

See Judiciary files

Chapter 261

APR 25 1980

HOUSE FILE 2596

PASSED ON FIVE

By HALVORSON of Clayton and AVENSON

Passed House, Date 4/25/80 (p. 2123) Passed Senate, Date _____

Vote: Ayes 26 Nays 18 Vote: Ayes _____ Nays _____

Approved May 17, 1980

A BILL FOR

1 An Act to provide a penalty for violations of an executive
 2 order issued by the governor pursuant to a proclamation
 3 of an emergency by the governor under section ninety-
 4 three point eight (93.8) of the Code or a declaration
 5 of an energy emergency by the president of the United
 6 States under Pub. L. No. 96.102.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2596

1 Section 1. Section ninety-three point eight (93.8),
2 unnumbered paragraph two (2), Code 1979, is amended to read
3 as follows:

4 Pursuant to the proclamation of an emergency or in response
5 to a declaration of an energy emergency by the president of
6 the United States under the federal Emergency Energy
7 Conservation Act of 1979, Pub. L. No. 96-102, the governor
8 by executive order may:

9 Sec. 2. Section ninety-three point eight (93.8), Code
10 1979, is amended by adding the following new subsection:

11 NEW SUBSECTION. Accept the delegation of other mandatory
12 measures as allowed by the federal Emergency Energy
13 Conservation Act of 1979, Pub. L. No. 96-102.

14 Sec. 3. Section ninety-three point eight (93.8), Code
15 1979, is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. A violation of an executive
18 order of the governor issued pursuant to this section is a
19 simple misdemeanor.

20 Sec. 4. Section eight hundred five point eight (805.8),
21 Code 1978, as that section is amended by Acts of the Sixty-
22 eighth General Assembly, 1979 Session, chapter one hundred
23 forty-nine (149), sections one (1) and two (2), is amended
24 by adding the following new subsection:

25 NEW SUBSECTION. ENERGY EMERGENCY VIOLATIONS. For
26 violations of an executive order issued by the governor under
27 the provisions of section ninety-three point eight (93.8)
28 of the Code, the scheduled fine is fifty dollars.

29 EXPLANATION

30 This bill provides that a violation of an executive order
31 issued by the governor pursuant to a proclamation of an energy
32 emergency by the governor or by the president of the United
33 States under federal law is a simple misdemeanor with a
34 scheduled fine of fifty dollars. The bill also provides that
35 the executive order may accept the delegation of mandatory

1 measures allowed by the federal Emergency Energy Conservation
2 Act of 1979. The bill takes effect July first following its
3 enactment.

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HOUSE FILE 2596

H-6388

1 Amend House File 2596 as follows:

2 1. Page 1, line 19, by inserting after the word
3 "misdemeanor." the words "If the violation is
4 continuous and stationary in its nature and subsequent
5 compliance can easily be ascertained, an officer may
6 issue a memorandum of warning in lieu of a citation
7 providing a reasonable amount of time not exceeding
8 fourteen days to correct the violation and to comply
9 with the requirements of the executive order."

H-6388 FILED APRIL 25, 1980
ADOPTED (p 2123)

BY HORN of Linn

HOUSE FILE 2596

H-6380

1 Amend House File 2596 as follows:

2 1. Page 1, line 19, by striking the words "simple
3 misdemeanor" and inserting in lieu thereof the following:
4 "scheduled violation as provided in section eight hundred
5 five point eight (805.8) of the Code".)

H-6380 FILED APRIL 25, 1980
ADOPTED (p 2123)

BY PELTON of Clinton

HOUSE FILE 2596

H-6393

1 Amend House File 2596 as follows:

2 1. Page 1, line 21, by striking the figure "1978" and
3 inserting in lieu thereof the figure "1979".

