciary. Similar.

DECREES—**General**

Dissolution of marriage, support, etc. HF 405, Doyle, et al.; HF 1275, judiciary, similar subject matter—contains some of the same sections.
 State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.

DEEDS—**General**

Taxation of real estate transfers and penalty for failure to comply. SF 1101, ways and means. (HF 1288 contains some of the same sections—similar subject matter)
 Provide for full disclosure of sales price in real estate transfers, penalty. HF 1288, ways and means. (SF 1101 contains some of the same sections—similar subject matter)

DEPENDENTS—**General**

Age for which liability for support is required, uniform support of dependents law. SF 1018, Gaudineer.
 Provide for the court in neglected, dependent, etc. child cases to have access to school records, etc. HF 1088, Dunton.

DEPARTMENT OF HEALTH—

(See Health, Department of)

DEPARTMENT OF REVENUE—

(See Revenue, Department of)

DEPARTMENTAL RULES—

(See Rules)

DETERGENTS—**General**

Prohibit sale of any detergent containing any phosphorous compound. SF 459, Riley; HF 1022, Blouin. S.

DEVELOPMENT COMMISSION—**General**

Create an Iowa world exposition authority to plan and establish an Iowa world food exposition, etc. HF 1156, Iowa development; SF 1143, Iowa development. Similar.
 Create a state transportation planning commission. HF 1173, Welden.
 Motor vehicle registration plates, display symbol. HF 1193, Welden; HF 1256, transportation.
 Establish land preserves, etc. HF 1195, Winkelman.

DISCRIMINATION—**General**

Prohibit wage discrimination on the basis of sex. HF 1142, Shaw, et al.
 Civil rights of physically and mentally handicapped persons. SF 1148, human and industrial relations.
 Prohibit age discrimination in employment; persons 65 or older may obtain identification cards, and also may use school buses and lunch facilities if. SF 1164, Walsh. (HF 64 and SF 274 comp.; SF 81 and HF 427 comp.; SF 82 and HF 107 comp.; HF 143 and SF 139 comp.; HF 1058 and SF 1047 comp. These bills combined contain same and similar subject matter as SF 1164)
 Prohibit discrimination by licensing associations. SF 1208, judiciary.

DISEASE—

(Also see Animals, sub-ref. Diseases)

General

Publications concerning the cure of venereal disease, repeal prohibition against. SF 1084, Potgeter.
 Inspection and testing of swine brucellosis. HF 1270, agriculture; SF 1200, agriculture. Similar.
 Committee to study method of protecting the public from disease, fraud, etc., re pet animals, submit report. SCR 131; S.J. 1007, 1010.

DISTRICT COURT—

(See Courts, sub-ref. District)

DIVORCE—**General**

Dissolution of marriage, support, etc. HF 405, Doyle, et al.; HF 1275, judiciary, similar subject matter; contains some of the same sections.
 Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.
 Exemptions from execution, debtors, and providing penalties. SF 1180, judiciary; HF 1260, judiciary. Similar.

DOCUMENTARY STAMPS—**General**

Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government; HF 1134, Winkelman. (Similar subject matter)

DOCUMENTS—**General**

Provide each judge in Iowa with an additional copy of the Code and other documents. SF 1051, Riley.

DRUGS—**(Also see Pharmacy and/or Narcotics)****General**

Mandatory revocation of the drivers license of persons convicted of possession of drugs, etc. in a motor vehicle. HF 1029, Doyle.

Prohibit administration of drugs to horses, penalties. HF 1125, Winkelman and Tieden.

Commitment of alcohol and drug addicts, also private facilities. SF 1090, county government.

Permit pharmacists to allow customers to chose between prescription drugs of same value, but different prices. SF 1129, Gaudineer.

Control of dangerous substances (medications) and the board of pharmacy, increase license fees. SF 1192, law enforcement.

Health maintenance organizations, defines, authorize establishment. SF 1212, state government.

EASEMENTS—**General**

Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Pot-geter.

ECOLOGY—**(See Environmental Preservation)****EDUCATION—****(See Schools, all sub-refs.)****EGGS—****(See Foods, sub-ref. Dairy)****EIGHTEEN YEARS OF AGE—****General**

Age of majority (18 years). HF 1011, state government; SF 1009, Conklin. S.

ELECTION—**General**

Immediate canvass of votes re school elections. HF 1009, Shaw.

Voting by absentee ballots by members of credit unions. HF 1023, Bennett. Resignations of school board members, and election of. HF 1032, Pellett, et al.

Election expenses, campaign expenditures by candidates not to exceed certain amount for either primary or general election, etc. SF 1027, Glenn.

Polling places used in school elections. SF 1050, Riley.

Compensation for election judges in school elections. SF 1054, Lamborn.

Equality of rights. HJR 1001, Uban, et al.

Change date of school board elections to coincide with municipal elections, etc. HF 1080, Kreamer; SF 1063, Conklin.

Persons disqualified from being electors. HJR 1005, Blouin.

Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.

Election laws, penalties. HF 1147, state government.

Create a county election expense fund, county treasurer. SF 1116, county government.

Create a system of intermediate educational service districts in place of county school systems. HF 1174, Andersen.

Authorize a presidential preferential primary election in Iowa. HF 1186, Freeman and Blouin.

Appropriation to secretary of state to defray expenses re election laws. HF 1213, appropriations.

Authorize use of electronic voting systems. HF 1220, state government.

Provide that in all at-large elections, candidates shall state the specific seat to which they are seeking election. HF 1245, Taylor.

Method of selection, term of office of members of highway commission and the chief engineer. HF 1252, Taylor.

Set the 1972 primary election date for August 1, 1972. HF 1265, state government.

Drawing of grand jurors, counties having less than 12 election precincts. SF 1196, county government.

ELECTRICITY—**General**

Apportionment of property valuation of certain electric power generating plants. HF 1148, Kehe and Fischer of Grundy; HF 1277, ways and means. Similar subject matter.

ELECTRONICS—**General**

Establish a board of electronic service examiners, etc. SF 1187, Van Drie.

EMINENT DOMAIN—**General**

Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.

Power of eminent domain of the board of a conservancy district. SF 1016, Graham.

Written application to condemn property and assess damages, these duties to be performed by clerk of court in each county. SF 1105, Riley.

EMPLOYEES—

(See Employment, sub-ref. Employees—Also State Government, sub-ref. Employees)

EMPLOYMENT—**General**

Civil rights of physically and mentally handicapped persons. SF 1148, human and industrial relations.

Employees

(Also see Schools, sub-ref. Employees)

Contribution ceiling under IPERS. HF 95, Mendenhall; SF 343, Riley, et al.; HF 1185, Andersen; SF 1100, Doderer. (Similar subject matter)

Employment of county relief recipients on county government owned properties, etc. SF 1024; county government.

State employees transferring from a nonmerit system job to merit system job entitled to state employee benefits. SF 1033, Van Drie.

Legal holidays for state employees. SF 1056, Van Drie, et al.

Adjust pay of state employees under merit system according to changes in consumer price index. HF 1070, Nystrom; SF 1027, Van Drie.

Provide overtime pay for highway commission employees. SF 1060, Van Drie et al.; HF 1076, Nystrom.

Increase salary ceiling for contributions to IPERS. HF 1145, Mendenhall. (SF 455, SF 1067, HF 1046, HF 1093 and SF 1109 similar subject matter)

Rehiring of former and transfers of state employees. HF 1144, Hansen.

Shorten number of years employment for receiving IPERS, etc. HF 1093, Dunton, et al.; SF 1109, Rhodes, et al. (SF 455, SF 1067, HF 1046 and HF 1145 similar subject matter)

Include probationary employees of the state in vacation allowances if terminated; exceptions. HF 1154, Nystrom; SF 1139 Van Drie.

State participation in group life insurance programs for state employees. SF 1138, Van Drie; HF 1188, Nystrom. (Very similar)

Establish a state highway commission employee representative, employee related matters, merit system. SF 1153, Van Drie.

Prohibit age discrimination in employment; persons 65 or older may obtain identification cards, and also may use school buses and lunch facilities if. SF 1164, Walsh. (HF 64 and SF 274 comp.; SF 81 and HF 427 comp.; SF 82 and HF 107 comp.; HF 143 and SF 139 comp.; HF 1058 and SF 1047 comp. These bills combined contain same and similar subject matter as SF 1164)

Recommend purchase of disability income protection and life insurance protection for highway commission employees. HCR 122; H.J. 900.

Recommend purchase of disability income protection and life insurance protection for highway commission employees. SCR 118; S.J. 651.

Recommend purchase of disability income protection and life insurance protection for all state employees. HCR 123; H.J. 936, 1027 adopted; S.J. 799, 818 adopted.

Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125; H.J. 992.

General Assembly urges allowing state employee organizations the use of state buildings and auditoriums when available. HCR 131; H.J. 1090, 1358 adopted; S.J. 1131-1132 failed, 1134.

EMPLOYMENT SECURITY COMMISSION—**General**

Increase benefits for unemployment compensation. HF 1248, Gluba, et al.

ENVIRONMENTAL PRESERVATION—**General**

Prohibit sale of any detergent containing any phosphorus compound. SF 459, Riley; HF 1022, Blouin, S.

Establish collection stations for recyclable materials. HF 1136, Kehe.

- Clarify voting authority of ex officio members of soil conservation committee, authorize committee to set time limitations for district commissioners to establish soil loss limits, etc. HF 1176, environmental preservation.
- Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.
- Require approved soil conservation practices on land in the watershed upstream from proposed dams, U.S. army corps of engineers. HJR 1006, Winkelman, et al.
- Establish land preserves, etc. HF 1195, Winkelman.
- Authorize cities and towns to issue revenue bonds in connection with pollution control. SF 1158, Iowa development; HF 1239, Lawson.
- Issuance of environmental impact states re development projects affecting the environment. HF 1223, Winkelman.
- Designate protected water areas. HF 1233, Tieden.
- Establish minimum percentages of plant nutrients in mixed fertilizers. HF 1240, agriculture.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri River. SCR 113; S.J. 507, 710-711 adopted; H.J. 964, 1281 adopted.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri river. HCR 117; H.J. 632.
- Provide guidelines for adoption of administrative rules by conservation commission re water navigation regulations, etc., penalties. SF 1185, conservation and recreation.

EQUAL RIGHTS—**General**

- Equality of rights. HJR 1001, Uban, et al.
- Ratify amendment to constitution of the United States relative to equal rights for men and women. SJR 1008, Conklin and Doderer.

EROSION—

(See Land and/or Soil Conservation)

ESTATES—**General**

- Exemptions from inheritance tax, brother or sister. HF 1119, Blouin.
- Change classification of claims, for public assistance, against estates, mentally ill. SF 1038, judiciary.
- Inheritance taxes, provide for the passing of property held jointly or as tenants in entirety, also marital deduction. SF 1124, Conklin. (HF 1119 subject matter)
- Reduce time limit for filing a state inheritance tax return. HF 1172, Ellsworth.

EXECUTIVE COUNCIL—**General**

- Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Potgeter.
- Remove requirement executive council approve merit system classification and pay plan. HF 1049, Gluba.
- Fees for legal assistance employed by executive council and claims against the state. SF 1145, Hill and Potgeter.
- Funding merit system pay plan, appropriation. HF 1214, appropriations.
- Provide office space to the president or chief administrative officer of each state employee organization representing 2500 or more state employees, etc. SF 1159, Van Drie.
- That the executive council shall have published the names and dates of the men captured or missing in Vietnam and that flags over state buildings shall be flown at half mast upon the anniversary of those dates. SCR 114; S.J. 508, 632-634 adopted; H.J. 912-913 adopted.
- Allow executive council to purchase the GMC building, appropriation. HF 1279, appropriations.
- Additional and/or corrective duties and/or services the department of general services may, with or without approval of executive council and/or legislative council, provide. HF 1290, state government.
- Recommend purchase of disability income protection and life insurance protection for all state employees. HCR 123; H.J. 936, 1027 adopted; S.J. 799, 818 adopted.
- Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125; H.J. 922.

EXEMPTIONS—**General**

- Exemptions from inheritance tax, brother or sister. HF 1119, Blouin.
- Inheritance taxes, provide for the passing of property held jointly or as tenants in entirety, also marital deduction. SF 1124, Conklin. (HF 1119 similar subject matter)

EXPENDITURES—**General**

- Annual reversions of administrative appropriations. HF 1100, Camp and Kehe.

EYES—

(See Medical—Professional, sub-ref. Optometry)

FAIRS—**General**

Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.

FARMS—

(See Agriculture, all sub-refs.)

FEDERAL GOVERNMENT—**General**

That the federal government be directed to institute a study of present price-grading system for grain and oil seeds in the U.S.; establish a new base for determining market price. HCR 111; H.J. 496, 1037 adopted; S.J. 799, 1058 adopted.

Ratify amendment to constitution of the United States relative to equal rights for men and women. SJR 1008, Conklin and Doderer.

FEEDS—

(See Agriculture, sub-ref. Feeds)

FEES—**General**

Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.

Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.

Bank holding companies, bank offices, etc., re loans, fees paid, etc. SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy; HF 100, Sorg, et al.; SF 341, Griffin. (Similar subject matter)

Motor vehicle registration fees, county treasurer retain. SF 1023, county government.

Increase fees for duplicate broker's license and a new license. SF 1025, Thordsen.

Student activity fees, universities, require list of purposes for. SF 1048, Messerly.

Provide course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, suspension of drivers licenses, fees, penalties. HF 1032, Lipsky and Christensen.

Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.

Corrective amendments to the Iowa beer and liquor control act; fees, permits, licenses, locations, etc. HF 1133, state government.

Require board of regents to itemize student fees, permit student to elect which fees he will pay re services, etc. HF 1138, Schroeder.

Copying of public records, may do so by means of equipment, fee. HF 1139, Larson.

Recording of documents for each special assessment project, etc., for cities and towns. HF 1178, Rex.

Issuance of special registration certificates to snowmobile dealers and manufacturers, etc., fees. HF 1192, Stromer.

Fees for legal assistance employed by executive council and claims against the state. SF 1145, Hill and Potgeter.

Registration fees on motor vehicles be based on value. SF 1150, county government.

Establish an examination fee for real estate salesman or broker examinations. SF 1183, Thordsen.

Establish a board of electronic service examiners, etc. SF 1187, Van Drie.

Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county government.

FELONY—

(See Law Enforcement)

FINES—

(Also see Law Enforcement)

FIRE—**Marshal—State**

Child care facilities, motels, and apartment houses subject to rules and regulations of the fire marshal. HF 1261, law enforcement.

FIREARMS—

(Also see Weapons)

General

Additional penalties for commission of, or attempt to commit crimes when armed with firearms. HF 280, Fischer of Grundy; SF 1066, law enforcement. (Same subject matter)

Permit boards of supervisors to prohibit discharge of any firearms on any road or highway under their jurisdiction. SF 1127, Anderson.
 Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county government.

FIREMEN—

General

Qualifications of police and fire chiefs. SF 1174, Doderer.

FISH AND GAME—

(Also see Conservation and/or Hunting and/or Licenses, sub-ref. Fish and Game)

General

Issuance of special deer hunting licenses to spouse of landowners and tenants, etc. SF 218, Potgeeter; HF 1003, Andersen; SF 1037, Anderson; HF 1065, Middleswart; HF 1096, Campbell. (Same subject matter)

Hunting of migratory game birds, issuance of stamps, collection of fees, penalties, etc. HF 1207, conservation and recreation; SF 1179, conservation and recreation; HF 1019, Kelly and Hansen, similar.

Trout fishing, must have special badge. SF 1045, Shawver.

Removal of undesirable or injurious fish from inland waters, issue permit to an individual. HF 1108, Tieden; HF 1219, conservation and recreation.

Prohibit establishing an open season for hunting of birds and animals with a firearm during open season for deer. HF 1150, Wyckoff.

Conservation commission authority to establish method of taking trout. SF 1134, conservation and recreation.

Persons 65 or older may obtain fishing license for fishing Mississippi and Missouri rivers for 50 cents per year. SF 1168, Walsh.

Deer-hunting licenses. HF 1235, conservation and recreation. (HF 1003, HF 1065, HF 1096, HF 1150, SF 218, SF 385, SF 431, SF 1037, and SF 1095. These bills combined and/or singularly contain same and similar subject matter as HF 1235)

Provide required statutory guidelines for adoption of administrative rules by conservation commission, penalty. SF 1172, conservation and recreation.

Licenses

(See Licenses, sub-ref. Fish and Game)

FLOODS—

General

Flood and erosion control, all taxable property outside of incorporated cities to be taxed. SF 1043, Briles; HF 1072, Pellett.

FOODS—

General

Vending machines, breaking and entering of. HF 1006, Doyle.

Special liquor control license for sale of wine only for commercial establishments, principal business is sale of food. HF 1017, Rodgers.

Packaged meat and poultry must have date of packaging stamped on label, penalties. HF 1040, Kinley.

Prohibit processors and distributors of beef or pork products from engaging in the production of cattle or hogs, penalties. SF 1108, Briles.

Establish the use of enriched flour in bread, regulations. HF 1163, Egenes.

Transfer the licensing of vehicles from which food and dairy products are sold, increase fees. SF 1171, agriculture.

Dairy

Create Iowa egg fund, promote marketing of eggs, excise tax for. SF 255, Coleman; HF 350, Rex; HF 1285, agriculture. Similar subject matter.

Labeling of eggs, penalty. HF 1060, Kinley.

Committee to study Iowa milk and milk product standards, submit report. HCR 137; H.J. 1246, 1395 adopted; S.J. 1149.

FRANCHISES—

(Also See Tax, sub-ref. Franchise)

FUEL—

General

Self-service filling stations, authorization, regulation, and inspection of. HF 1059, Schroeder, et al.

Increase excise tax on leaded motor fuels to .09 cents per gallon, .06 cents nonleaded. HF 1218, Small.

Standards for diesel fuel. HF 1225, Priebe, et al.

Committee to study feasibility of the manufacture of grain alcohol motor fuel by Iowa industries, etc., submit report. HCR 133; H.J. 1114.

FUNDS—

(Also see Schools, sub-ref. Funds)

General

Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.

Real estate broker trust funds. SF 1010, Potter.
Use of fees and funds received by soldiers home. HF 1016, Camp and Lipsky.
Fees collected by commerce commission deposited to general fund. HF 1052, commerce; SF 1207, commerce.

Counties

Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government; HF 1134, Winkelman. (Similar subject matter)

Treasurer of State

Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government; HF 1134, Winkelman. (Similar subject matter)

GAS—

(See Fuel)

GENERAL ASSEMBLY—

General

- Joint convention January 10, 1972 at 1:45 p.m., Governor Ray's State of the State message. HCR 101; H.J. 2 adopted; S.J. 10 adopted.
- Urge President of the U.S. request the government of the Soviet Union to permit free exercise of religion, end discrimination, and permit emigration. HCR 102; H.J. 24, 70 adopted; S.J. 89, 136 adopted.
- Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Anderson, et al.
- Equality or rights. HJR 1001, Uban, et al.
- Age qualification of members of the General Assembly. HJR 1002, Hill, et al.
- Age qualification of the governor, lieutenant governor, and members of the General Assembly. HJR 1003, Ewell, et al.
- Provide means for the General Assembly to convene itself into special session. HJR 1004, constitutional amendments and reapportionment.
- That the General Assembly designate one day each session to meet with Iowa congressmen to discuss subjects of mutual concern. HCR 104; H.J. 196.
- Designation of the General Assembly and acts thereof, numbering, etc. SF 1087, judiciary.
- Compensation of members of the General Assembly, vacancies. SF 1111, judiciary.
- Department of social services urged to apply for subgrants available from Iowa crime commission for hiring of additional counselors and parole agents. HCR 108; H.J. 300.
- Urge congress to settle west coast dock strike and provide permanent procedures for settlement of transportation disputes, etc. HCR 109; H.J. 300.
- Increase compensation of members of the General Assembly, etc., abolish budget and financial control committee. SF 1155, Tapscott, et al.
- Apportionment of the General Assembly based on population, etc. HJR 1007, Shaw, et al.
- Extend benefits of social security to members of the General Assembly. HF 1228, Middleswart, et al.
- Expenses of legislators during interim, payment. SCR 119; S.J. 703, 995 adopted; H.J. 1224-1225, 1353 adopted.
- That the president of the Senate and speaker of the House be presented with similar desks such as they are now using. SCR 120; S.J. 704, 996 adopted; H.J. 1225, 1353 adopted.
- Details of closing the 1972, Second Regular Session of the Sixty-fourth General Assembly, interim staff and work, reconvening the 1973, First Regular Session of the Sixty-fifth General Assembly. SCR 121; S.J. 704, 995 adopted; H.J. 1225, 1359 adopted.
- Interim expenses for the secretary of the Senate. SR 101; S.J. 703, 995 adopted.
- Resolutions calling for interim studies not adopted in both houses be delivered to the president pro tempore and speaker of the House and the legislative council determine priorities, etc. SCR 122; S.J. 800, 995 adopted; H.J. 1226, 1359 adopted.
- Rejected claims be considered by Senate and House, approval. HCR 128; H.J. 1062, 1281 adopted; S.J. 1044, 1121 adopted.
- Adjournment Friday, March 10, 1972 at five p.m. SCR 111; S.J. 478, 709-710 adopted; H.J. 964, 1096.
- Committee to study the rules and procedures of the General Assembly. HCR 138; H.J. 1270, 1365 adopted; S.J. 1149.
- That a certificate of service be given each page in both the Senate and House commending them for their services. SCR 133; S.J. 1158 adopted; H.J. 1445 adopted.
- Adjournment, Friday, March 24, 1972 at 8:15 p.m. SCR 134; S.J. 1174-1175 adopted; H.J. 1446 adopted.

GENERAL SERVICES—

General

Approval, coordination, and supervision over electronic data processing for educational purposes in cooperation with general services. SF 1070, schools.

Establish office of state architect within department of general services. HF 1124, Alt.

All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.

Additional and/or corrective duties and/or services the department of general services may, with or without approval of executive council and/or legislative council, provide. HF 1290, state government.

GEOLOGY—

General

Nonreversion of \$21,000 appropriated to geological survey. HF 1296, appropriations; SF 1213, appropriations.

GOVERNOR—

General

Joint convention January 10, 1972 at 1:45 p.m., Governor Ray's state of the state message. HCR 101; H.J. 2 adopted; S.J. 10 adopted.

Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; H.F. 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)

Create a department of transportation, appropriation. SF 1040, transportation; HF 1068, transportation. S.

Age qualification of the governor, lieutenant governor, and members of the General Assembly. HJR 1003, Ewell, et al.

Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.

Establish a commission status of women. HF 1140, Shaw, et al.; SF 1211, judiciary.

Create an Iowa world exposition authority to plan and establish an Iowa world food exposition, etc. HF 1156, Iowa development; SF 1143, Iowa development. Similar.

Establish a workmen's compensation court. SF 1137, Kennedy; HF 1236, Shaw and Knoke.

Provide for an additional municipal judge to handle alcohol related cases, federal funds. HF 1187, Doyle, et al.

Establish land preserves, etc. HF 1195, Winkelman.

Conversion of Terrace Hill for use as governor's mansion, appropriation. HF 1196, Dunton, et al.

Funding merit system pay plan, appropriation. HF 1214, appropriations.

Governor's youth program, appropriation. HF 1217, Blouin.

Request Governor Ray declare July 4, 1972 as senior citizens recognition day. SCR 109; S.J. 418.

Establish a commission on salaries for elective state officials. HF 1242, state government.

Provide for a comprehensive program for treatment, education, and rehabilitation of alcoholics. SF 1173, Doderer.

Method of selection, term of office of members of highway commission and the chief engineer. HF 1252, Taylor.

Establish an office of citizens' aide, penalties, appropriation. SF 288, Potgeter and Walsh; HF 1122, Winkelman, et al.; HF 1291, appropriations. (Same subject matter)

Urge the calling of a conference on Iowa's development in the twenty-first century by the governor. HCR 134; H.J. 1125.

That the governor arrange for a statewide comprehensive conference to be called the conference on Iowa in the twenty-first century. HCR 135; H.J. 1126.

That the governor arrange for a statewide comprehensive conference on Iowa's future. SCR 130; S.J. 989, 1117 adopted; H.J. 1365 adopted.

GRADING—

(See Roads and Highways)

GRAIN—

(See Agriculture, sub-ref. Grain)

GRATUITIES—

General

Offer or acceptance of gratuities in business transactions, value of \$25 or more a violation. HF 1266, county government.

GUNS—

(See Firearms and/or Weapons)

HANDICAPPED—

General

Require council of social services prepare a list of all deaf, blind, and severely handicapped persons. SF 1030, county government.

Construction of private and public buildings and facilities, accessible and functional for handicapped. HF 1121, Blouin.

- Allow telephone and telegraph companies to establish separate scales of rates and charges for persons 65 or older and handicapped—qualifications. SF 1112, Riley.
- Civil rights of physically and mentally handicapped persons. SF 1148, human and industrial relations.
- Handicapped persons entering any kind of institution or facility to obtain needed care or treatment retains legal settlement he had at the time he entered. HF 1212, Logemann, et al.

**HEALTH—
General**

- Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.
- Provide guidelines for adoption of administrative rules by conservation commission re water navigation regulations, etc., penalties. SF 1185, conservation and recreation.
- Committee to study feasibility of providing prepaid health care services to citizens of this state, submit report. SCR 117; S.J. 621, 652, 802, 1089.
- Health maintenance organizations, defines, authorize establishment. SF 1212, state government.
- Occupational safety and health, penalties, appropriation. SF 1218, human and industrial relations.
- Request proper notice and time be given for states and persons affected by the occupational safety and health act of 1970 to comply with the rules and regulations. SCR 127; S.J. 882, 1111, 1113-1116 adopted; H.J. 1378.

Department of

- Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.
- Prohibit sale of any detergent containing any phosphorous compound. SF 459, Riley; HF 1022, Blouin. S.
- Protective eyeglass lenses, department of health adopt rules in conformance with federal rules, etc. SF 1052, Doderer et al.; HF 1104, social services. S.
- Emergency lighting system for use during a power failure, certain public places. HF 1064, Scott.
- Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.
- Establish a birth defects institute. SF 1122, Doderer and Anderson.
- Migratory labor camps, requirements, etc. HF 1221, Gluba.
- Inspection services by department of agriculture, preparation of rules and regulations for, etc. SF 1170, agriculture.
- Provide for a comprehensive program for treatment, education, and rehabilitation of alcoholics. SF 1173, Doderer.
- Establish a state county liaison board re county homes. SF 1190, county government.

Mental

- Continue study of the state mental health institutes, etc. under social services. HF 1297, appropriations.

HEARING—

General

- Occupational hearing loss, workmen's compensation. SF 1215, human and industrial relations.

HIGHER EDUCATION FACILITIES—

(Also see Colleges, Universities and/or Schools)

General—

- Student activity fees, universities, require list of purposes for. SF 1048, Messerly.
- Require board of regents to itemize student fees, permit student to elect which fees he will pay re services, etc. HF 1138, Schroeder.
- Permit students, after 1 year in residence at a state university, to take as much as 3 quarters of work at any other state university, same tuition and credits, etc. SF 1120, Conklin.
- Provide financial benefits for education of children of persons classified as prisoners of war or missing in action in Viet Nam. SF 1136, Rabedaux.
- Tuition grants for veterans of Vietnam conflict. HF 1185, Freeman.
- Medical education and community orientation program, board of regents, appropriation. HF 1281, appropriations.

HIGHWAY COMMISSION—

(Also see Roads and Highways)

General

- Urge highway commission to select Palo route for I-380. SCR 103; S.J. 48, 59.
- Create a department of transportation, appropriation. SF 1040, transportation; HF 1068, transportation. S.
- Acquisition of right-of-way necessary to construct 2-lane highway between 180 and Cedar Rapids by highway commission. HF 1054, Kennedy.

- Provide overtime pay for highway commission employees. SF 1060, Van Drie et al.; HF 1076, Nystrom.
- Ombudsman for highway commission. SF 1094, Van Drie.
- Establish a highway construction fund, construction and reconstruction of state and interstate controlled-access highways, issuance of bonds, etc. SF 1146, Shawver.
- Establish a state highway commission employee representative, employee related matters, merit system. SF 1153, Van Drie.
- Sale of unused right of way property acquired by highway commission. HF 1226, Trowbridge.
- Transfer of authority and responsibility re certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.
- Method of selection, term of office of members of highway commission and the chief engineer. HF 1252, Taylor.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. HCR 122; H.J. 900.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. SCR 118; S.J. 651.
- Designated capital improvement programs, highway commission, appropriation. SF 1201, appropriations; HF 1293, appropriations.
- Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125; H.J. 992.
- General Assembly urges that the president of the organization of Iowa highway commission employees be allowed reasonable working time to carry out his duties and be given office facilities, etc. SCR 124; S.J. 859, 1153-1155 adopted, 1171-1172 failed.
- General Assembly urges that the president of the organization of Iowa highway commission employees be allowed reasonable working time to carry out his duties and be given office facilities, etc. HCR 129; H.J. 1073.

HIGHWAY SAFETY PATROL—
(Also see Public Safety)

General

- Salary increases for highway patrol offices, appropriate from primary road fund. HF 1092, Doyle, et al.

HIGHWAYS—
(See Roads and Highways)

HISTORICAL SOCIETY—

General

- Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)

HISTORY AND ARCHIVES—

General

- Alterations and repairs to capitol building, capitol planning commission and special committee. SF 1017, Messerly and Conklin; HF 1043, Alt; HF 1063, Lipsky, et al. (Same subject matter)

HOLIDAYS—

General

- Legal holidays for state employees. SF 1056, Van Drie, et al.

HOMES—

County

- Establish a state county liaison board re county homes. SF 1190, county government.

HOMESTEAD CREDIT—

General

- Homestead tax credit for persons 65 or over, or totally disabled, penalties. HF 536, Gluba, et al.; HF 1155, Blouin, et al.; HF 1243, Gluba and Small. S.

HOSPITALS—

General

- Expand use of ambulance services at university hospital. SF 1178, social services; HF 1253, social services.

HUMAN RIGHTS—

General

- Establish a commission on status of women. HF 1140, Shaw, et al.; SF 1211, judiciary.
- Civil rights of physically and mentally handicapped persons. SF 1148, human and industrial relations.

HUNTING—**General**

- Issuance of special deer hunting licenses to spouse of landowners and tenants, etc. SF 218, Potgeter; HF 1003, Andersen; SF 1037, Anderson; HF 1065, Middleswart; HF 1096, Campbell. (Same subject matter)
- Disposition of obsolete copies of hunting, fishing and trapping licenses. SF 1007, county government; HF 1015, county government.
- Hunting of migratory game birds, issuance of stamps, collection of fees, penalties, etc. HF 1207, conservation and recreation; SF 1179, conservation and recreation; HF 1019, Kelly and Hansen, similar.
- Drawing to determine number of persons receiving deer hunting licenses, preference to owners. SF 1095, conservation and recreation.
- Prohibit establishing an open season for hunting of birds and animals with a firearm during open season for deer. HF 1150, Wyckoff.
- Deer-hunting licenses. HF 1235, conservation and recreation. (HF 1003, HF 1065, HF 1096, HF 1150, SF 218, SF 385, SF 431, SF 1037, and SF 1095—these bills combined and/or singularly contain same and similar subject matter as HF 1235)
- Provide required statutory guidelines for adoption of administrative rules by conservation commission, penalty. SF 1172, conservation and recreation.

Licenses

(See Licenses, sub-ref. Hunting)

IDENTIFICATION—**General**

- Identification cards for persons 60 years of age or older. HF 143, Stokes and Strand; SF 139, Sullivan and Van Gilst; HF 1058, Stokes, et al.; SF 1047, Van Gilst, et al. (Same subject matter)
- Require report of the disposition of all persons whose arrest has been reported to criminal investigation and bureau of identification. HF 1169, law enforcement.
- Prohibit age discrimination in employment—persons 65 or older may obtain identification cards, and also may use school buses and lunch facilities if. SF 1164, Walsh. (HF 64 and SF 274 comp.; SF 81 and HF 427 comp.; SF 82 and HF 107 comp.; HF 143 and SF 139 comp.; HF 1058 and SF 1047 comp. These bills combined contain same and similar subject matter as SF 1164)

IMPLIED CONSENT—**General**

- Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. Similar subject matter.

INCOME TAX—

(See Taxes, sub-ref. Income)

INDUSTRIAL COMMISSION—**General**

- Establish a workmen's compensation court. SF 1137, Kennedy; HF 1236, Shaw and Knoke.

INDUSTRY—**General**

- City or town may support medical facilities. HF 1222, Winkelman.
- Provide for assessment of penalties and interest on delinquent payment of tax equivalent on industrial projects, cities and towns. SF 1184, ways and means.

INHERITANCE TAX—

(See Taxes, sub-ref. Inheritance)

INJUNCTIONS—

(See Court, all sub-refs. and/or Judiciary)

INSPECTIONS—**General**

- Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.
- Inspection services by department of agriculture, preparation of rules and regulations for, etc. SF 1170, agriculture.
- Transfer of authority and responsibility re certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.
- Extend time within which a motor vehicle failing inspection must be repaired, require inspection upon transfer, lengthen that period, and permit regrooving of specially designed tires. HF 1258, transportation.

INSTITUTIONS—

(See Penal Institutions; Health, sub-ref. Mental, and Hospitals, sub-ref. Mental)

INSURANCE—**General**

- Restrict application of the Iowa insurance guaranty association act to non-life companies and reciprocal or interinsurance exchanges, annual or special meetings, etc. HF 1039, Fischer of Grundy; SF 1036, Griffin.
- Insurance companies insuring against loss from liability, motor vehicle accidents, must offer additional first party benefits, etc. HF 1094, Kelly.
- Licensing of insurance consultants, penalties. SF 1064, Kennedy.
- No fault automobile insurance. HF 1105, Kinley.
- Compensation for motor vehicle accident victims, no fault. SF 1068, Griffin, et al.
- Annual report of insurance commissioner, change date for. HF 1117, commerce.
- Exempt class 'B' beer permittees selling beer for consumption off premises only from requirement of dram shop insurance or bond. HF 1126, Blouin.
- Annual certificate of authority of insurance companies, extend review time. HF 1128, commerce.
- Unfair trade practices in insurance, penalties. HF 1141, Ellsworth, et al.; SF 1099, Griffin.
- Regulation of premium rates for credit life and credit accident and health insurance. HF 1151, Ellsworth; SF 1157, Potgeter. (HF 676 similar subject matter)
- Renewal of automobile insurance, known information. HF 1162, Hansen, et al.
- Taxation of marine insurance underwriting profits. HF 1165, Ellsworth.
- Registration requirements, dealers and salesman, securities, etc., cease and desist orders, public information, penalties. HF 1194, Freeman, et al.
- Powers of the commissioner of insurance. HF 1211, Freeman.
- Either county mutual insurance associations or their agents send required notice to policyholders before premiums due. HF 1216, Hansen.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. HCR 122; H.J. 900.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. SCR 118; S.J. 651.
- Recommend purchase of disability income protection and life insurance protection for all state employees. HCR 123; H.J. 936, 1027 adopted; S.J. 799, 813 adopted.

Life

- State participation in group life insurance programs for state employees. SF 1138, Van Drie; HF 1188, Nystrom. (Very similar)

INTEREST—**General**

- Rate of interest on public utility refunds to customers. SF 1013, commerce; HF 1053, commerce. S.
- Rate of interest assessed as a penalty on mobile home taxes. HF 1020, Monroe.

INTERSTATE—**General**

- Registration of a motor carrier's interstate transportation service, penalized if not registered with commerce commission. HF 1087, commerce.
- Taxation of income from interstate commerce, exemptions. SF 1103, Curran, et al.; HF 1166, Lawson, et al.

INTERSTATE COOPERATION—**General**

- Taxation of income from interstate commerce, exemptions. SF 1103, Curran, et al.; HF 1166, Lawson, et al.

INTOXICATION—

(Also see Alcoholic Beverages and/or Law Enforcement and/or Courts)

General

- Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 and HF 241 contain similar subsection; HF 1082 similar subject matter)

INVENTORIES—**General**

- Inventories, merchants and manufacturers, alternate method for determining taxable values. SF 1044, Riley.

IOWA DEVELOPMENT—**General**

- Authorize cities and towns to issue revenue bonds in connection with pollution control. SF 1158, Iowa development; HF 1239, Lawson.

- Urge the calling of a conference on Iowa's development in the twenty-first century by the Governor. HCR 134; H.J. 1125.
- That the Governor arrange for a statewide comprehensive conference to be called the conference on Iowa in the twenty-first century. HCR 135; H.J. 1126.
- That the Governor arrange for a statewide comprehensive conference on Iowa's future. SCR 130; S.J. 989, 1117 adopted; H.J. 1365 adopted.

IOWA WORLD FOOD EXPOSITION AUTHORITY—

General

- Create an Iowa world exposition authority to plan and establish an Iowa food exposition, etc. HF 1156, Iowa development; SF 1143, Iowa development. Similar.
- Appropriation to the Iowa world exposition authority. HF 1294, appropriations.

IOWA WORLD FOOD EXPOSITION—

General

- Create an Iowa world exposition authority to plan and establish an Iowa world food exposition, etc. HF 1156, Iowa development; S.F. 1143, Iowa development. Similar.
- Motor vehicle registration plates, display symbol. HF 1193, Iowa development.

IPERS—

General

- Contribution ceiling under IPERS. HF 95, Mendenhall; SF 343, Riley, et al.; HF 1135, Andersen; SF 1100, Doderer. (Similar subject matter)
- Increase per diem pay for appointive members of advisory investment board of IPERS, also change retirement dates and benefits. HF 1046, Andersen; SF 1067, Griffin. (SF 455, HF 1093, SF 1109 and HF 1145 similar subject matter)
- Increase salary ceiling for contributions to IPERS. HF 1145, Mendenhall. (SF 455, SF 1067, HF 1046, HF 1093 and SF 1109 similar subject matter)
- Shorten number of years employment for receiving IPERS, etc. HF 1093, Dunton, et al.; SF 1109, Rhodes, et al. (SF 455, SF 1067, HF 1046 and HF 1145 similar subject matter)
- Cost-of-living adjustments after retirement under IPERS. SF 1209, Anderson and Arbuckle.

JUDGMENTS—

General

- Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.

JUDGES—

General

- Provide each judge in Iowa with an additional copy of the Code and other documents. SF 1051, Riley.
- Judicial redistricting and judicial nominating commissions. HF 1161, Rodgers, et al.; SF 1126, Rhodes, et al.
- Provide for an additional municipal judge to handle alcohol related cases, federal funds. HF 1187, Doyle, et al.

JUDICIARY—

(Also see Courts, all sub-refs.)

General

- Issuance of new birth certificates for persons born outside the U.S. and adopted in Iowa. SF 354, DeKoster and Potgeter; HF 1039, Clark.
- Dissolution of marriage, support, etc. HF 405, Doyle, et al.; HF 1275, judiciary, similar subject matter; contains some of the same sections.
- Actions for injuries or damages caused by the operation of a motor boat. HF 1005, Fisher of Greene; SF 1026, Arbuckle.
- Grounds for refusal to register motor vehicles. HF 1007, Kreamer; SF 1032, Milligan.
- Increase expert witness fees. SF 1015, judiciary.
- Eliminate payment of a portion of the fines in antitrust suits to county attorneys and the attorney general. HF 1030, Blouin; SF 1028, judiciary; HF 1037, judiciary. S. (HF 1030 similar)
- Free property owners and others from civil liability in case of injury to trespassers. HF 1031, Winkelman, et al.; SF 1020, Graham, et al.
- Violation of the Iowa commercial feed law of 1964 a misdemeanor, penalty. SF 1019, judiciary.
- Endurance contests or marathons, repeal prohibition against. HF 1038, Clark.
- Time served on parole will count against prisoners sentence, even if revoked. HF 1042, Kelly, et al.; SF 1065, Kennedy, et al.
- Forfeiture of real estate contracts, vendee also pay cost of preparation. HF 1051, Kelly.