H-6393 FILED APRIL 25, 1980 BY PELTON of Clinton
ADOPTED BY UNANIMOUS CONSENT (p 2123)

Am. Judiciary 4/26
Do Pass 4/26 (p. 1839)

HOUSE FILE 2596

BY HALVORSON of Clayton and
AVENSON

(As Amended and Passed by the House)

Passed House, Date 4/25/80 (p. 1839) Passed Senate, Date 4/25/80 (p. 1839)

Vote: Ayes 74 Nays 15 Vote: Ayes 42 Nays 3

Approved May 17 1980

A BILL FOR

1 An Act to provide a penalty for violations of an executive
2 order issued by the governor pursuant to a proclamation
3 of an emergency by the governor under section ninety-
4 three point eight (93.8) of the Code or a declaration
5 of an energy emergency by the president of the United
6 States under Pub. L. No. 96.102.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

1 Section 1. Section ninety-three point eight (93.8),
2 unnumbered paragraph two (2), Code 1979, is amended to read
3 as follows:

4 Pursuant to the proclamation of an emergency or in response
5 to a declaration of an energy emergency by the president of
6 the United States under the federal Emergency Energy
7 Conservation Act of 1979, Pub. L. No. 96-102, the governor
8 by executive order may:

9 Sec. 2. Section ninety-three point eight (93.8), Code
10 1979, is amended by adding the following new subsection:

11 NEW SUBSECTION. Accept the delegation of other mandatory
12 measures as allowed by the federal Emergency Energy
13 Conservation Act of 1979, Pub. L. No. 96-102.

14 Sec. 3. Section ninety-three point eight (93.8), Code
15 1979, is amended by adding the following new unnumbered
16 paragraph:

17 NEW UNNUMBERED PARAGRAPH. A violation of an executive
18 order of the governor issued pursuant to this section is a
19 scheduled violation as provided in section eight hundred five
20 point eight (805.8) of the Code. If the violation is
21 continuous and stationary in its nature and subsequent
22 compliance can easily be ascertained, an officer may issue
23 a memorandum of warning in lieu of a citation providing a
24 reasonable amount of time not exceeding fourteen days to
25 correct the violation and to comply with the requirements
26 of the executive order.

27 Sec. 4. Section eight hundred five point eight (805.8),
28 Code 1979, as that section is amended by Acts of the Sixty-
29 eighth General Assembly, 1979 Session, chapter one hundred
30 forty-nine (149), sections one (1) and two (2), is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. ENERGY EMERGENCY VIOLATIONS. For
33 violations of an executive order issued by the governor under
34 the provisions of section ninety-three point eight (93.8)
35 of the Code, the scheduled fine is fifty dollars.

HOUSE FILE 2596

AN ACT

TO PROVIDE A PENALTY FOR VIOLATIONS OF AN EXECUTIVE ORDER ISSUED BY THE GOVERNOR PURSUANT TO A PROCLAMATION OF AN EMERGENCY BY THE GOVERNOR UNDER SECTION NINETY-THREE POINT EIGHT (93.8) OF THE CODE OR A DECLARATION OF AN ENERGY EMERGENCY BY THE PRESIDENT OF THE UNITED STATES UNDER PUB. L. NO. 96-102.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section ninety-three point eight (93.8), unnumbered paragraph two (2), Code 1979, is amended to read as follows:

Pursuant to the proclamation of an emergency or in response to a declaration of an energy emergency by the president of the United States under the federal Emergency Energy Conservation Act of 1979, Pub. L. No. 96-102, the governor by executive order may:

Sec. 2. Section ninety-three point eight (93.8), Code 1979, is amended by adding the following new subsection:
NEW SUBSECTION. Accept the delegation of other mandatory measures as allowed by the federal Emergency Energy Conservation Act of 1979, Pub. L. No. 96-102.

Sec. 3. Section ninety-three point eight (93.8), Code 1979, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A violation of an executive order of the governor issued pursuant to this section is a scheduled violation as provided in section eight hundred five point eight (805.8) of the Code. If the violation is continuous and stationary in its nature and subsequent compliance can easily be ascertained, an officer may issue a memorandum of warning in lieu of a citation providing a reasonable amount of time not exceeding fourteen days to correct the violation and to comply with the requirements of the executive order.

Sec. 4. Section eight hundred five point eight (805.8), Code 1979, as that section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter one hundred forty-nine (149), sections one (1) and two (2), is amended by adding the following new subsection:

NEW SUBSECTION. ENERGY EMERGENCY VIOLATIONS. For violations of an executive order issued by the governor under the provisions of section ninety-three point eight (93.8) of the Code, the scheduled fine is fifty dollars.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2596, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved May 17, 1980

ROBERT D. RAY
Governor