- State or its political subdivisions not liable re use of snowmobiles in road ditches, etc. HF 1055, Scott, et al.
- State of the judicial department message by chief justice of supreme court. HF 1069, Kelly.
- Exceptions to time limits during which certain civil actions must be brought. SF 1057, Van Drie; HF 1086, Egenes.
- State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.
- Provide for the court in neglected, dependent, etc. child cases to have access to school records, etc. HF 1088, Dunton.
- Confidential communications and the press. HF 1118, Kelly.
- Exemptions from inheritance tax, brother or sister. HF 1119, Blouin.
- Designation of the General Assembly and acts thereof, numbering, etc. SF 1087, judiciary.
- Change classification of claims, for public assistance, against estates, mentally ill. SF 1088, judiciary.
- Grand jury panel may be drawn before last Monday in December. SF 1089, judiciary.
- State responsible for damage caused by negligent or wrongful acts of its wards under age 18. HF 1158, Husak.
- Judicial redistricting and judicial nominating commissions. HF 1161, Rodgers, et al.; SF 1126, Rhodes, et al.
- Municipal tort liability; includes employees, offices, school board members, etc., notices. SF 1133, DeKoster.
- Inheritance taxes, provide for the passing of property held jointly or as tenants in entirety, also marital deduction. SF 1124, Conklin. (HF 1119 similar subject matter)
- Correct erroneous, inconsistent, and obsolete sections of the Code, including some penalty sections. SF 1132, judiciary.
- Provide for an additional municipal judge to handle alcohol related cases, federal funds. HF 1187, Doyle, et al.
- Malicious damage to property, penalties. HF 1191, Blouin.
- Condemnation appeals, party appealing shall have the burden of proof. HF 1198, judiciary.
- Person found guilty of a crime can not deny act in a civil action for damages. HF 1202, Strothman.
- Correct erroneous and obsolete references in the Code. HF 1203, judiciary.
- Provide that motor vehicle accident reports are inadmissible in evidence. HF 1205, Kreamer.
- Exemptions from execution, debtors, and providing penalties. SF 1180, judiciary; HF 1260, judiciary. Similar.
- Repeal guest statute re liability of an owner or operator of a motor vehicle. HF 1268, judiciary.
- Reduce time when certain court records may be destroyed. HF 1271, judiciary.
- Service of notice; increase value of property surviving spouse may take; prior will of remarried couple, reinstated; estates, equitable relief, separate action; appointment of guardians or conservators for those incapable of caring for themselves; and disclaimer in intestate estates, etc. SF 1194, judiciary.

JURIES—

General

- Grand jury panel may be drawn before last Monday in December. SF 1089, judiciary.
- Drawing of grand jurors, counties having less than 12 election precincts. SF 1195, county government.

JUSTICES OF THE PEACE—

(See Officers)

JUVENILES—

(See Minors)

LABELING—

General

- Placing of permit numbers on containers of agricultural seeds. HF 1078, Pierson.

LABOR—

(Also see Migrant Laborers)

General

- Allows persons 14 and 15 years to work in certain occupations, badge no longer required, etc. HF 171, Drake, et al. (SF 1128 similar subject matter)
- Lawful picketing in labor disputes, trespass law does not prohibit. SF 1077, Walsh.
- Define part-time work for child labor in agriculture as less than 20 hours per week. SF 1093, Gaudineer.
- Allows persons 14 and 15 to work in certain occupations, badge no longer required, also certain occupations approved by labor commissioner, juvenile court judge and superintendent of schools. SF 1128, Gaudineer. (HF 171 similar subject matter)

Occupational safety and health, penalties, appropriation. SF 1218, human and industrial relations.

Bureau

Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.

LAKES—

(See Water)

LAND—

(Also see Property and/or Real Estate)

General

Flood and erosion control, all taxable property outside of incorporated cities to be taxed. SF 1043, Briles; HF 1072, Pellett.

Establish land preserves, etc. HF 1195, Winkelman.

Permit cities and towns, by ordinance, to require platting. SF 1161, Riley.

Sale of unused right of way property acquired by highway commission. HF 1226, Trowbridge.

Urban renewal projects and bonds. HF 1257, ways and means; SF 1186, ways and means.

LAW ENFORCEMENT—

General

Additional penalties for commission of, or attempt to commit crimes when armed with firearms. HF 280, Fischer of Grundy; SF 1066, law enforcement. (Same subject matter)

Eliminate prescribed form by public safety re odometer mileage statements. HF 1004, Monroe.

Vending machines, breaking and entering of. HF 1006, Doyle.

Special liquor control license for sale of wine only for commercial establishments, principal business is sale of food. HF 1017, Rodgers.

Issuance of special motor vehicle registration plates, drivers license mandatorily revoked. HF 1018, Kelly.

Mandatory revocation of the drivers license of persons convicted of possession of drugs, etc., in a motor vehicle. HF 1029, Doyle.

Eliminate state-owned liquor stores. HF 1050, Blouin, et al.

Furloughs and work release programs for inmates. SF 1041, Glenn, et al.

Private sale, control, and distribution of wine, penalties. HF 1056, Trowbridge, et al.; SF 1073, Walsh, et al.; HF 1276, ways and means, very similar.

Use of snowmobiles on railroad rights-of-way. HF 1057, law enforcement.

Provide pamphlet on laws re alcoholic beverages, distribute to all high schools. HF 1066, Rodgers.

Provide course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, suspension of drivers licenses, fees, penalties. HF 1082, Lipsky and Christensen.

Hours during which alcoholic liquors and beer may be sold. HF 1102, Gluba, et al.; SF 1078, Walsh. Similar subject matter. (HF 345, HF 685 and SF 169 contain similar subsections)

Provide for police reserve units in cities with populations over 5,000. SF 1107, Griffin; HF 1179, Knoke.

Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 and HF 241 contain similar subsection; HF 1082 similar subject matter)

Require report of the disposition of all persons whose arrest has been reported to criminal investigation and bureau of identification. HF 1169, law enforcement.

Malicious damage to property, penalties. HF 1191, Blouin.

Civil liability for criminal acts, restitution to victims of crimes. HF 1201, Strothman.

Increase dollar amount necessary for the commission of a felony. HF 1254, law enforcement.

Child care facilities, motels, and apartment houses subject to rules and regulations of the fire marshal. HF 1261, law enforcement.

Restriction and suspension of drivers licenses must be under departmental rules and regulations. HF 1262, law enforcement.

Transfer members of the division of fire protection of public safety to public safety peace officers' retirement accident and disability system. HF 1267, law enforcement.

Control of dangerous substances (medications) and the board of pharmacy, increase license fees. SF 1192, law enforcement.

Urge board of regents to investigate possibilities of establishing a college of criminal justice. HCR 121; H.J. 868, 964 adopted; S.J. 714, 1119 adopted.

Committee to study joint, coordinated, or pooled law enforcement by political subdivisions, submit report. HCR 124; H.J. 951.

Benefits under peace officers' retirement system, include accidental death benefits. SF 1210, law enforcement.

Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. Similar subject matter.

Training Academy

Construction of a building at law-enforcement academy, appropriation. SF 1204, appropriation.

LAW LIBRARY—
(See Libraries)

LEAVES OF ABSENCE—**General**

Leave of absence by reason of sickness or injury for state employees. SF 1160, Van Drie; HF 1232, Nystrom.

LEGAL ACTION—
(See Court, all sub-refs.)

LEGAL COUNSEL—
(See Attorneys)

LEGAL RIGHTS—**General**

Statutory provisions affecting the legal treatment of female persons. HF 1114, Lipsky et al.; SF 1083, Doderer.

LEGALIZING AND ENABLING ACT—**General**

Legalize and validate proceedings for the establishment, organization, etc., boundaries of the merged area school systems. SF 529, Walsh; HF 1101, Grassley. Similar.

Legalize proceedings of the united community school district in issuing school building bonds. SF 1055, Arbuckle; HF 1074, Nystrom.

Legalize indebtedness of Audubon county agricultural society, extend levy. HF 1071, Pellett.

Legalize proceedings of Stuart, Adair and Guthrie counties, award of a contract for construction of a sanitary sewer improvement project. HF 1075, Varley.

Legalize transfer of real property from Prairie community school district to Russell and Florence M. Jondle. SF 1110, judiciary.

LEGISLATIVE COUNCIL—**General**

Additional and/or corrective duties and/or services the department of general services may, with or without approval of executive council and/or legislative council, provide. HF 1290, state government.

Resolutions calling for interim studies not adopted in both houses be delivered to the president pro tempore and speaker of the House and the legislative council determine priorities, etc. SCR 122; S.J. 800, 995 adopted; H.J. 1226, 1350 adopted.

LEGISLATIVE SERVICE BUREAU—**General**

Create interim study committee on county statutes, appropriation. SJR 1004, Walsh.

Allow any citizen of Iowa to submit a proposed bill to the legislative service bureau. SF 1177, Riley.

LEGISLATURE—
(See General Assembly)

LIABILITY—**General**

Tort liability due to acts or omissions of directors, officers, etc. of nonprofit corporations. HF 414, Kreamer; SF 1144, Van Gilst.

Free property owners and others from civil liability in case of injury to trespassers. HF 1031, Winkelman, et al.; SF 1020, Graham, et al.

Age for which liability for support is required, uniform support of dependents law. SF 1018, Gaudineer.

Insurance companies insuring against loss from liability, motor vehicle accidents, must offer additional first party benefits, etc. HF 1094, Kelly.

Compensation for motor vehicle accident victims, no fault. SF 1068, Griffin, et al.

Operation of snowmobiles on highway rights-of-way, governmental immunity. SF 1104, Curran; HF 1171, Lawson.

Municipal tort liability; includes employees, officers, school board members, etc., notices. SF 1133, DeKoster.

Civil liability for criminal acts, restitution to victims of crimes. HF 1201, Strothman.

Person found guilty of a crime can not deny act in a civil action for damages. HF 1202, Strothman.

Repeal guest statute re liability of an owner or operator of a motor vehicle. HF 1268, judiciary.

LIBRARIES—**General**

Increase the salary of the director of the traveling library. SF 1081, Doderer.
 Increase salary of the director of the traveling library and members of commerce commission, 1972-73. SF 1205, appropriations.

LICENSES—**General**

Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.
 Vending machines, breaking and entering of. HF 1006, Doyle.
 Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.
 Licensing of insurance consultants, penalties. SF 1064, Kennedy.
 Taxing and licensing of dogs by counties, repeal sections relating to. SF 1118, Potgeter and Walsh.
 Regulate private trade, business, and correspondence schools, penalty. HF 1231, Kelly and Larson.
 Transfer the licensing of vehicles from which food and dairy products are sold, increase fees. SF 1171, agriculture.
 Establish a state county liaison board re county homes. SF 1190, county government.
 Control of dangerous substances (medications) and the board of pharmacy, increase license fees. SF 1192, law enforcement.
 Prohibit discrimination by licensing associations. SF 1203, judiciary.
 Committee to study existing professional and occupational licensing boards, others that should be licensed, etc., submit report. HCR 126; H.J. 992, 1107, adopted; S.J. 879, 990.

Agriculture

Storage of agricultural products without receipts, single license for 2 or more warehouses if, bonded warehouses. HF 1272, commerce.

Drivers

Issuance of special motor vehicle registration plates, drivers license mandatorily revoked. HF 1018, Kelly.
 Mandatory revocation of the drivers license of persons convicted of possession of drugs, etc. in a motor vehicle. HF 1029, Doyle.
 Provide course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, suspension of drivers licenses, fees, penalties. HF 1082, Lipsky and Christensen.
 Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 and HF 241 contain similar subsection; HF 1082 similar subject matter)
 Restriction and suspension of drivers licenses must be under departmental rules and regulations. HF 1262, law enforcement.

Fees

Increase fees for duplicate broker's license and a new license. SF 1025, Thordsen.

Fish and Game

Disposition of obsolete copies of hunting, fishing and trapping licenses. SF 1007, county government; HF 1015, county government.
 Persons 65 or older may obtain fishing license for fishing Mississippi and Missouri rivers for 50 cents per year. SF 1168, Walsh.

Hunting

Issuance of special deer hunting licenses to spouse of landowners and tenants, etc. SF 218, Potgeter; HF 1003, Andersen; SF 1037, Anderson; HF 1065, Middleswart; HF 1096, Campbell. (Same subject matter)
 Disposition of obsolete copies of hunting, fishing and trapping licenses. SF 1007, county government; HF 1015, county government.
 Hunting of migratory game birds, issuance of stamps, collection of fees, penalties, etc. HF 1207, conservation and recreation; SF 1179, conservation and recreation; HF 1019, Kelly and Hansen, similar.
 Drawing to determine number of persons receiving deer hunting licenses, preference to owners. SF 1095, conservation and recreation.
 Deer-hunting licenses. HF 1235, conservation and recreation. (HF 1003, HF 1065, HF 1096, HF 1150, SF 218, SF 385, SF 431, SF 1037, and SF 1095. These bills combined and/or singularly contain same and similar subject matter as HF 1235)

Liquor

Corrective amendments to the Iowa beer and liquor control act; fees, permits, licenses, locations, etc. HF 1133, state government.

Motor Vehicles

Motor vehicle registration plates, display symbol. HF 1193, Iowa development.

LIENS—**General**

Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.
 Liens imposed on real estate owned by persons, or persons responsible for, receiving care at county expense shall not be subject to the limitation of actions. HF 1224, Winkelman and Rex.

LIEUTENANT GOVERNOR—**General**

Age qualification of the governor, lieutenant governor, and members of the General Assembly. HJR 1003, Ewell, et al.

LIGHTS—**(Also see Advertising)****General**

Emergency lighting system for use during a power failure, certain public places. HF 1064, Scott.

LIQUIDS—**General**

Regulation of liquid transport carriers. HF 1033, commerce.

LIQUOR—**(See Alcoholic Beverages)****LIQUOR CONTROL COMMISSION—****General**

Facilities required of class "B" beer permit holders, etc. SF 1034, Potgeter.
Eliminate state-owned liquor stores. HF 1050, Blouin, et al.
Provide a second liquor store in Dubuque, appropriation. HF 1131, Ellsworth; SF 1167, Walsh.
Corrective amendments to the Iowa beer and liquor control act; fees, permits, licenses, locations, etc. HF 1133, state government.
Setting of minimum prices for retail sales of beer. HF 1149, Blouin.
Provide a standing appropriation to commission on alcoholism from liquor profits. HF 1208, Uban, et al.
Provide that 10 percent of the gross sales of liquor stores be distributed to cities and towns; 1 percent to counties. HF 1241, Gluba, et al.
Extend for an additional year funds appropriated for implementing an inventory and accounting system by liquor control commission. S.F. 1181, appropriations.

LIVESTOCK—**(See Animals)****LOAN COMPANIES—****(Also see Savings and Loan)****LOANS—****General**

Bank holding companies, bank offices, etc., re loans, fees paid, etc. SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy; HF 100, Sorg, et al.; SF 341, Griffin. (Similar subject matter)
Lending and investing powers of savings and loan associations, mobile homes, etc. HF 1047, Alt.
Merged areas may borrow money in anticipation of collection of a voted tax. SF 1059, Gross; HF 1095, Waugh, et al.
Eliminate time limits and dollar amount limits on installment loans by banks. HF 1143, Freeman.

LOBBYISTS—**General**

Require lobbying expense be added back into income before computation of personal and corporate income tax. SF 1022, Glenn.

MANUFACTURING—**General**

Inventories, merchants and manufacturers, alternate method for determining taxable values. SF 1044, Riley.

MARATHONS—**General**

Endurance contests or marathons, repeal prohibition against. HF 1033, Clark.

MARIJUANA—**(See Narcotics and/or Drugs)****MARKETING—****General**

That the federal government be directed to institute a study of present price-grading system for grain and oil seeds in the U.S.; establish a new base for determining market price. HCR 111; H.J. 496, 1037 adopted; S.J. 799, 1058 adopted.

MARRIAGE—**General**

Dissolution of marriage, support, etc. HF 405, Doyle, et al.; HF 1275, judiciary, similar subject matter; contains some of the same sections.
Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.

MEAT AND POULTRY—
(See Foods)**MEDICAL—PROFESSIONAL—****General**

- Remove prohibition against the sale or distribution of contraceptive products. SF 1076, Doderer, et al.
- Establish a birth defects institute. SF 1122, Doderer and Anderson.
- Permit pharmacists to allow customers to choose between prescription drugs of same value, but different prices. SF 1129, Gaudineer.
- Postmortem examinations. HF 1200, social services.
- City or town may support medical facilities. HF 1222, Winkelman.
- Establish a rural physicians associate program, scholarships, appropriation. HF 1234, Winkelman.
- Medical education and community orientation program, board of regents, appropriation. HF 1231, appropriations.
- Funding the physicians' assistants program, appropriation. HF 1232, appropriations.
- Establish regional medical educational facilities by board of regents. SF 1193, social services.
- Health maintenance organizations, defines, authorize establishment. SF 1212, state government.
- Optometry**
- Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. similar.
- Protective eyeglass lenses, department of health adopt rules in conformance with federal rules, etc. SF 1052, Doderer et al.; HF 1104, social services. S.
- Occupational hearing loss, workmen's compensation. SF 1215, human and industrial relations.

MEDICAL EXAMINERS—**General**

- Funding the physicians' assistants program, appropriation. HF 1232, appropriations.

MENTAL HEALTH—

(See Health, sub-ref. Mental)

MERIT SYSTEM—**General**

- Remove requirement executive council approve merit system classification and pay plan. HF 1049, Gluba.
- Adjust pay of state employees under merit system according to changes in consumer price index. HF 1070, Nystrom; SF 1072, Van Drie.
- Rehiring of former and transfers of state employees. HF 1144, Hansen.
- Establish a state highway commission employee representative, employee related matters, merit system. SF 1153, Van Drie.
- Funding merit system pay plan, appropriation. HF 1214, appropriations.

MIGRANT LABORS—**General**

- Migratory labor camps, requirements, etc. HF 1221, Gluba.

MILEAGE—**General**

- Maximum amount of mileage compensation paid county supervisors. HF 474, Dunton; HF 1129, county government. (Similar subject matter)
- Eliminate prescribed form by public safety re odometer mileage statements. HF 1004, Monroe.

MILITARY—**General**

- Free copy of an individual's military record furnished for perfecting any claim. SF 1005, county government.
- First \$6,000 of retirement pay or disability benefits received by a former member of the armed forces may be excluded before tax is computed. SF 1012, Riley.
- That the executive council shall have published the names and dates of the men captured or missing in Vietnam and that flags over state buildings shall be flown at half mast upon the anniversary of those dates. SCR 114; S.J. 508, 632-634 adopted; H.J. 912-913 adopted.
- Public defense, appropriation for various capital improvements. SF 1203, appropriations.

MILITARY AFFAIRS—

(See Military)

MINORS—**General**

- Allows persons 14 and 15 years to work in certain occupations, badge no longer required, etc. HF 171, Drake, et al. (SF 1128 similar subject matter)

Issuance of new birth certificates for persons born outside the U.S. and adopted in Iowa. SF 354, DeKoster and Potgeter; HF 1039, Clark.
 Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.
 Age for which liability for support is required, uniform support of dependents law. SF 1018, Gaudineer.
 School districts may provide nursery school programs for certain children. SF 1058, Riley; HF 1079, Lipsky.
 Provide for the court in neglected, dependent, etc. child cases to have access to school records, etc. HF 1088, Dunton.
 Define part-time work for child labor in agriculture as less than 20 hours per week. SF 1093, Gaudineer.
 State responsible for damage caused by negligent or wrongful acts of its wards under age 18. HF 1158, Husak.
 Allows persons 14 and 15 to work in certain occupations, badge no longer required, also certain occupations approved by labor commissioner, juvenile court judge and superintendent of schools. SF 1128, Gaudineer. (HF 171 similar subject matter)
 Clarify legal settlement of minor children residing in institutions. HF 1199, social services.
 Continue study of the state mental health institutes, etc. under social services. HF 1297, appropriations.

MISDEMEANORS—**General**

Violation of the Iowa commercial feed law of 1964 a misdemeanor, penalty. SF 1019, judiciary.
 Advertisement of "X" rated motion pictures, penalties. SF 1029, Hill.
 Registration of a motor carrier's interstate transportation service, penalized if not registered with commerce commission. HF 1087, commerce.
 Registration and titling of motorcycles, penalties. HF 1097, Doyle, et al.
 Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. Similar subject matter.
 Increase dollar amount necessary for the commission of a felony. HF 1254, law enforcement.

MOBILE HOMES—**General**

Rate of interest assessed as a penalty on mobile home taxes. HF 1020, Monroe.
 Sale of mobile homes on Sundays. HF 1028, Sorg and Tieden; SF 1049, Riley and Balloun.
 Lending and investing powers of savings and loan associations, mobile homes, etc. HF 1047, Alt.

MORTGAGES—**General**

Disposition of obsolete instruments in the county recorder's office. SF 1006, county government; HF 1014, county government.

MOTION PICTURES—**General**

Advertisement of "X" rated motion pictures, penalties. SF 1029, Hill.

MOTOR VEHICLES—**(Also see Transportation)****General**

Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. Similar subject matter.
 Eliminate prescribed form by public safety re odometer mileage statements. HF 1004, Monroe.
 Width of vehicles, exclude safety devices used to secure loads. HF 1021, Bennett; HF 1264, transportation.
 Provide course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, suspension of drivers licenses, fees, penalties. HF 1082, Lipsky and Christensen.
 No fault automobile insurance. HF 1105, Kinley.
 Compensation for motor vehicle accident victims, no fault. SF 1068, Griffin, et al.
 Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 and HF 241 contain similar subsection; HF 1082 similar subject matter)
 Renewal of automobile insurance, known information. HF 1162, Hansen, et al.
 Motor vehicle registration reciprocity. SF 1147, Anderson.
 Authorize shuttle carrier service without a certificate of public convenience and necessity. SF 1152, Van Drie; HF 1230, Egenes.
 Posting of signs near intersections where passing of motor vehicles is prohibited. HF 1227, Shaw.
 Transfer of authority and responsibility re certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.

- Repeal guest statute re liability of an owner or operator of a motor vehicle. HF 1268, judiciary.
- Committee to study motor vehicle laws of Iowa comparing with the uniform vehicle code. SCR 128; S.J. 883, 990.
- Ambulances**
- Expand use of ambulance services at University Hospital. SF 1178, social services; HF 1253, social services.
- Buses**
- (Also see **Schools, sub-ref. Buses**)
- Require passenger restraining devices in school buses, penalty. SF 1162, Nicholson; HF 1244, Gluba.
- Inspection**
- Extend time within which a motor vehicle failing inspection must be repaired, require inspection upon transfer, lengthen that period, and permit regrooving of specially designed tires. HF 1258, transportation.
- Licenses**
- (See **Licenses, sub-ref. Motor Vehicles**)
- Motorcycles**
- Registration and titling of motorcycles, penalties. HF 1097, Doyle, et al.
- Commissioner of public safety rescind rules and regulations re safety equipment for motorcyclists. HCR 43; H.J. 2037, 2075 adopted; S.J. 1904—Second Regular Session; S.J. 710 adopted.
- Registration**
- Grounds for refusal to register motor vehicles. HF 1007, Kreamer; SF 1032, Milligan.
- Issuance of special motor vehicle registration plates, drivers license mandatorily revoked. HF 1018, Kelly.
- Motor vehicle registration fees, county treasurer retain. SF 1023, county government.
- Registration and titling of motorcycles, penalties. HF 1097, Doyle, et al.
- Restricted certificate of title for motor vehicles damaged or inoperable. HF 1113, transportation.
- Motor vehicle registration plates, display symbol. HF 1193, Iowa development.
- Registration fees on motor vehicles be based on value. SF 1150, county government.
- Distribution of motor vehicle registration fees by county treasurers. HF 1255, Holden.
- Extend time for use of motor vehicle "registration applied for" cards. HF 1259, transportation.
- Snowmobiles**
- State or its political subdivisions not liable re use of snowmobiles in road ditches, etc. HF 1055, Scott, et al.
- Use of snowmobiles on railroad rights-of-way. HF 1057, law enforcement.
- Operation of snowmobiles on highway rights-of-way, governmental immunity. SF 1104, Curran; HF 1171, Lawson.
- Issuance of special registration certificates to snowmobile dealers and manufacturers, etc., fees. HF 1192, Stromer.
- Trucks**
- Regulation of liquid transport carriers. HF 1033, commerce.
- MOTORCYCLES—**
(See **Motor Vehicles, sub-ref. Motorcycles**)
- MUNICIPAL CORPORATIONS—**
(See **Cities and Towns, all sub-refs.**)
- MUNICIPAL COURT—**
(See **Courts, sub-ref. Municipal**)
- NAMES—**
- General**
- Changing of names by individuals. SF 202, county government.
- Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. Similar subject matter.
- NARCOTICS—**
(Also see **Drugs and/or Medical; Professional and/or Pharmacy**)
- General**
- Commitment of alcohol and drug addicts, also private facilities. SF 1090, county government.
- NATIONAL GUARD—**
(See **Military**)
- NEWSPAPERS—**
(See **Printing—Publishing**)
- NOTICES—**
- General**
- Reversion of unclaimed postal savings system accounts to the award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.

- Publication of notice within a county by highway commission prior to commencement of construction or improvements on a highway. HF 1026, Fischer of Grundy.
- Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. SF 1038, Van Gilst.
- Notice of termination of farm tenancies. HF 1103, Logemann.
- Tax assessment procedures. SF 1096, ways and means.
- Prohibit publication of official notices in newspapers having paid circulation of more than 100,000. HF 1157, Fischer of Grundy.
- Either county mutual insurance associations or their agents send required notice to policyholders before premiums due. HF 1216, Hansen.

OFFICERS—**(Also see Police)****General**

- Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. Similar subject matter.
- Change method of determining retirement compensation for peace officers, also lower voluntary retirement age. HF 1153, Doyle, et al.
- Benefits under peace officers' retirement system, include accidental death benefits. SF 1210, law enforcement.

OLD-AGE ASSISTANCE—**General**

- Computation of old age assistance grants, appropriation. SF 42, Conklin; SF 1141, Riley and Van Gilst. Similar.
- Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.
- Recovery of old age assistance payments, delete certain provision of Code. SF 1115, Riley and Van Gilst.
- Collection of support payments for welfare recipients, state pay share to counties. HF 1164, Camp.
- Old-age assistance and transfer of real property. HF 1134, Knoke.
- Old-age assistance recipients may reside in a county home which qualifies as a skilled nursing home. HF 1249, social services.

OLD-AGE AND SURVIVORS INSURANCE SYSTEM—**General**

- Additional benefits to persons eligible to receive old-age and survivors' insurance, appropriation. SF 1130, Van Gilst.

OMBUDSMAN—**General**

- Establish an office of citizens' aide, penalties, appropriation. SF 288, Potgeer and Walsh; HF 1122, Winkelman, et al.; HF 1291 appropriations. (Same subject matter)
- Ombudsman for highway commission. SF 1094, Van Drie.

OPTOMETRY—**(See Medical—Professional, sub-ref. Optometry)****PACKAGING—****General**

- Packaged meat and poultry must have date of packaging stamped on label, penalties. HF 1040, Kinley.

PARKING METERS—**General**

- Use of funds received from parking meters. SF 1071, cities and towns.

PARKS—**General**

- Establish land preserves, etc. HF 1195, Winkelman.
- Provide required statutory guidelines for adoption of administrative rules by conservation commission, penalty. SF 1172, conservation and recreation.
- Increase allocation for construction of state institutional and park roads. HF 1292, appropriations.

PAROLE—**(See Social Services, sub-ref. Parole, Board of)****PEACE OFFICERS—****(See Officers and/or Police)****PENAL INSTITUTIONS—****General**

- Committee to study the women's correctional system in Iowa. HCR 103; H.J. 50, 775-777 adopted; S.J. 569, 572, 836.
- Board of parole employ executive secretary, etc. SF 1042, Lamborn, et al.
- Establish office of penal and correctional complaints. HF 1229, Small, et al.

Prisoners

Time served on parole will count against prisoners sentence, even if revoked. HF 1042, Kelly, et al.; SF 1065, Kennedy, et al.
Furloughs and work release programs for inmates. SF 1041, Glenn, et al.

PENSIONS—

(See Retirement Systems)

PERMITS—**General**

Facilities required of class "B" beer permit holders, etc. SF 1034, Potgeter.
Private sale, control, and distribution of wine, penalties. HF 1056, Trowbridge, et al.; SF 1073, Walsh, et al.; HF 1276, ways and means, very similar.
Placing of permit numbers on containers of agricultural seeds. HF 1073, Pier-son.
Uniform minimum standards for plumbing, licensing, supervision and inspec-tion, penalties. HF 1085, Nystrom.
Removal of undesirable or injurious fish from inland waters, issue permit to an individual. HF 1108, Tieden; HF 1219, conservation and recreation.
Corrective amendments to the Iowa beer and liquor control act; fees, permits, licenses, locations, etc. HF 1133, state government.
Migratory labor camps, requirements, etc. HF 1221, Gluba.
Transfer of authority and responsibility re certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.
Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county govern-ment.

PETITIONS—

(Also see Elections)

General

Petitioning for a rural water district, bond required. SF 1002, county govern-ment; HF 1012, county government.
Petitioning for a private sanitary district, bond required. SF 1031, county gov-ernment; HF 1036, county government.
Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.

PHARMACY—

(Also see Narcotics and/or Medical—Professional and/or Drugs)

General

Permit pharmacists to allow customers to choose between prescription drugs of same value, but different prices. SF 1129, Gaudineer.
Control of dangerous substances (medications) and the board of pharmacy, increase license fees. SF 1192, law enforcement.

PHYSICAL EDUCATION—**General**

Physical education courses in elementary and secondary schools, successful completion before credit received. HF 1008, Dunton.

PHYSICIANS—

(See Medical—Professional)

PICKETING—**General**

Lawful picketing in labor disputes, trespass law does not prohibit. SF 1077, Walsh.

PLANNING AND PROGRAMMING—**General**

Create a state transportation planning commission. HF 1173, Welden; HF 1256, transportation.

PLATTING—

(Also see Property and/or Real Estate)

General

Permit cities and towns, by ordinance, to require platting. SF 1161, Riley.

PLUMBING—**General**

Uniform minimum standards for plumbing, licensing, supervision and inspec-tion, penalties. HF 1085, Nystrom.

POLICE—**General**

Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. Similar subject matter.

Provide for police reserve units in cities with populations over 5,000. SF 1107, Griffin; HF 1179, Knoke.
 Change method of determining retirement compensation for peace officers, also lower voluntary retirement age. HF 1153, Doyle, et al.
 Qualifications of police and fire chiefs. SF 1174, Doderer.

POLITICAL CAMPAIGNS—**General**

Election expenses, campaign expenditures by candidates not to exceed certain amount for either primary or general election, etc. SF 1027, Glenn.
 Provide that in all at-large elections, candidates shall state the specific seat to which they are seeking election. HF 1245, Taylor.

POLITICAL ORGANIZATIONS—**General**

Strike requirement state central committee of a political party consist of one man and one woman from each congressional district. SF 1121, Milligan and Gaudineer.
 Authorize a presidential preferential primary election in Iowa. HF 1186, Freeman and Blouin.

POLITICS—**General**

Strike requirement state central committee of a political party consist of one man and one woman from each congressional district. SF 1121, Milligan and Gaudineer.

POLLUTION—**(Also see Sewage)****General**

Prohibit sale of any detergent containing any phosphorous compound. SF 459, Riley; HF 1022, Blouin. S.
 Authorize cities and towns to issue revenue bonds in connection with pollution control. SF 1158, Iowa development; HF 1239, Lawson.
 Issuance of environmental impact states re development projects affecting the environment. HF 1223, Winkelman.

POULTRY—**(See Foods)****PRECINCTS—****General**

Drawing of grand jurors, counties having less than 12 election precincts. SF 1195, county government.

PRESIDENT AND VICE-PRESIDENT—U.S.—**General**

Authorize a presidential preferential primary election in Iowa. HF 1186, Freeman and Blouin.
 Lower age qualifications for offices of president, vice president, U.S. senator, and representative to legal voting age. HJR 1008, Ewell and Gluba.
 Urge president of the U.S. request the government of the Soviet Union to permit free exercise of religion, end discrimination, and permit emigration. HCR 102; H.J. 24, 70 adopted; S.J. 89, 136 adopted.

PRESS—**General**

Confidential communications and the press. HF 1118, Kelly.
 Express to Allan Hoschar appreciation for contribution in reporting legislative proceedings. SR 102; S.J. 1137, 1150 adopted.

PRINTING—PUBLISHING—**General**

Publishing of salaries of school district employees. HF 1081, Scott.
 Publications concerning the cure of venereal disease, repeal prohibition against. SF 1084, Potgeter.
 Prohibit publication of official notices in newspapers having paid circulation of more than 100,000. HF 1157, Fischer of Grundy.
 Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. Similar subject matter.

PRISONERS—**(See Penal Institutions, sub-ref. Prisoners)****PRISONS—****(See Penal Institutions)****PROBATE LAW—****General**

Service of notice—increase value of property surviving spouse may take—prior will of remarried couple, reinstated—estates, equitable relief, separate action—appointment of guardians or conservators for those incapable of caring for themselves—and disclaimer in intestate estates, etc. SF 1194, judiciary.

PROPERTY—

(Also see Land and/or Real Estate)

General

- Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.
- Notification, by county assessors, not later than March 15th, valuation of property. HF 452, Schmeiser, et al.; (Similar subject matter as HF 1120, county government; SF 1117, county government)
- Free property owners and others from civil liability in case of injury to trespassers. HF 1031, Winkelman, et al.; SF 1020, Graham, et al.
- Flood and erosion control, all taxable property outside of incorporated cities to be taxed. SF 1043, Briles; HF 1072, Pellett.
- Establish a moratorium on increases in assessment of real property, except for equalization between counties, etc. HF 1090, Winkelman.
- Issue an appraisal manual to all county and city assessors by department of revenue. HF 1099, ways and means; SF 1075, ways and means. S.
- Tax assessment procedures. SF 1096, ways and means.
- Legalize transfer of real property from Prairie community school district to Russell and Florence M. Jondle. SF 1110, judiciary.
- Exempt sales by school districts of structures erected by students from property value limitations, section 297.22 of Code. HF 1159, Ellsworth; HF 1286, ways and means.
- Old-age assistance and transfer of real property. HF 1184, Knoke.
- Malicious damage to property, penalties. HF 1191, Blouin.
- Permit cities and towns, by ordinance, to require platting. SF 1161, Riley.
- Liens imposed on real estate owned by persons, or persons responsible for, receiving care at county expense shall not be subject to the limitation of actions. HF 1224, Winkelman and Rex.
- Sale of unused right of way property acquired by highway commission. HF 1226, Trowbridge.
- Urban renewal projects and bonds. HF 1257, ways and means; SF 1186, ways and means.

Condemnation

- Eminent domain, condemnation, notices of appeal, lienholders, award of damages, etc. HF 229, Dunton; SF 1038, Van Gilst.
- Power of eminent domain of the board of a conservancy district. SF 1016, Graham.
- Authorize counties to acquire private property by condemnation for sanitary landfill purposes. HF 1044, county government.

Taxes

(See Taxes, sub-ref. Property)

PERSONAL—

- Definition of casual sales. HF 1083, Scott.
- Tax assessment procedures. SF 1096, ways and means.
- Exempt from tax on sales and services—those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.

PUBLIC BUILDINGS AND GROUNDS—

(See Buildings and Grounds)

PUBLIC DEFENSE—**General**

- Public defense, appropriation for various capital improvements. SF 1203, appropriations.

PUBLIC INSTRUCTION, DEPARTMENT OF—

(Also see Schools, sub-ref. Public Instruction, Department)

General

- Establish salary rates for the superintendent of public instruction and all school superintendents. HF 1010, Radl and Sorg.
- Provide pamphlet on laws re alcoholic beverages, distribute to all high schools. HF 1066, Rodgers.
- Approval, coordination, and supervision over electronic data processing for educational purposes in cooperation with general services. SF 1070, schools.
- Appropriate to public instruction, participation in federal breakfast, lunch and minimal equipment programs. SF 1091, appropriations.
- Regulate private trade, business, and correspondence schools, penalty. HF 1231, Kelly and Larson.
- School districts may provide nursery school programs for certain children. SF 1058, Riley; HF 1079, Lipsky.
- Amend the state school foundation program, enrollment, reimbursements, increase costs, millage, etc. HF 1269, schools.
- Reimbursement to local school districts, county school systems, joint county systems, etc., for auxiliary services to nonpublic school students. SF 1199, schools; SF 1214, appropriations. (SF 1214 has appropriation) Very similar.

PUBLIC OFFICIALS**General**

Age qualifications for elective public office. HF 1116, Kehe, et al.

PUBLIC SAFETY, DEPARTMENT OF—**(Also see Safety and/or Highway Safety Patrol)****General**

- Eliminate prescribed form by public safety re odometer mileage statements. HF 1004, Monroe.
- Provide course for persons convicted of operating a motor vehicle while under the influence of an alcoholic beverage, suspension of drivers licenses, fees, penalties. HF 1082, Lipsky and Christensen.
- Salary increases for highway patrol officers, appropriate from primary road fund. HF 1092, Doyle, et al.
- Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 and 241 contain similar subsection; HF 1082 similar subject matter)
- Change method of determining retirement compensation for peace officers, also lower voluntary retirement age. HF 1153, Doyle, et al.
- Require report of the disposition of all persons whose arrest has been reported to criminal investigation and bureau of identification. HF 1169, law enforcement.
- Motor vehicle registration reciprocity. SF 1147, Anderson.
- Provide that motor vehicle accident reports are inadmissible in evidence. HF 1205, Kreamer.
- Require passenger restraining devices in school buses, penalty. SF 1162, Nicholson; HF 1244, Gluba.
- Transfer of authority and responsibility re certain motor vehicles as to weight, permits, inspection, etc., from highway commission and commerce commission to public safety. SF 1175, Kennedy and Gaudineer.
- Public safety conduct study of the life lite, etc. HCR 115; H.J. 631, 980 adopted, 991; S.J. 743, 1058 adopted.
- Restriction and suspension of drivers licenses must be under departmental rules and regulations. HF 1262, law enforcement.
- Transfer members of the division of fire protection of public safety to public safety peace officers' retirement accident and disability system. HF 1267, law enforcement.
- Construction of a building at law-enforcement academy, appropriation. SF 1204, appropriation.

PUBLIC UTILITIES—**(See Utilities, sub-ref. Public)****PUBLICATIONS—****(See Printing—Publishing)****PURCHASING—****General**

- All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.

RADIO—**(See Communications)****RAILROADS—****General**

- Use of snowmobiles on railroad rights-of-way. HF 1057, law enforcement.
- Regulation of railroads in cities and towns, penalties. SF 1097, Riley and Robinson. (SF 285 similar subject matter)
- Abandoned railroad right-of-way, state option to buy. HF 1168, Lawson.
- Abandoned railroad right-of-way, revert to former owner. HF 1177, Scott.
- Railroads must file annually with commerce commission intention to abandon railroad right-of-way. HF 1189, Schwieger.
- Reversion to the state of abandoned railroad right-of-way, use of. HF 1215, Freeman and Campbell.
- Abandoned railroad right-of-way, revert to state. HF 1237, Small. (HF 626, HF 1168, HF 1177, HF 1189, and HF 1215 all refer to abandoned railroad right-of-way)
- Committee to study feasibility and need for providing railroad passenger service in Iowa, also service from Dubuque to Sioux City, submit report. HCR 114; H.J. 562.
- Committee to study restoration of railroad passenger service, submit report. SCR 115; S.J. 509, 518, 771, 1089.
- Committee to study abandonment of railroad rights-of-way, submit report. HCR 118; H.J. 701, 913.
- Abandoned railroad right-of-way, procedure for another railroad to acquire. SF 1197, Van Gilst.
- Committee to study need for railroad service and methods to improve heavy freight transportation service, submit report. SCR 126; S.J. 860, 990.

REAL ESTATE—

(Also see Land and/or Licenses, sub-ref. Real Estate and/or Property)

General

- Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.
- Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government; HF 1134, Winkelman. (Similar subject matter)
- Bank holding companies, bank offices, etc., re loans, fees paid, etc. SF 1008, Brownlee, et al.; HF 1112, Fischer of Grundy; HF 100, Sorg, et al.; SF 341, Griffin. (Similar subject matter)
- Real estate broker trust funds. SF 1010, Potter.
- Increase fees for duplicate broker's license and a new license. SF 1025, Thordsen.
- Requirements for a financing statement under article 9 of the uniform commercial Code. SF 1035, Potter.
- Forfeiture of real estate contracts, vendee also pay cost of preparation. HF 1051, Kelly.
- Tax assessment procedures. SF 1096, ways and means.
- Taxation of real estate transfers and penalty for failure to comply. SF 1101, ways and means. (HF 1288 contains some of the same sections; similar subject matter)
- Liens imposed on real estate owned by persons, or persons responsible for, receiving care at county expense shall not be subject to the limitation of actions. HF 1224, Winkelman and Rex.
- Establish an examination fee for real estate salesman or broker examinations. SF 1183, Thordsen.
- Provide for full disclosure of sales price in real estate transfers, penalty. HF 1288, ways and means. (SF 1101 contains some of the same sections; similar subject matter)

REAPPORTIONMENT OF LEGISLATURE—**General**

- Apportionment of the General Assembly based on population, etc. HJR 1007, Shaw, et al.

RECIPROCITY—**General**

- Income tax of nonresidents. HF 139, Mendenhall and Shaw; SF 279, Thordsen and Nicholson; HF 1283, ways and means.
- State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.
- Motor vehicle registration reciprocity. SF 1147, Anderson.

RECORDS—**General**

- Free copy of an individual's military record furnished for perfecting any claim. SF 1005, county government.
- Copying of public records, may do so by means of equipment, fee. HF 1139, Larson.
- Reduce time when certain court records may be destroyed. HF 1271, judiciary.

RECREATION—**General**

- Actions for injuries or damages caused by the operation of a motor boat. HF 1005, Fisher of Greene; SF 1026, Arbuckle.

RECYCLABLE MATERIALS—**General**

- Establish collection stations for recyclable materials. HF 1136, Kehe.

REDISTRICTING—**General**

- Judicial redistricting and judicial nominating commissions. HF 1161, Rodgers, et al.; SF 1126, Rhodes, et al.

REFUSE—

(See Pollution and/or Sewage)

REGENTS, BOARD OF—**General**

- Student activity fees, universities, require list of purposes for. SF 1048, Messerly.
- Urge board of regents establish a college of criminal justice at the University of Northern Iowa. HCR 105; H.J. 251.
- Appropriation to board of regents, University of Northern Iowa, reallocation, etc. SF 1085, Messerly and Conklin; HF 1130, Hansen, et al.; HF 1280, appropriations.

- Require board of regents to itemize student fees, permit student to elect which fees he will pay re services, etc. HF 1138, Schroeder.
- Permit students, after one year in residence at a state university, to take as much as three quarters of work at any other state university, same tuition and credits, etc. SF 1120, Conklin.
- Conversion of WOI-TV for use of the educational radio and television facility board. HF 1146, Mendenhall, et al.; SF 1113, Riley, et al.
- Establish regional medical educational facilities by board of regents. SF 1193, social services.
- Urge board of regents to investigate possibilities of establishing a college of criminal justice. HCR 121; H.J. 868, 964, adopted; S.J. 714, 1119 adopted.

REGISTRATION—**(Also see Motor Vehicles, sub-ref. Registration)****General**

- Grounds for refusal to register motor vehicles. HF 1007, Kreamer; SF 1032, Milligan.
- Issuance of special motor vehicle registration plates, drivers license mandatorily revoked. HF 1018, Kelly.
- Motor vehicle registration fees, county treasurer retain. SF 1023, county government.
- Registration and titling of motorcycles, penalties. HF 1097, Doyle, et al.
- Restricted certificate of title for motor vehicles damaged or inoperable. HF 1113, transportation.
- Election laws, penalties. HF 1147, state government.
- Issuance of special registration certificates to snowmobile dealers and manufacturers, etc., fees. H.F. 1192, Stromer.
- Motor vehicle registration plates, display symbol. H.F. 1193, Iowa development.
- Registration requirements, dealers and salesman, securities, etc., cease and desist orders, public information, penalties. HF 1194, Freeman, et al.
- Motor vehicle registration reciprocity. SF 1147, Anderson.
- Registration fees on motor vehicles be based on value. SF 1150, county government.
- Distribution of motor vehicle registration fees by county treasurers. HF 1255, Holden.
- Extend time for use of motor vehicle "registration applied for" cards. HF 1259, transportation.
- Establish a board of electronic service examiners, etc. SF 1187, Van Drie.

REHABILITATION—**General**

- Furloughs and work release programs for inmates. SF 1041, Glenn, et al.
- Provide for a comprehensive program for treatment, education, and rehabilitation of alcoholics. SF 1173, Doderer.

RESOLUTIONS—**General**

- Compensation of switchboard operators. SCR 101; S.J. 10 adopted; H.J. 6, 44 adopted.
- Urge President of the U.S. request the government of the Soviet Union to permit free exercise of religion, end discrimination, and permit emigration. SCR 102; S.J. 37, 59, 80, 135, 136 withdrawn. (See HCR 102)
- Urge highway commission to select Palo route for I-380. SCR 103; S.J. 48, 59.
- Urge Congress to settle west coast dock strike, adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes, etc. SCR 104; S.J. 195, 228, 243, 267, 300-304 adopted, 306; H.J. 299.
- Committee to study structure of the Iowa supreme court, need for changes or for alternative appeals courts, submit report. SCR 105; S.J. 226, 492, 509, 589-590 adopted; H.J. 856, 1037 adopted.
- Committee to study feasibility and most economical method of extending educational radio and television to the entire state, submit report. SCR 106; S.J. 324.
- Urge social services to apply for subgrants available from Iowa crime commission for the hiring of additional counselors and parole agents. SCR 107; S.J. 391, 418.
- Authorize commission on aging conduct study of retirement systems available to state employees, submit report. SCR 108; S.J. 417, 418.
- Request Governor Ray declare July 4, 1972 as senior citizens recognition day. SCR 109; S.J. 418.
- Committee to study state-owned communication facilities, submit report. SCR 110; S.J. 478, 491.
- Adjournment Friday, March 10, 1972 at five p.m. SCR 111; S.J. 478, 709-710 adopted; H.J. 964, 1096.
- Extend congratulations to the University of Iowa on the 125th anniversary of its founding. SCR 112; S.J. 506, 527 adopted; H.J. 777 adopted.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri river. SCR 113; S.J. 507, 710-711 adopted; H.J. 964, 1281 adopted.

- That the executive council shall have published the names and dates of the men captured or missing in Vietnam and that flags over state buildings shall be flown at half mast upon the anniversary of those dates. SCR 114; S.J. 508, 632-634 adopted; H.J. 912-913 adopted.
- Committee to study restoration of railroad passenger service, submit report. SCR 115; S.J. 509, 518, 771, 1089
- Committee to study the financing of Iowa's educational system, submit report. SCR 116; S.J. 571, 572, 681, 1039.
- Committee to study feasibility of providing prepaid health care services to citizens of this state, submit report. SCR 117; S.J. 621, 652, 802, 1089.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. SCR 118; S.J. 651.
- Expenses of legislators during interim, payment. SCR 119; S.J. 703, 995 adopted; H.J. 1224-1225, 1358 adopted.
- That the President of the Senate and Speaker of the House be presented with similar desks such as they are now using. SCR 120; S.J. 704, 996 adopted; H.J. 1225, 1358 adopted.
- Details of closing the 1972, Second Regular Session of the Sixty-fourth General Assembly, interim staff and work, reconvening the 1973, First Regular Session of the Sixty-fifth General Assembly. SCR 121; S.J. 704, 995 adopted; H.J. 1225, 1359 adopted.
- Resolutions calling for interim studies not adopted in both houses be delivered to the President pro tempore and Speaker of the House and the legislative council determine priorities, etc. SCR 122; S.J. 800, 995 adopted; H.J. 1226, 1359 adopted.
- Congratulate the Iowa State University wrestling team. SCR 123; S.J. 859, 864, adopted; H.J. 1100, 1328 adopted.
- General Assembly urges that the president of the organization of Iowa highway commission employees be allowed reasonable working time to carry out his duties and be given office facilities, etc. SCR 124; S.J. 859, 1153-1155 adopted, 1171-1172 failed.
- Extend congratulations to Roland-Story girls basketball team. SCR 125; S.J. 860, 865 adopted; H.J. 1106 adopted.
- Committee to study need for railroad service and methods to improve heavy freight transportation service, submit report. SCR 126; S.J. 860, 990.
- Request proper notice and time be given for states and persons affected by the occupational safety and health act of 1970 to comply with the rules and regulations. SCR 127; S.J. 882, 1111, 1113-1116 adopted; H.J. 1378.
- Committee to study motor vehicle laws of Iowa comparing with the uniform vehicle code. SCR 128; S.J. 883, 990.
- Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. SCR 129; S.J. 988, 1010.
- That the Governor arrange for a statewide comprehensive conference on Iowa's future. SCR 130; S.J. 989, 1117 adopted; H.J. 1365 adopted.
- Committee to study method of protecting the public from disease, fraud, etc., re pet animals, submit report. SCR 131; S.J. 1007, 1010.
- Committee to study legislative regulation of consumer credit charges in Iowa, submit report. SCR 132; S.J. 1110.
- That a certificate of service be given each page in both the Senate and House commending them for their services. SCR 133; S.J. 1158 adopted; H.J. 1445 adopted.
- Adjournment, Friday, March 24, 1972 at 8:15 p.m. SCR 134; S.J. 1174-1175 adopted; H.J. 1446 adopted.
- Interim expenses for the Secretary of the Senate. SR 101; S.J. 703, 995 adopted.
- Express to Allan Hoschar appreciation for contribution in reporting legislative proceedings. SR 102; S.J. 1137, 1150 adopted.
- Commissioner of public safety rescind rules and regulations re safety equipment for motorcyclists. HCR 43; H.J. 2037, 2075 adopted; S.J. 1904; Second Regular Session; S.J. 710 adopted.
- Joint convention January 10, 1972, at 1:45 p.m., Governor Ray's state of the state message. HCR 101; H.J. 2 adopted; S.J. 10 adopted.
- Urge President of the U.S. request the government of the Soviet Union to permit free exercise of religion, end discrimination, and permit emigration. HCR 102; H.J. 24, 70 adopted; S.J. 89, 136 adopted.
- Committee to study the women's correctional system in Iowa. HCR 103; H.J. 50, 775-777 adopted; S.J. 569, 572, 836.
- That the General Assembly designate one day each session to meet with Iowa congressmen to discuss subjects of mutual concern. HCR 104; H.J. 196.
- Urge Board of Regents establish a college of criminal justice at the University of Northern Iowa. HCR 105; H.J. 251.
- Urge crime commission designate a portion of federal funds to the University of Northern Iowa for establishing a college of criminal justice. HCR 106; H.J. 252.
- Committee to study tax structure as it relates to local taxing body expenditures, submit report. HCR 107; H.J. 273, 563 adopted; S.J. 458, 459, 681, 772.
- Department of Social Services urged to apply for subgrants available from Iowa crime commission for hiring of additional counselors and parole agents. HCR 108; H.J. 300, 791 adopted; S.J. 565.

- Urge Congress to settle west coast dock strike and provide permanent procedures for settlement of transportation disputes, etc. HCR 109; H.J. 300.
- Encourage Iowans to observe arbor day, designated April 28, 1972, by planting a tree or shrub. HCR 110; H.J. 455, 603 adopted; S.J. 488, 819 adopted.
- That the federal government be directed to institute a study of present price-grading system for grain and oil seeds in the U.S.; establish a new base for determining market price. HCR 111; H.J. 496, 1037 adopted; S.J. 799, 1058 adopted.
- Extend congratulations to members and director of Fort Madison Aquinas high school band, invitation to participate in 1972 Olympic marching band tour and competition, etc. HCR 112; H.J. 497, 562 adopted; S.J. 458, 589 adopted.
- That the comptroller issue a statement that the State of Iowa in no way endorses goods or services and endorsement was from an individual. HCR 113; H.J. 526, 603 adopted; S.J. 489, 491.
- Committee to study feasibility and need for providing railroad passenger service in Iowa, also service from Dubuque to Sioux City, submit report. HCR 114; H.J. 562.
- Public safety conduct study of the life lite, etc. HCR 115; H.J. 631, 980 adopted, 991; S.J. 743, 1058 adopted.
- Extend congratulations to the University of Iowa on the 125th anniversary of its founding. HCR 116; H.J. 631.
- Commend the various organizations, committees, businesses and industry in improving the 54 mile area along the Missouri river. HCR 117; H.J. 632.
- Committee to study abandonment of railroad rights-of-way, submit report. HCR 118; H.J. 701, 913.
- Committee to study salaries of elective and appointive state officials, submit report. HCR 119; H.J. 774.
- That the channel catfish be recognized as the official state fish for Iowa. HCR 120; H.J. 854-855.
- Urge board of regents investigate possibilities of establishing a college of criminal justice. HCR 121; H.J. 868, 964 adopted; S.J. 714, 1119 adopted.
- Recommend purchase of disability income protection and life insurance protection for highway commission employees. HCR 122; H.J. 900.
- Recommend purchase of disability income protection and life insurance protection for all state employees. HCR 123; H.J. 936, 1027 adopted; S.J. 799, 818 adopted.
- Committee to study joint, coordinated, or pooled law enforcement by political subdivisions, submit report. HCR 124; H.J. 951.
- Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125; H.J. 992.
- Committee to study existing professional and occupational licensing boards, others that should be licensed, etc., submit report. HCR 126; H.J. 992, 1107 adopted; S.J. 879, 990.
- Committee to study property tax exemptions. HCR 127; H.J. 1028, 1221.
- Rejected claims be considered by Senate and House, approval. HCR 128; H.J. 1062, 1281 adopted; S.J. 1044, 1121 adopted.
- General Assembly urges the president of the organization of Iowa highway commission employees be allowed reasonable working time to carry out his duties and be given office facilities, etc. HCR 129; H.J. 1073.
- Extend congratulations to Roland-Story girls basketball team. HCR 130; H.J. 1090.
- General Assembly urges allowing state employee organizations the use of state buildings and auditoriums when available. HCR 131; H.J. 1090, 1358 adopted; S.J. 1131-1132 failed, 1134.
- Division of Iowa into different federal reserve districts. HCR 132; H.J. 1113, 1266, adopted; S.J. 1028, 1116 adopted.
- Committee to study feasibility of the manufacture of grain alcohol motor fuel by Iowa industries, etc., submit report. HCR 133; H.J. 1114.
- Urge the calling of a conference on Iowa's development in the twenty-first century by the Governor. HCR 134; H.J. 1125.
- That the Governor arrange for a statewide comprehensive conference to be called the conference on Iowa in the twenty-first century. HCR 135; H.J. 1126.
- Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. HCR 136; H.J. 1126-1127.
- Committee to study Iowa milk and milk product standards, submit report. HCR 137; H.J. 1246, 1395 adopted; S.J. 1149.
- Committee to study the rules and procedures of the General Assembly. HCR 138; H.J. 1270, 1365 adopted; S.J. 1149.
- Congratulate the Alta high school boys basketball team. HCR 139; H.J. 1295, 1358 adopted; S.J. 1124 adopted.
- Congratulate the Cedar Rapids Kennedy high school boys basketball team. HCR 140; H.J. 1295.
- Committee to study legislative regulation of consumer credit charges in Iowa, submit report. HCR 141; H.J. 1327.
- Commend WOI for providing excellent public service in broadcasting the proceedings of the General Assembly. HCR 142; H.J. 1446.

Interim expenses for the chief clerk of the House. HR 101; H.J. 1326, 1358 adopted.

RETAILER—

General

Inventories, merchants and manufacturers, alternate method for determining taxable values. SF 1044, Riley.

RETIREMENT SYSTEMS—

General

First \$6,000 of retirement pay or disability benefits received by a former member of the armed forces may be excluded before tax is computed. SF 1012, Riley.

Change method of determining retirement compensation for peace officers, also lower voluntary retirement age. HF 1153, Doyle, et al.

Authorize commission on aging conduct study of retirement systems available to state employees, submit report. SCR 108; S.J. 417, 418, 834.

Benefits under peace officers' retirement system, include accidental death benefits. SF 1210, law enforcement.

Public

Increase per diem pay for appointive members of advisory investment board of IPERS, also change retirement dates and benefits. HF 1046, Andersen; SF 1067, Griffin. (SF 455, HF 1093, SF 1109 and HF 1145 similar subject matter)

Increase salary ceiling for contributions to IPERS. HF 1145, Mendenhall. (SF 455, SF 1067, HF 1046, HF 1093 and SF 1109 similar subject matter)

Shorten number of years employment for receiving IPERS, etc. HF 1093, Dunton, et al.; SF 1109, Rhodes, et al. (SF 455, SF 1067, HF 1046 and HF 1145 similar subject matter)

Cost-of-living adjustments after retirement under IPERS. SF 1209, Anderson and Arbuckle.

REVENUE, DEPARTMENT OF—

General

Homestead tax credit for persons 65 or over, or totally disabled, penalties. HF 536, Gluba, et al.; HF 1155, Blouin, et al.; HF 1243, Gluba and Small, S.

Require department of revenue to furnish its enforcement officers with uniforms. HF 1024, Middleswart.

Eliminate state-owned liquor stores. HF 1050, Blouin, et al.

Inventories, merchants and manufacturers, alternate method for determining taxable values. SF 1044, Riley.

Delivery to a co-owner of the contents of a safety deposit box after having been reported to department of revenue. HF 1098, Ellsworth; HF 1190, Blouin. (Same)

Reduce time limit for filing a state inheritance tax return. HF 1172, Ellsworth.

Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.

References to the internal revenue code; tax chapter to include amendments so as to incorporate the 1971 revenue act. SF 1169, ways and means.

Taxation of financial institutions, deductions of franchise tax shall not be allowed. HF 1246, ways and means.

Tax exemptions allowed on income of farmers and fruit growers cooperatives. SF 1176, Potgeter.

Director

Issue an appraisal manual to all county and city assessors by department of revenue. HF 1099, ways and means; SF 1075, ways and means. S.

Tax assessment procedures. SF 1096, ways and means.

Property tax exemptions, federal and state, municipal and military property, religious, literary, and scientific societies, public airports, hospitals, institutions for public charity, health care facilities, private colleges and universities, schools, cemetery associations, etc. HF 1197, ways and means.

Apportionment of property valuation of certain electric power generating plants. HF 1148, Kehe and Fischer of Grundy; HF 1277, ways and means. Similar subject matter.

Provide for full disclosure of sales price in real estate transfers, penalty. HF 1288, ways and means. (SF 1101 contains some of the same sections; similar subject matter)

REVIEW, BOARD OF—

(See Assessments and/or Property)

RIGHT-OF-WAY—

General

Abandoned railroad right-of-way, state option to buy. HF 1168, Lawson.

Abandoned railroad right-of-way, revert to former owner. HF 1177, Scott.

Railroads must file annually with commerce commission intention to abandon railroad right-of-way. HF 1189, Schwieger.

Sale of unused right of way property acquired by highway commission. HF 1226, Trowbridge.

Abandoned railroad right-of-way, revert to state. HF 1237, Small. (HF 626, HF 1163, HF 1177, HF 1189, and HF 1215 all refer to abandoned railroad right-of-way)

Abandoned railroad right-of-way, procedure for another railroad to acquire. SF 1197, Van Gilst.

RIVERS—

(See Water)

ROAD USE TAX FUND—

General

Raise allocation from road use tax fund to street construction fund of cities and towns, lower others. HF 1233, Gluba.

ROADS AND HIGHWAYS—

General

Prohibit establishment or construction of a new primary highway, 50 miles of parallel, existing primary highway. HF 1002, Radl.

Urge highway commission to select Palo route for I-380. SCR 103; S.J. 48, 59. Width of vehicles, exclude safety devices used to secure loads. HF 1021, Bennett; HF 1264, transportation.

Publication of notice within a county by highway commission prior to commencement of construction or improvements on a highway. HF 1026, Fischer of Grundy.

Acquisition of right-of-way necessary to construct 2-lane highway between I-80 and Cedar Rapids by highway commission. HF 1054, Kennedy.

Operation of snowmobiles on highway rights-of-way, governmental immunity. SF 1104, Curran; HF 1171, Lawson.

Permit boards of supervisors to prohibit discharge of any firearms on any road or highway under their jurisdiction. SF 1127, Anderson.

Establish a highway construction fund, construction and reconstruction of state and interstate controlled-access highways, issuance of bonds, etc. SF 1146, Shawver.

Sale of unused right of way property acquired by highway commission. HF 1226, Trowbridge.

Posting of signs near intersections where passing of motor vehicles is prohibited. HF 1227, Shaw.

Raise allocation from road use tax fund to street construction fund of cities and towns, lower others. HF 1233, Gluba.

Increase allocation for construction of state institutional and park roads. HF 1292, appropriations.

RULES—

General

Committee to study the rules and procedures of the General Assembly. HCR 133; H.J. 1270, 1365 adopted; S.J. 1149.

SAFETY—

General

Amusement rides, etc., safety inspection and regulation of. HF 1001, human and industrial relations.

Width of vehicles, exclude safety devices used to secure loads. HF 1021, Bennett; HF 1264, transportation.

Protective eyeglass lenses, department of health adopt rules in conformance with federal rules, etc. SF 1052, Doderer et al.; HF 1104, social services. S.

Public safety conduct study of the lift lite, etc. HCR 115; H.J. 631, 980 adopted, 991; S.J. 743, 1058 adopted.

Occupational safety and health, penalties, appropriation. SF 1218, human and industrial relations.

Request proper notice and time be given for states and persons affected by the occupational safety and health act of 1970 to comply with the rules and regulations. SCR 127; S.J. 882, 1111, 1113-1116 adopted; H.J. 1378.

PUBLIC DEPARTMENT OF—

(See Public Safety, Department of)

SAFETY DEPOSIT BOXES—

General

Delivery to a co-owner of the contents of a safety deposit box after having been reported to department of revenue. HF 1098, Ellsworth; HF 1190, Blouin. (Same)

SALARIES—

General

Contribution ceiling under IPERS. HF 95, Mendenhall; SF 343, Riley, et al.; HF 1135, Andersen; SF 1100, Doderer. (Similar subject matter)

Establish salary rates for the superintendent of public instruction and all school superintendents. HF 1010, Radl and Sorg.
 Adjust pay of state employees under merit system according to changes in consumer price index. HF 1070, Nystrom; SF 1072, Van Drie.
 Publishing of salaries of school district employees. HF 1081, Scott.
 Provide overtime pay for highway commission employees. SF 1060, Van Drie et al.; HF 1076, Nystrom.
 Increase the salary of the director of the traveling library. SF 1081, Doderer.
 Increase salaries of certain county officers. HF 1123, Rex and Pelton; SF 1149, Briles. Very similar.
 Prohibit wage discrimination on the basis of sex. HF 1142, Shaw, et al.
 Provide for a study of salaries of elective and appointive state officials. SJR 1003, Gaudineer.
 Increase salaries of county attorneys. HF 1209, Knoke.
 Increase compensation of members of the General Assembly, etc., abolish budget and financial control committee. SF 1155, Tapscott, et al.
 Establish a commission on salaries for elective state officials. HF 1242, state government.
 Committee to study salaries of elective and appointive state officials, submit report. HCR 119; 774.
 Increase salary of the director of the traveling library and members of commerce commission, 1972-73. SF 1205, appropriations.
 Method of paying state employees, bank. SF 1206, state government.
 Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125, H.J. 992.

SALES—**General**

Sale of mobile homes on Sundays. HF 1028, Sorg and Tieden; SF 1049, Riley and Balloun.
 Private sale, control, and distribution of wine, penalties. HF 1056, Trowbridge, et al.; SF 1073, Walsh, et al.; HF 1276, ways and means, very similar.
 Casual farm auction sales, disposition of proceeds. HF 1067, Pellett.
 Definition of casual sales. HF 1083, Scott.
 Cities and towns must allocate at least 20% of the funds distributed to them from state liquor store sales to treatment and rehabilitation of alcoholics and drug abusers. SF 1061, Riley; HF 1180, Knoke. Similar.
 Hours during which alcoholic liquors and beer may be sold. HF 1102, Gluba, et al.; SF 1073, Walsh. Similar subject matter. (HF 345, HF 685 and SF 169 contain similar subsections)
 Remove prohibition against the sale or distribution of contraceptive products. SF 1076, Doderer, et al.
 Setting of minimum prices for retail sales of beer. HF 1149, Blouin.

Tax

(See Taxes, sub-ref. Sales)

SANITARY DISPOSALS—**General**

Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.

SANITATION—**General**

Authorize counties to acquire private property by condemnation for sanitary landfill purposes. HF 1044, county government.

Districts

Petitioning for a private sanitary district, bond required. SF 1031, county government; HF 1036, county government.

SAVINGS—

(Also see Banking and/or Savings and Loan Associations)

General

Inducements to open or add to savings accounts, penalties. HF 1109, Fischer of Grundy.

SAVINGS AND LOAN ASSOCIATIONS—**General**

Lending and investing powers of savings and loan associations, mobile homes, etc. HF 1047, Alt.
 Inducements to open or add to savings accounts, penalties. HF 1109, Fischer of Grundy.
 Taxation of financial institutions, deductions of franchise tax shall not be allowed. HF 1246, ways and means.

SCHOLARSHIPS—**General**

Establish a rural physicians associate program, scholarships, appropriation. HF 1234, Winkelman.

SCHOOL DISTRICTS—

(See Schools, sub-ref. Districts)

SCHOOLS—

(Also see Colleges; Universities and/or Regents, Board of)

General

- Immediate canvass of votes re school elections. HF 1009, Shaw.
 Polling places used in school elections. SF 1050, Riley.
 Compensation for election judges in school elections. SF 1054, Lamborn.
 Provide pamphlet on laws re alcoholic beverages, distribute to all high schools. HF 1066, Rodgers.
 Change date of school board elections to coincide with municipal elections, etc. HF 1080, Kreamer; SF 1063, Conklin.
 Age qualifications for elective public office. HF 1116, Kehe, et al.
 Prohibit possession and consumption of alcoholic liquors or beer on any public or private school property. HF 1127, Logemann.
 Merger of county and joint county school systems, limit taxing powers. HF 1152, Ewell; SF 1119, Shawver. (SF 174, HF 291, HF 592, HF 657, HF 661, HF 662 similar subject matter)
 Exempt sales by school districts of structures erected by students from property value limitations, sec. 297.22 of Code. HF 1159, Ellsworth; HF 1286, ways and means.
 Provide financial benefits for education of children of persons classified as prisoners of war or missing in action in Viet Nam. SF 1136, Rabe-deaux.
 Create a system of intermediate educational service districts in place of county school systems. HF 1174, Andersen.
 Regulate private trade, business, and correspondence schools, penalty. HF 1231, Kelly and Larson.
 All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.
 School districts may provide nursery school programs for certain children. SF 1058, Riley; HF 1079, Lipsky.
 Amend the state school foundation program, enrollment, reimbursements, increase costs, millage, etc. HF 1269, schools.
 Committee to study the financing of Iowa's educational system, submit report. SCR 116; S.J. 571, 572, 681, 1089.
 Reimbursement to local school districts, county school systems, joint county systems, etc., for auxiliary services to nonpublic school students. SF 1199, schools; SF 1214, appropriations; (SF 1214 has appropriation) very similar.

Area—Area Vocational

- Legalize and validate proceedings for the establishment, organization, etc., boundaries of merged area school systems. SF 529, Walsh; HF 1101, Grassley. Similar.
 Merged areas may borrow money in anticipation of collection of a voted tax. SF 1059, Gross; HF 1095, Waugh, et al.
 Purchase of the midwestern college campus site, etc., appropriation. SF 1074, Balloun.
 Appropriation to area I, expansion of the Dubuque attendance center. HF 1132, Ellsworth, et al.; SF 1166, Walsh, et al.; HF 1111, Blouin, similar subject matter.
 Nonresidents in area schools. SF 1092, Gaudineer.
 Attendance center for an area vocational school shall be located in a county having a city of 50,000 or more population. HF 1137, Schroeder and Knoke.
 Operating a motor vehicle while intoxicated, penalties. SF 1114, Riley. (SF 178 contains similar subsection; HF 1082 similar subject matter)
 Tuition grants for veterans of Vietnam conflict. HF 1185, Freeman.
 Prohibit expansion of certain curricula at area schools. HF 1210, Kreamer.

Boards

- Resignations of school board members, and election of. HF 1032, Pellett, et al.
 Compensation of school district treasurers. SF 1053, Lamborn.

Bonds

- Legalize proceedings of the united community school district in issuing school building bonds. SF 1055, Arbuckle; HF 1074, Nystrom.

Buses; Transportation

- Require passenger restraining devices in school buses, penalty. SF 1162, Nicholson; HF 1244, Gluba.

County

- Shorten duration of contracts of county superintendents of schools. SF 1069, schools.
 Repeal chapter of Code requiring county superintendent of schools arrange for professional teachers meetings, etc. HF 1107, Rex.

Districts

- Change local budget certification date of school districts. SF 1001, Riley; HF 1045, Lipsky.
 Compensation of school district treasurers. SF 1053, Lamborn.

- Publishing of salaries of school district employees. HF 1081, Scott.
- Approval, coordination, and supervision over electronic data processing for educational purposes in cooperation with general services. SF 1070, schools.
- Legalize transfer of real property from Prairie community school district to Russell and Florence M. Jondle. SF 1110, judiciary.
- Create a system of intermediate educational service districts in place of county school systems. HF 1174, Andersen.
- School districts may provide nursery school programs for certain children. SF 1058, Riley; HF 1079, Lipsky.
- Permit a school corporation to transfer surplus moneys if approved by voters. SF 1217, schools.
- Employees**
- Publishing of salaries of school district employees. HF 1081, Scott.
- Funds; Taxes**
- Appropriate to public instruction, participation in federal breakfast, lunch and minimal equipment programs. SF 1091, appropriations.
- Permit a school corporation to transfer surplus moneys if approved by voters. SF 1217, schools.
- Legalizing Acts**
(See Legalizing Acts)
- Radio and TV**
- Conversion of WOI-TV for use of the educational radio and television facility board. HF 1146, Mendenhall, et al.; SF 1113, Riley, et al.
- Committee to study feasibility and most economical method of extending educational radio and television to the entire state, submit report. SCR 106; S.J. 324.
- Committee to study state-owned communication facilities, submit report. SCR 110; S.J. 478, 491.
- Appropriation to educational radio and television facility board for capital improvements. HF 1247, appropriations.
- Requirements/Curriculum/Courses/Subjects**
- Physical education courses in elementary and secondary schools, successful completion before credit received. HF 1008, Dunton.
- Students**
- Provide for the court in neglected, dependent, etc. child cases to have access to school records, etc. HF 1088, Dunton.
- Superintendent of**
- Establish salary rates for the superintendent of public instruction and all school superintendents. HF 1010, Radl and Sorg.
- Shorten duration of contracts of county superintendents of schools. SF 1069, schools.
- Repeal chapter of Code requiring county superintendent of schools arrange for professional teachers meetings, etc. HF 1107, Rex.
- Allows persons 14 and 15 to work in certain occupations, badge no longer required, also certain occupations approved by labor commissioner, juvenile court judge and superintendent of schools. SF 1128, Gaudineer. (HF 171 similar subject matter)
- Teachers**
- Repeal chapter of code requiring county superintendent of schools arrange for professional teachers meetings, etc. HF 1107, Rex.
- Clarify procedures followed in the termination of a teacher's contract. SF 1135, Robinson and Gross.
- Trade**
- Regulation of advertising and selling courses of instruction. HF 499, Grassley, et al.; HF 1273, commerce. Similar subject matter.
- Regulate private trade, business, and correspondence schools, penalty. HF 1231, Kelly and Larson.
- SECRETARY OF AGRICULTURE—**
(See Agriculture, sub-ref. Secretary of)
- SECRETARY OF SENATE—**
- General**
- Interim expenses for the Secretary of the Senate. SR 101; S.J. 703, 995 adopted.
- SECRETARY OF STATE—**
- General**
- Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Andersen, et al.
- Equality of rights. HJR 1001, Uban, et al.
- Establish an intermediate court of criminal appeals, etc. SF 1079, Gaudineer and DeKoster.
- Election laws, penalties. HF 1147, state government.
- Business corporations, use of similar names, signatures, meetings, mergers, etc. HF 1170, Kelly; SF 1191, judiciary.

Authorize a presidential preferential primary election in Iowa. HF 1186, Freeman and Blouin.
 Appropriation to Secretary of State to defray expenses re election laws. HF 1213, appropriations.

SECURITIES—**General**

Registration requirements, dealers and salesman, securities, etc., cease and desist orders, public information, penalties. HF 1194, Freeman, et al.

SECURITY—**General**

Requirements for a financing statement under article 9 of the uniform commercial code. SF 1035, Potter.

SECURITY OFFICERS—

(See Officers and/or Police)

SEED—

(See Agriculture, sub-ref. Seed)

SENIOR CITIZENS—**General**

Identification cards for persons 60 years of age or older. HF 143, Stokes and Strand; SF 139, Sullivan and Van Gilst; HF 1053, Stokes, et al.; SF 1047, Van Gilst, et al. (Same subject matter)

Commission on aging establish an advisory subcommittee to create and implement a plan providing for extending home health-homemakers services, etc. SF 1163, Riley and Van Gilst.

Prohibit age discrimination in employment—persons 65 or older may obtain identification cards, and also may use school buses and lunch facilities if. SF 1164, Walsh. (HF 64 and SF 274 comp.; SF 81 and 427 comp.; SF 82 and HF 107 comp.; HF 143 and SF 139 comp.; HF 1053 and SF 1047 comp. These bills combined contain same and similar subject matter as SF 1164)

Provide services to senior citizens, appropriation. SF 1165, Walsh.

Authorize commission on aging conduct study of retirement systems available to state employees, submit report. SCR 108; S.J. 417, 418, 884.

Request Governor Ray declare July 4, 1972 as senior citizens recognition day. SCR 109; S.J. 418.

Allow a property tax exemption for persons 65 years or older. SJR 1006, Walsh.

Property tax relief for persons 65 or over, penalties. SF 1216, Van Gilst.

Property tax relief for persons 65 or older, or totally disabled. SF 278, Shaff and Walsh; SF 458, Walsh. (Similar subject matter)

Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. HCR 136; H.J. 1126-1127.

Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. SCR 129; S.J. 988, 1010.

SERVICE STATION—**General**

Self-service filling stations, authorization, regulation, and inspection of. HF 1059, Schroeder, et al.

SERVICES—

(Also see Tax, sub-ref. Service)

General

Provide services to senior citizens, appropriation. SF 1165, Walsh.

SESSIONS—

(See General Assembly)

SEWAGE—

(Also see Pollution)

General

Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Potgeter.

SEWER SYSTEMS—**General**

Legalize proceedings of Stuart, Adair and Guthrie counties, award of a contract for construction of a sanitary sewer improvement project. HF 1075, Varley.

SEX—**General**

Prohibit wage discrimination on the basis of sex. HF 1142, Shaw, et al.

SHERIFFS—

(Also see Officers and/or Police)

General

Increase county fees for serving subpoenas, notice, warrants, summonses, etc., also for permit to carry concealed weapons. HF 1284, county government.

SIGNS—

(Also see Advertising, sub-ref. Signs)

General

Posting of signs near intersections where passing of motor vehicles is prohibited. HF 1227, Shaw.

SLAUGHTER—

(See Animals, sub-ref. General)

SNOWMOBILES—

(See Motor Vehicles, sub-ref. Snowmobiles)

SOCIAL SECURITY—**General**

Extend benefits of social security to members of the General Assembly. HF 1228, Middleswart, et al.

SOCIAL SERVICES, DEPARTMENT OF—**General**

Liens on real estate owned by old age assistance recipients. HF 80, Christensen; SF 1131, Riley and Van Gilst.

Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.

Requests for withdrawal of body substances under the implied consent law may be oral unless requested written. HF 639, Schmeiser; HF 1274, law enforcement. (Similar subject matter)

Require council of social services prepare a list of all deaf, blind, and severely handicapped persons. SF 1030, county government.

Juvenile court probation services, department of social services contribute, counties participate, etc., appropriation. SF 1039, Messerly and Conklin.

Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Potgeter.

Furloughs and work release programs for inmates. SF 1041, Glenn, et al.

Statutory provisions affecting the legal treatment of female persons. HF 1114, Lipsky et al.; SF 1083, Doderer.

Counties not financially responsible for aid to the disabled program. SF 1082, social services.

Change classification of claims, for public assistance, against estates, mentally ill. SF 1088, judiciary.

Commitment of alcohol and drug addicts, also private facilities. SF 1090, county government.

Recovery of old age assistance payments, delete certain provision of Code. SF 1115, Riley and Van Gilst.

Social services urged to apply for subgrants available from crime commission for hiring of additional counselors and parole agents. HCR 108; H.J. 300, 791 adopted; S.J. 565.

Collection of support payments for welfare recipients, state pay share to counties. HF 1164, Camp.

Old-age assistance and transfer of real property. HF 1184, Knoke.

Clarify legal settlement of minor children residing in institutions. HF 1199, social services.

Postmortem examinations. HF 1200, social services.

Handicapped persons entering any kind of institution or facility to obtain needed care or treatment retains legal settlement he had at the time he entered. HF 1212, Logemann, et al.

Publishing of names of persons receiving public aid, penalties. SF 1156, Tapscott; HF 1263, county government. Similar subject matter.

Urge social services to apply for subgrants available from Iowa crime commission for the hiring of additional counselors and parole agents. SCR 107; S.J. 391, 418.

Establish office of penal and correctional complaints. HF 1229, Small, et al.

Provide services to senior citizens, appropriation. SF 1165, Walsh.

Provide for a comprehensive program for treatment, education, and rehabilitation of alcoholics. SF 1173, Doderer.

Old-age assistance recipients may reside in a county home which qualifies as a skilled nursing home. HF 1249, social services.

Expand use of ambulance services at University hospital. SF 1178, social services; HF 1253, social services.

Continue study of the state mental health institutes, etc. under social services. HF 1297, appropriations.

Parole, Board of

Additional penalties for commission of, or attempt to commit crimes when armed with firearms. HF 280, Fischer of Grundy; SF 1066, law enforcement. (Same subject matter)

Time served on parole will count against prisoners sentence, even if revoked. HF 1042, Kelly, et al.; SF 1065, Kennedy, et al.

Board of parole employ executive secretary, etc. SF 1042, Lamborn, et al.

Social Welfare

Computation of old age assistance grants, appropriation. SF 42, Conklin; SF 1141, Riley and Van Gilst. Similar.

Employment of county relief recipients on county government owned properties, etc. SF 1024; county government.

SOCIAL WELFARE—

(See Social Services, sub-ref. Social Welfare)

SOIL CONSERVATION—**General**

Clarify voting authority of ex officio members of soil conservation committee, authorize committee to set time limitations for district commissioners to establish soil loss limits, etc. HF 1176, environmental preservation.

Require approved soil conservation practices on land in the watershed upstream from proposed dams, U.S. army corps of engineers. HJR 1006, Winkelman, et al.

SOLDIERS HOME, IOWA—**General**

Use of fees and funds received by soldiers home. HF 1016, Camp and Lipsky.

SPORTS—

(Also see Athletics)

General

Congratulate the Iowa State University wrestling team. SCR 123; S.J. 859, 864 adopted; H.J. 1100, 1328 adopted.

Extend congratulations to Roland-Story girls basketball team. SCR 125; S.J. 860, 865 adopted; H.J. 1106 adopted.

Extend congratulations to Roland-Story girls basketball team. HCR 130; H.J. 1090.

Congratulate the Alta high school boys basketball team. HCR 139; H.J. 1295, 1358 adopted; S.J. 1124 adopted.

Congratulate the Cedar Rapids Kennedy high school boys basketball team. HCR 140; H.J. 1295.

STATE AID—

(See Schools, sub-ref. State-Federal Aid)

STATE DEPARTMENTS—

(See State Government, all sub-refs.)

STATE FAIR—

(See Fairs)

STATE GOVERNMENT—**General**

Age of majority (18 years). HF 1011, state government; SF 1009, Conklin. S. Establish seat of government at State Center. SJR 1001, Mowry.

Labeling of eggs, penalty. HF 1060, Kinley.

Exempt from tax on sales and services—those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.

Authorize commission on aging conduct study of retirement systems available to state employees, submit report. SCR 108; S.J. 417, 418, 884.

Abandoned railroad right-of-way, revert to state. HF 1237, Small. (HF 626, HF 1168, HF 1177, HF 1189, and HF 1215 all refer to abandoned railroad right-of-way)

All state purchases of goods and services and all governmental subdivisions, including schools, involving state or federal funds subject to competitive bidding with exceptions. HF 1251, state government.

That the channel catfish be recognized as the official state fish for Iowa. HCR 120; H.J. 854-855.

Recommend purchase of disability income protection and life insurance protection for highway commission employees. HCR 122; H.J. 900.

Additional and/or corrective duties and/or services the department of general services may, with or without approval of executive council and/or legislative council, provide. HF 1290, state government.

Recommend purchase of disability income protection and life insurance protection for highway commission employees. SCR 118; S.J. 651.

Increase allocation for construction of state institutional and park roads. HF 1292, appropriations.

Study need, financing and planning for construction of a state office building, appropriation. HF 1295, appropriations.
 Deletion of word 'direct' thereby allowing state to impose taxes other than property tax, re debts. SJR 1007, constitutional amendments and reapportionment.

Departments

Establish an office of citizens' aide, penalties, appropriation. SF 288, Potgeter and Walsh; HF 1122, Winkelman, et al.; HF 1291, appropriations. (Same subject matter)

Employees

State employees transferring from a nonmerit system job to merit system job entitled to state employee benefits. SF 1033, Van Drie.

Remove requirement executive council approve merit system classification and pay plan. HF 1049, Gluba.

Legal holidays for state employees. SF 1056, Van Drie, et al.

Adjust pay of state employees under merit system according to changes in consumer price index. HF 1070, Nystrom; SF 1072, Van Drie.

Provide overtime pay for highway commission employees. SF 1060, Van Drie et al.; HF 1076, Nystrom.

Increase per diem pay for appointive members of advisory investment board of IPERS, also change retirement dates and benefits. HF 1046, Anderson; SF 1067, Griffin; HF 1093, Dunton, et al. (Same subject matter)

Rehiring of former and transfers of state employees. HF 1144, Hansen.

Include probationary employees of the state in vacation allowances if terminated; exceptions. HF 1154, Nystrom; SF 1139, Van Drie.

State participation in group life insurance programs for state employees. SF 1138, Van Drie; HF 1188, Nystrom. (Very similar)

Establish a state highway commission employee representative, employee related matters, merit system. SF 1153, Van Drie.

Provide office space to the president or chief administrative officer of each state employee organization representing 2500 or more state employees, etc. SF 1159, Van Drie.

Leave of absence by reason of sickness or injury for state employees. SF 1160, Van Drie; HF 1232, Nystrom.

Recommend purchase of disability income protection and life insurance protection for all state employees. HCR 123; H.J. 936, 1027 adopted; S.J. 799, 813 adopted.

Method of paying state employees, bank. SF 1206, state government.

Urge executive council adopt the practice of paying highway commission employees every two weeks on Wednesday. HCR 125; H.J. 992.

Cost-of-living adjustments after retirement under IPERS. SF 1209, Anderson and Arbuckle.

General Assembly urges allowing state employee organizations the use of state buildings and auditoriums when available. HCR 131; H.J. 1090, 1358 adopted; S.J. 1131-1132 failed, 1134.

Executive Branch

Use of state buildings by state employee organizations. HF 1061, Nystrom.

Age qualifications for elective public office. HF 1116, Kehe, et al.

Provide for a study of salaries of elective and appointive state officials. SJR 1003, Gaudineer.

Establish a commission on salaries for elective state officials. HF 1242, state government.

Committee to study salaries of elective and appointive state officials, submit report. HCR 119; 774.

STATE OF IOWA—

(See State Government, all sub-refs.)

STATE OFFICES—

(See State Government, all sub-refs.)

STATE TAX COMMISSION—

(See Revenue, Department of)

STATUTES—

General

Effective date of laws passed by the General Assembly. SJR 1005, Van Gilst.

STOCKS—

General

Registration requirements, dealers and salesman, securities, etc., cease and desist orders, public information, penalties. HF 1194, Freeman, et al.

STRIKES—

General

Urge Congress to settle west coast dock strike and provide permanent procedures for settlement of transportation disputes, etc. HCR 109; H.J. 300.

Urge Congress to settle west coast dock strike, adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes, etc. SCR 104; S.J. 195, 228, 243, 267, 300-304 adopted, 306; H.J. 299.

STUDENTS—

(See Schools, sub-ref. Students)

STUDY COMMITTEES—

General

Committee to study the women's correctional system in Iowa. HCR 103; H.J. 50, 775-777 adopted; S.J. 569, 572, 836.

Committee to study structure of the Iowa supreme court, need for changes or for alternative appeals courts, submit report. SCR 105; S.J. 226, 492, 509, 589-590 adopted; H.J. 856, 1037 adopted.

Committee to study tax structure as it relates to local taxing body expenditures, submit report. HCR 107; H.J. 273, 563 adopted; S.J. 458, 459, 681, 772.

Committee to study feasibility and most economical method of extending educational radio and television to the entire state, submit report. SCR 106; S.J. 324.

Create interim study committee on county statutes, appropriation. SJR 1004, Walsh.

Committee to study feasibility and need for providing railroad passenger service in Iowa, also service from Dubuque to Sioux City, submit report. HCR 114; H.J. 562.

Committee to study state-owned communication facilities, submit report. SCR 110; S.J. 478, 491.

Committee to study restoration of railroad passenger service, submit report. SCR 115; S.J. 509, 518, 771, 1089.

Committee to study abandonment of railroad rights-of-way, submit report. HCR 118; H.J. 701, 913.

Committee to study salaries of elective and appointive state officials, submit report. HCR 119; 774.

Committee to study feasibility of providing prepaid health care services to citizens of this state, submit report. SCR 117; S.J. 621, 652, 802, 1089.

Committee to study joint, coordinated, or pooled law enforcement by political subdivisions, submit report. HCR 124; H.J. 951.

Committee to study existing professional and occupational licensing boards, others that should be licensed, etc. submit report. HCR 126; H.J. 992, 1107 adopted; S.J. 879, 990.

Continue study of the state mental health institutes, etc. under social services. HF 1297, appropriations.

Committee to study property tax exemptions. HCR 127; H.J. 1028, 1221.

Committee to study need for railroad service and methods to improve heavy freight transportation service, submit report. SCR 126; S.J. 860, 990.

Committee to study feasibility of the manufacture of grain alcohol motor fuel by Iowa industries, etc., submit report. HCR 133; H.J. 1114.

Committee to study motor vehicle laws of Iowa comparing with the uniform vehicle code. SCR 128; S.J. 833, 990.

Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. HCR 136; H.J. 1126-1127.

Committee to study the quality of life of Iowa's elderly citizens, etc., submit report. SCR 129; S.J. 983, 1010.

Committee to study Iowa milk and milk product standards, submit report. HCR 137; H.J. 1246, 1395 adopted; S.J. 1149.

Committee to study method of protecting the public from disease, fraud, etc., re pet animals, submit report. SCR 131; S.J. 1007, 1010.

Committee to study legislative regulation of consumer credit charges in Iowa, submit report. HCR 141; H.J. 1327.

Committee to study legislative regulation of consumer credit charges in Iowa, submit report. SCR 132; S.J. 1110.

SUBDIVISIONS—

General

Permit cities and towns, by ordinance, to require platting. SF 1161, Riley.

SUNDAY SALES—

(See Sales)

SUPERVISORS—

(See Counties, sub-ref. Supervisors, Board of)

SUPPORT—

General

Support payments, if not paid, contempt of court. SF 1003, county government; HF 1013, county government.

Age for which liability for support is required, uniform support of dependents law. SF 1018, Gaudineer.

State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.

Collection of support payments for welfare recipients, state pay share to counties. HF 1164, Camp.
Clarify legal settlement of minor children residing in institutions. HF 1199, social services.

SUPREME COURT—
(See Court, sub-ref. Supreme)

SWINE—
(See Animals)

TAX—

General

Rate of interest assessed as a penalty on mobile home taxes. HF 1020, Monroe.
Flood and erosion control, all taxable property outside of incorporated cities to be taxed. SF 1043, Briles; HF 1072, Pellett.
Prohibit enactment of any state or local law which imposes or increases a tax retroactively. SJR 1002, Anderson, et al.
Merged areas may borrow money in anticipation of collection of a voted tax. SF 1059, Gross; HF 1095, Waugh, et al.
Permit creation of community improvement districts, issuance of bonds and levy taxes, penalties, etc. SF 1062, Griffin; HF 1289, county government. Similar.
Taxation of real estate transfers and penalty for failure to comply. SF 1101, ways and means. (HF 1288 contains some of the same sections; similar subject matter)
Taxation of marine insurance underwriting profits. HF 1165, Ellsworth.
Provide for full disclosure of sales price in real estate transfers, penalty. HF 1288, ways and means. (SF 1101 contains some of the same sections; similar subject matter)
Deletion of word 'direct' thereby allowing state to impose taxes other than property tax, re debts. SJR 1007, constitutional amendments and reapportionment.

Excise

Create Iowa egg fund, promote marketing of eggs, excise tax for. SF 255, Coleman; HF 350, Rex; HF 1285, agriculture. Similar subject matter.
Increase excise tax on leaded motor fuels to .09 cents per gallon, .06 cents nonleaded. HF 1218, Small.

Franchise

Taxation of finance institutions, deductions of franchise tax shall not be allowed. HF 1246, ways and means.

Income

Income tax of nonresidents. HF 139, Mendenhall and Shaw; SF 279, Thordsen and Nicholson; HF 1283, ways and means.
First \$6,000 of retirement pay or disability benefits received by a former member of the armed forces may be excluded before tax is computed. SF 1012, Riley.
Require lobbying expense be added back into income before computation of personal and corporate income tax. SF 1022, Glenn.
Taxation of income from interstate commerce, exemptions. SF 1103, Curran, et al.; HF 1166, Lawson, et al.
References to the internal revenue code; tax chapter to include amendments so as to incorporate the 1971 revenue act. SF 1169, ways and means.
Tax exemptions allowed on income of farmers and fruit growers cooperatives. SF 1176, Potgeter.

Inheritance

Exemptions from inheritance tax, brother or sister. HF 1119, Blouin.
Inheritance taxes, provide for the passing of property held jointly or as tenants in entirety, also marital deduction. SF 1124, Conklin. (HF 1119 similar subject matter)
Reduce time limit for filing a state inheritance tax return. HF 1172, Ellsworth.

Personal Property

Inventories, merchants and manufacturers, alternate method for determining taxable values. SF 1044, Riley.

Property

Notification, by county assessors, not later than March 15th, valuation of property. HF 452, Schmeiser, et al.; (Similar subject matter as); HF 1120, county government; SF 1117, county government.
Tax exemptions allowed for veterans. HF 521, Kennedy; SF 1142, Gross. Very similar. (SF 107 similar subject matter)
Homestead tax credit for persons 65 or over, or totally disabled, penalties. HF 536, Gluba, et al.; HF 1155, Blouin, et al.; HF 1243, Gluba and Small. S.
Property now exempt from taxation if used for commercial purposes to be taxed. HF 678, Cochran; HF 1106, Scott. (Similar subject matter)
Legalize proceedings of the United community school district in issuing school building bonds. SF 1055, Arbuckle; HF 1074, Nystrom.

- Committee to study tax structure as it relates to local taxing body expenditures, submit report. HCR 107; H.J. 273, 563 adopted; S.J. 458, 459, 681, 772.
- Merger of county and joint county school systems, limit taxing powers. HF 1152, Ewell; SF 1119, Shawver. (SF 174, HF 291, HF 592, HF 657, HF 661, HF 662 similar subject matter)
- Property tax exemptions, federal and state, municipal and military property, religious, literary, and scientific societies, public airports, hospitals, institutions for public charity, health care facilities, private colleges and universities, schools, cemetery associations, etc. HF 1197, ways and means.
- Provide for assessment of penalties and interest on delinquent payment of the tax equivalent on industrial projects, cities and towns. SF 1184, ways and means.
- Allow a property tax exemption for persons 65 years or older. SJR 1006, Walsh.
- Committee to study property tax exemptions. HCR 127; H.J. 1028, 1221.
- Property tax relief for persons 65 or over, penalties. SF 1216, Van Gilst.

Sales

- Definition of casual sales. HF 1083, Scott.
- Exempt storage of grain from service tax. HF 1091, Winkelman, et al.; SF 1151, Graham, et al.
- Exempt advertisement and promotional materials, seed catalogs, and envelopes for materials from sales tax. HF 1160, Lawson.
- Exempt from tax on sales and services; those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.

Service

- Exempt storage of grain from service tax. HF 1091, Winkelman, et al.; SF 1151, Graham, et al.
- Remove service tax from warehouse storage. SF 1102, Curran, et al.; HF 1167, Lawson, et al.
- Exempt from tax on sales and services; those furnished, or performed by the state or any of its political subdivisions. HF 1204, Andersen.

TEACHERS—

(See Schools, sub-ref. Teachers and/or Retirement)

TELEPHONE—

(See Communications)

TENANT—**General**

- Notice of termination of farm tenancies. HF 1103, Logemann.

TERRACE HILL—**General**

- Conversion of Terrace Hill for use as Governor's mansion, appropriation. HF 1196, Dunton, et al.

TIME—**General**

- Hours during which alcoholic liquors and beer may be sold. HF 1102, Gluba, et al.; SF 1078, Walsh. Similar subject matter. (HF 345, HF 685 and SF 169 contain similar subsections)

TIRES—**General**

- Extend time within which a motor vehicle failing inspection must be repaired, require inspection upon transfer, lengthen that period, and permit regrooving of specially designed tires. HF 1253, transportation.

TITLES—**General**

- Registration and titling of motorcycles, penalties. HF 1097, Doyle, et al.
- Restricted certificate of title for motor vehicles damaged or inoperable. HF 1113, transportation.

TOBACCO—**General**

- Cigarette retailers, eliminate bonding of. HF 1027, Uban, et al.
- Prohibit advertisement of cigarettes in this state. HF 1077, Holden.

TOWNSHIPS—**General**

- Appointment of certain township officers by county board of supervisors. HF 1025, Knoblauch.

TRANSPORTATION—**General**

- Prohibit establishment of construction of a new primary highway, 50 miles or parallel, existing primary highway. HF 1002, Radl.

- Width of vehicles, exclude safety devices used to secure loads. HF 1021, Bennett; HF 1264, transportation.
- Publication of notice within a county by highway commission prior to commencement of construction or improvements on a highway. HF 1026, Fischer of Grundy.
- Regulation of liquid transport carriers. HF 1033, commerce.
- Create a department of transportation, appropriation. SF 1040, transportation; HF 1068, transportation. S.
- Acquisition of right-of-way necessary to construct 2-lane highway between I-80 and Cedar Rapids by highway commission. HF 1054, Kennedy.
- Registration of a motor carrier's interstate transportation service, penalized if not registered with commerce commission. HF 1087, commerce.
- Urge congress to settle west coast dock strike, adopt legislation establishing permanent guidelines and procedures for settlement of transportation disputes, etc. SCR 104; S.J. 195, 228, 243, 267, 300-304 adopted, 306; H.J. 298.
- Urge congress to settle west coast dock strike and provide permanent procedures for settlement of transportation disputes, etc. HCR 109; H.J. 300.
- Create a state transportation planning commission. HF 1173, Welden; HF 1256, transportation.
- Motor vehicle registration reciprocity. SF 1147, Anderson.
- Authorize shuttle carrier service without a certificate of public convenience and necessity. SF 1152, Van Drie; HF 1230, Egenes.
- Extend time within which a motor vehicle failing inspection must be repaired, require inspection upon transfer, lengthen that period, and permit regrooving of specially designed tires. HF 1253, transportation.
- Extend time for use of motor vehicle "registration applied for" cards. HF 1259, transportation.

TREASURER OF STATE—**General**

- Establish board of optometry, restructure operations, etc. of present board. HF 524, Freeman, et al.; SF 1154, Arbuckle, et al. Similar.
- Establishment, by cities and towns, of sanitary disposal projects, authorizing a tax, violations. HF 1183, Radl.
- Establish a highway construction fund, construction and reconstruction of state and interstate controlled-access highways, issuance of bonds, etc. SF 1146, Shawver.

Funds

- Deposit of receipts from taxation of real estate transfers, percentage to state general fund, percentage to county. SF 64, county government. HF 1134, Winkelman. (Similar subject matter)
- Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.
- Fees collected by commerce commission deposited to general fund. HF 1052, commerce; SF 1207, commerce.
- Cities and towns must allocate at least 20% of the funds distributed to them from state liquor store sales to treatment and rehabilitation of alcoholics and drug abusers. SF 1061, Riley; HF 1180, Knoke. Similar.
- Uniform minimum standards for plumbing, licensing, supervision and inspection, penalties. HF 1085, Nystrom.
- Annual reversions of administrative appropriations. HF 1100, Camp and Kehe.

TREES—**General**

- Encourage Iowans to observe arbor day, designated April 28, 1972, by planting a tree or shrub. HCR 110; H.J. 455, 603, adopted; S.J. 488, 819 adopted.

TRESPASSING—**General**

- Free property owners and others from civil liability in case of injury to trespassers. HF 1031, Winkelman, et al.; SF 1020, Graham, et al.
- Lawful picketing in labor disputes, trespass law does not prohibit. SF 1077, Walsh.
- Malicious damage to property, penalties. HF 1191, Blouin.

TRUCKS—

(See Motor Vehicles, sub-ref. Trucks)

TRUSTS—**General**

- Eliminate payment of a portion of the fines in antitrust suits to county attorneys and the attorney general. HF 1030, Blouin; SF 1028, judiciary; HF 1037, judiciary. S. (HF 1030 similar)

TUITIONS—

(Also see Colleges—Universities)

General

- Tuition grants for veterans of Vietnam conflict. HF 1185, Freeman.

UNEMPLOYMENT COMPENSATION—**General**

Increase benefits for unemployment compensation. HF 1248, Gluba, et al.

UNIFORM COMMERCIAL CODE—**General**

Consumer contracts, etc., must be marked 'consumer instrument'. HF 635, Taylor, et al.; SF 1140, Gross.

Requirements for a financing statement under article 9 of the uniform commercial code. SF 1035, Potter.

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT—**General**

State reciprocity in enforcement of support decrees, etc. HF 1073, Schwieger; HF 1287, judiciary. Similar.

UNIFORM TRADE PRACTICES ACT—**General**

Unfair trade practices in insurance, penalties. HF 1141, Ellsworth, et al.; SF 1099, Griffin.

UNIFORMS—**General**

Require department of revenue to furnish its enforcement officers with uniforms. HF 1024, Middleswart.

UNIONS—

(See Labor)

UNIVERSITIES—

(See Colleges—Universities)

URBAN RENEWAL—**General**

Urban renewal projects and bonds. HF 1257, ways and means; SF 1186, ways and means.

USE TAX—

(See Taxes)

UTILITIES—**General**

Apportionment of property valuation of certain electric power generating plants. HF 1148, Kehe and Fischer of Grundy; HF 1277, ways and means. Similar subject matter.

Public

Reports of utility company valuations and mileage to city, town, and township trustees unnecessary, repeal sections. SF 1004, county government.

Rate regulation of public utilities, public hearings, etc. SF 1011, Glenn; HF 1110, Gluba; SF 1080, Neu; SF 1098, Anderson. (Same and similar subject matter)

Rate of interest on public utility refunds to customers. SF 1013, commerce; HF 1053, commerce. S.

Allow telephone and telegraph companies to establish separate scales of rates and charges for persons 65 or older and handicapped; qualifications. SF 1112, Riley.

VACATIONS—**General**

Include probationary employees of the state in vacation allowances if terminated; exceptions. HF 1154, Nystrom; SF 1139, Van Drie.

VALUATIONS—**General**

Reports of utility company valuations and mileage to city, town, and township trustees unnecessary, repeal sections. SF 1004, county government.

Apportionment of property valuation of certain electric power generating plants. HF 1148, Kehe and Fischer of Grundy; HF 1277, ways and means. Similar subject matter.

VENDING—**General**

Vending machines, breaking and entering of. HF 1006, Doyle.

VENEREAL DISEASE—

(Also see Disease)

General

Publications concerning the cure of venereal disease, repeal prohibition against. SF 1084, Potgeter.

VETERANS—

(Also see Military)

General

- Vietnam veterans' service compensation fund, bonds. HF 352, Wyckoff and Ellsworth; SF 1106, Riley; SF 1202, ways and means; HF 1300, appropriations. Similar.
- Tax exemptions allowed for veterans. HF 521, Kennedy; SF 1142, Gross. Very similar. (SF 107 similar subject matter)
- Free copy of an individual's military record furnished for perfecting any claim. SF 1005, county government.
- First \$6,000 of retirement pay or disability benefits received by a former member of the armed forces may be excluded before tax is computed. SF 1012, Riley.
- Provide financial benefits for education of children of persons classified as prisoners of war or missing in action in Viet Nam. SF 1136, Rabe-deaux.
- Tuition grants for veterans of Vietnam conflict. HF 1185, Freeman.
- That the executive council shall have published the names and dates of the men captured or missing in Vietnam and that flags over state buildings shall be flown at half mast upon the anniversary of those dates. SCR 114; S.J. 508, 632-634 adopted; H.J. 912-913 adopted.

VETERINARY—**General**

- Prohibit administration of drugs to horses, penalties. HF 1125, Winkelman and Tieden.

VOCATIONAL SCHOOLS—

(See Schools, sub-ref. Area; Area Vocational and/or Trade)

VOTING—

(See Elections)

WAGES—

(See Salaries)

WAREHOUSES—**General**

- Remove service tax from warehouse storage. SF 1102, Curran, et al.; HF 1167, Lawson, et al.
- Storage of agricultural products without receipts, single license for two or more warehouses if, bonded warehouses. HF 1272, commerce; SF 1196, commerce.

WATER—**General**

- Grant water and sewage easement to Eldora. HF 1048, Welden; SF 1046, Pot-geter.
- Require approved soil conservation practices on land in the watershed upstream from proposed dams, U.S. army corps of engineers. HJR 1006, Winkelman, et al.
- Designate protected water areas. HF 1233, Tieden.
- Provide guidelines for adoption of administrative rules by conservation commission re water navigation regulations, etc., penalties. SF 1185, conservation and recreation.

Districts

- Petitioning for a rural water district, bond required. SF 1002, county government; HF 1012, county government.
- Rural water districts not subject to regulation by commerce commission. SF 1021, Neu; HF 1084, agriculture.

WATERCRAFT—**General**

- Actions for injuries or damages caused by the operation of a motor boat. HF 1005, Fisher of Greene; SF 1026, Arbuckle.
- Provide guidelines for adoption of administrative rules by conservation commission re water navigation regulations, etc., penalties. SF 1185, conservation and recreation.

WATER DISTRICTS—

(See Water, sub-ref. Districts)

WATER POLLUTION—

(See Pollution)

WATER POLLUTION CONTROL COMMISSION—**General**

- Prohibit sale of any detergent containing any phosphorous compound. SF 459, Riley; HF 1022, Blouin. S.

WAYS AND MEANS—**General**

- Tax exemptions allowed for veterans. HF 521, Kennedy; SF 1142, Gross. Very similar. (SF 107 similar subject matter)
- Homestead tax credit for persons 65 or over, or totally disabled, penalties. HF 536, Gluba, et al.; HF 1155, Blouin, et al.; HF 1243, Gluba and Small, S.
- Property now exempt from taxation if used for commercial purposes to be taxed. HF 678, Cochran; HF 1106, Scott. (Similar subject matter)
- Rate of interest assessed as a penalty on mobile home taxes. HF 1020, Monroe.
- Establish a moratorium on increases in assessment of real property, except for equalization between counties, etc. HF 1090, Winkelman.
- Exempt storage of grain from service tax. HF 1091, Winkelman, et al.; SF 1151, Graham, et al.
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KEITH, WAYNE D.—Senator Third District

Bills introduced—SJR 1002; 1009

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Amendments offered—408, 532, 533, 1168

Amendments withdrawn—1128, 1168

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Asked and received consent that Carroll Bidler, Deputy Commissioner, Department of Public Safety, be permitted to remain in Senate Chamber as consultant on House File 671—514

Call of the Senate requested—997

Committee appointments—3, 25, 26, 28, 160, 400, 721

Petition to withdraw HF 571 from Judiciary—470

Reports—9, 292, 506, 987

Resolutions offered—478, 860

KENNEDY, GENE V.—Senator Twenty-sixth District

Bills introduced—SJR 1002; 1041, 1042, 1047, 1064, 1065, 1073, 1102, 1108, 1113, 1137, 1155, 1166, 1175

Amendments filed—81, 525, 776-784, 807, 1144

Amendments offered—99, 161, 515, 647, 723, 853, 866, 1062

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Call of the Senate requested—661, 715

Committee appointments—3, 24, 25, 28, 137, 382

Petition to withdraw SF 1073 from Ways and Means—1008

Petition to withdraw HJR 8 from Constitutional Amendments and Reapportionment—472

Petition to withdraw HF 571 from Judiciary—470

Reports—299, 987

Resolutions offered—391, 508, 859, 860

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Bills introduced—SJR 1002

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 Presented the Honorable William L. Mooty, former Lieutenant Governor of Iowa from Grundy County—630
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Bills introduced—SJR 1002; 1009, 1041, 1042, 1053, 1054, 1056, 1065
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 Amendments offered—99, 168, 381, 532, 591, 592, 736, 1002
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Bills introduced—SJR 1002; 1009, 1126
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 Committee appointments—8, 25, 28, 451, 1128, 1177
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MILLER, CHARLES P.—Senator Forty-sixth District

Bills introduced—SJR 1002

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 Amendments offered—224, 904
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 Official delegate to attend funeral of the Honorable Scott Swisher, former member of the House—310

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Bills introduced—1032, 1121
 Amendments filed—81, 81, 772, 773
 Amendments offered—253
 Committee appointments—8, 29, 1177, 1194
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Bills introduced—SJR 1002; 1009, 1020, 1068, 1073, 1102, 1103, 1162
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 Amendments offered—500
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Amendments withdrawn—1020

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Amendments offered—122, 176, 542, 543, 566, 829

Amendments withdrawn—176, 542

Call of the Senate requested—753, 997

Committee appointments—7, 16, 27, 28, 80, 137, 600

Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Reapportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Presided at sessions of the Senate—490
 Reports—212, 278, 293, 899
 Resolutions offered—508, 651, 859, 860
 Asked and received consent that Donald Hoskins, Legislative Service Bureau, be permitted to remain in Senate Chamber as consultant during consideration of HF 6—541

RAY, GOVERNOR ROBERT D.—
 (See Governor Ray, Robert D.)

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(See also Assignment of Bills)

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RHODES, JOHN C.—Senator Forty-third District

Bills introduced—SJR 1002; 1009, 1047, 1056, 1109, 1126
 Amendments filed—574, 575-577, 597
 Amendments offered—620, 690
 Call of the Senate requested—750
 Committee appointments—8, 23, 24, 26, 27, 28, 489, 1194
 Petition to withdraw HJR 8 from Constitutional Amendments and Reapportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—864
 Presided at sessions of the Senate—238, 388, 620, 658, 688, 1022, 1083, 1170
 Reports—288, 323, 331, 333, 373, 374, 403, 404, 484, 544, 571, 582, 631, 632, 692, 742, 788, 789, 845, 867, 873, 898, 899, 1049, 1060, 1101, 1123, 1155, 1156, 1177, 1178
 Resolutions offered—37, 651, 859, 860
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RILEY, TOM—Senator Twenty-third District

Bills introduced—SJR 1002; 1001, 1009, 1012, 1014, 1044, 1047, 1049, 1050, 1051, 1058, 1061, 1073, 1097, 1105, 1106, 1109, 1112, 1113, 1114, 1115, 1131, 1141, 1154, 1161, 1163, 1177
 Amendments filed—43, 80, 125, 228, 229, 244, 325-327, 420, 493, 511, 628, 706, 784, 1142
 Amendments offered—77, 121, 186, 237, 319, 321, 440, 796, 1020, 1021
 Amendments withdrawn—237, 440, 533, 1020
 Committee appointments—8, 27, 579, 609

Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-
 apportionment—472
 Reports—331, 907-984, 1139-1141, 1175
 Resolutions offered—37, 417, 478, 506, 508, 860, 1137
 Asked and received consent that John Dwyer, Legislative Service Bureau,
 be permitted to remain in Senate Chamber as consultant during con-
 sideration of SF 428—985

ROBINSON, CLOYD E.—Twenty-second District

Bills introduced—SJR 1002; 1014, 1097, 1135, 1155
 Amendments filed—215, 493, 629, 776-784, 991-993, 1055
 Amendments offered—410, 636
 Amendments withdrawn—635
 Call of the Senate requested—661, 715
 Committee appointments—7, 24, 27, 28, 451, 579, 1130
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-
 apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Reports—212, 600, 1138-1139
 Resolutions offered—508, 651, 859, 860

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 On Senate File 34—438
 On Senate File 431—331
 On Senate File 1022—878
 On Senate File 1193—1087
 On House File 6—334
 On House File 571—1136
 On House File 1299—1091

Prevailed:

On Senate Joint Resolution 1008—1164
 On Senate File 431—332
 On House File 1299—1091

Lost:

On Senate File 34—439
 On Senate File 1022—878
 On Senate File 1193—1088
 On House File 6—385

Withdrawn:

On Senate Joint Resolution 1008—1165

Substitute Motion to Suspend—

On Senate File 1212—1087

Lost:

On Senate File 1212—1087

Rule invoked—

Rule 3 on the following:

On Senate File 1102—872
 On Senate File 1205—847
 On Senate File 1212—1074

Lost:

On Senate File 1102—872
 On Senate File 1212—1075

Ruled out of order:

On Senate File 1205—847

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On House Joint Resolution 8—1084

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SCHABEN, JAMES F.—Senator Twenty-seventh District, Assistant Minority
 Floor Leader
 Bills introduced—1047
 Amendments filed—228, 776-784, 837, 861
 Amendments offered—142, 221, 302, 410, 447, 448, 609, 901, 1091-1092, 1154
 Amendments withdrawn—749, 897, 901
 Amendment out of order—316
 Call of the Senate requested—661, 715
 Committee appointments—8, 16, 25, 28, 600
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-
 apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Reports—83, 214, 899
 Resolutions offered—508, 651, 859, 860, 988, 989

SCHOOLS, COMMITTEE ON—
 Bills introduced—1069, 1070, 1199, 1217
 Amendments filed—115, 680
 Amendments offered—254, 256, 340, 874
 Reports—492, 510, 573, 680, 726, 801, 836, 884
 Resolutions offered—324

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SHAFF, ROGER J.—Senator Thirty-seventh District
 Bills introduced—1009
 Amendments filed—34, 393-394, 727, 772, 773, 1112
 Amendments offered—75, 220, 447, 849, 1132
 Amendments withdrawn—221
 Call of the Senate requested—750, 753, 997
 Committee appointments—7, 24, 29, 260, 1177
 Petition to withdraw HF 470 from Judiciary—571
 Presided at sessions of the Senate—1130
 Reports—212, 417
 Resolutions offered—506, 509, 860

SHAWVER, GEORGE L.—Senator Sixth District

Bills introduced—SJR 1002; 1009, 1045, 1068, 1073, 1113, 1119, 1146, 1166
 Amendments filed—309, 887
 Amendments offered—497
 Committee appointments—25, 27, 375, 600
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—541
 Presided at sessions of the Senate—253
 Reports—479, 899
 Resolutions offered—37, 478, 860

SIXTY-FOURTH GENERAL ASSEMBLY—

(See General Assembly)

SMITH, MARVIN W.—Senator Second District

Bills introduced—SJR 1002; 1020
 Amendments filed—50, 685, 773
 Amendments offered—56
 Call of the Senate requested—617, 750, 753
 Committee appointments—25, 26, 28, 160, 1130
 Petition to withdraw HF 571 from Judiciary—470
 Presided at sessions of the Senate—746
 Reports—292
 Resolutions offered—859, 860, 1138-1139
 Official delegate to attend the funeral of the Honorable Scott Swisher, former member of the House—310

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Bills introduced—1082, 1178, 1193
 Reports—419, 510
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Communications from, stating claims filed—38
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Bills introduced—1206, 1212
 Amendments filed—197, 393, 535, 595, 623, 681, 802, 805, 990
 Amendments offered—247, 601, 689, 1047, 1089, 1120
 Amendments withdrawn—248, 253
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 Appointed—489
 Reports—491, 509, 705, 800, 883, 999, 1061, 1071, 1101

STEPHENS, RICHARD L.—Senator Forty-fifth District

Bills introduced—SJR 1002; 1020, 1068
 Amendments filed—243, 309, 685, 726, 773, 837, 1056, 1081
 Amendments offered—301, 503, 851, 852, 870, 1026
 Call of the Senate requested—617, 750, 753, 997
 Committee appointments—7, 8, 24, 28, 128, 137, 260, 451
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—82, 158, 245, 361, 687
 Reports—128, 212, 267, 294, 299, 331, 417, 579, 600
 Resolutions offered—860
 Official delegate to attend the funeral of the Honorable Scott Swisher,
 former member of the House—310

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 Appointed—23-29

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(See Chief Justice of Supreme Court, The Honorable C. Edwin Moore)

TAPSCOTT, JOHN E.—Senator Thirty-third district

Bills introduced—1047, 1056, 1060, 1155, 1156
 Amendments filed—71, 126, 396, 422-423, 573, 597, 598, 628, 655, 776-784, 785
 Amendments offered—188, 189, 634, 635, 640, 648, 658, 659, 660, 741, 748, 790,
 872, 1021, 1064
 Amendments withdrawn—189
 Amendment ruled out of order—791
 Call of the Senate requested—661, 715
 Committee appointments—9, 26, 28
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-
 apportionment—472
 Reports—213
 Resolutions offered—651, 859, 860

THORSEN, HAROLD A.—Senator Thirty-ninth District

Bills introduced—SJR 1002; 1009, 1025, 1073, 1102, 1103, 1183
 Amendments filed—206, 244, 308, 309, 627, 706, 726, 729, 807, 837, 1144
 Amendments offered—161, 313, 314, 636, 793
 Amendments withdrawn—314, 318, 322
 Call of the Senate requested—617
 Committee appointments—16, 27, 79, 80, 609
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-
 apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—657
 Presided at sessions of the Senate—333, 542
 Reports—293, 332, 907-984
 Resolutions offered—37, 418, 860, 1137

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Bills introduced—1040
 Amendments filed—144-157
 Amendments offered—166
 Reports—163, 771, 772, 1054
 Resolutions offered—195

VAN DRIE, RUDY—Senator Seventeenth District

Bills introduced—1009, 1033, 1056, 1057, 1060, 1072, 1094, 1138, 1139, 1152, 1153, 1159, 1160, 1187
 Amendments filed—71, 125, 283, 284, 309, 420, 493, 494, 495, 506, 539, 595, 628, 807, 862, 1054, 1080, 1143-1144
 Amendments offered—78, 187, 257, 315, 338, 339, 516, 748, 751, 752, 851, 1066, 1073
 Amendments withdrawn—339, 635, 751, 1020
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 Call of the Senate requested—750, 753
 Committee appointments—9, 23, 25, 27, 137, 400, 882, 1128
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—297, 483, 687
 Reports—128, 213, 267, 278, 579, 987, 1137-1138
 Resolutions offered—506, 651, 859, 860

VAN GILST, BASS—Senator Forty-fourth District

Bills introduced—SJR 1002, 1005; 1020, 1038, 1047, 1109, 1115, 1130, 1131, 1141, 1144, 1163, 1197, 1216
 Amendments filed—309, 726, 772, 773, 862
 Amendments offered—841
 Call of the Senate requested—715
 Committee appointments—8, 29, 260, 1177
 Petition to withdraw HF 571 from Judiciary—470
 Petitions presented—175, 526
 Presided at sessions of the Senate—712
 Reports—101-114, 294, 417
 Resolutions offered—417, 651, 859, 860

WALSH, JOHN M.—Senator Twenty-fifth District

Bills introduced—SJR 1002, 1004, 1006; 1009, 1047, 1052, 1060, 1068, 1073, 1077, 1078, 1102, 1103, 1118, 1123, 1151, 1155, 1164, 1165, 1166, 1167, 1168
 Amendments filed—164, 206, 228, 377-378, 444, 681-684, 814-816, 1112, 1144
 Amendments offered—166, 167, 168, 171, 220, 221, 301, 701
 Amendments withdrawn—166, 167, 301, 1168
 Call of the Senate requested—617, 661
 Committee appointments—24, 27, 600, 721, 1177, 1194
 Petition to withdraw SF 1073 from Ways and Means—1008
 Petition to withdraw HJR 8 from Constitutional Amendments and Re-apportionment—472
 Petition to withdraw HF 571 from Judiciary—470
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 Presided at sessions of the Senate—1042
 Reports—899, 987, 1141
 Resolutions offered—418, 478, 508, 509, 651, 859, 860, 882, 988, 1110

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Bills introduced—1075, 1096, 1101, 1125, 1169, 1184, 1186, 1198, 1202
 Amendments filed—164, 206, 228, 377-378, 444, 681-684, 814-816, 1112, 1144
 Amendments offered—401, 1128, 1167
 Amendments withdrawn—1128
 Reports—206, 419, 625, 681, 772, 1053, 1080